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Fifth Committee

Summary record of the second part* of the 27th meeting

Reconvened at Headquarters, New York, on Monday, 29 December 2014, at 3 p.m.

Chair: Mr. Ružička (Slovakia)
Chair of the Advisory Committee on Administrative and Budgetary Questions: Mr. Ruiz Massieu

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* The summary record of the first part of the meeting, held on Wednesday, 24 December 2014, at 4 p.m., appears as document A/C.5/69/SR.27.

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Questions deferred for future consideration

Completion of the work of the Fifth Committee at the main part of the sixty-ninth session of the General Assembly

The meeting was reconvened at 3.25 p.m. on 29 December 2014.

Agenda item 130: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*) (A/C.5/69/L.17)

Draft resolution A/C.5/69/L.17: Financial reports and audited financial statements, and reports of the Board of Auditors

1. *Draft resolution A/C.5/69/L.17 was adopted.*

Agenda item 135: Pattern of conferences (*continued*) (A/C.5/69/L.24)

Draft resolution A/C.5/69/L.24: Pattern of conferences

2. *Draft resolution A/C.5/69/L.24 was adopted.*
3. **Mr. Laram** (Qatar) said that his delegation welcomed the consensus achieved on the draft resolution. It was particularly important that the Department of Public Information and the Department for General Assembly and Conference Management should continue to make United Nations information and documentation accessible online for the use of Member States, the general public, civil society and researchers worldwide. In his report on the matter (A/69/120), the Secretary-General had indicated that some 3 million older United Nations documents required urgent digitization, a process that called for know-how and resources. All Member States should contribute to that effort; his Government, for its part, had pledged to provide \$5 million over five years to support the digitization project, \$2 million of which had already been disbursed.
4. **Mr. Goren** (Israel) said that his delegation welcomed the consensus reached on the recognition and accommodation of religious holidays cherished by millions of people around the world. He expressed gratitude to the 32 Member States that had formed a coalition to seek recognition of Yom Kippur as an official holiday of the United Nations. While some delegations had raised the issue of the modalities and criteria involved in establishing new official holidays, the guiding principle should remain the golden rule found in many of the world's religions that stated, "Do unto others as you would have them do unto you".
5. **Ms. Maisonneuve** (France) said that the draft resolution just adopted would provide the Secretary-General with the necessary resources to ensure the

efficient and effective functioning of conference services and, in particular, the quality of those services in all six official languages. She also welcomed the provision that gave recognition to five religious holidays while allowing for flexibility in accommodating them in future calendars of conferences.

Agenda item 139: United Nations common system (*continued*) (A/C.5/69/L.12)

Draft resolution A/C.5/69/L.12: United Nations common system

6. *Draft resolution A/C.5/69/L.12 was adopted.*

Agenda item 141: Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency (*continued*) (A/C.5/69/L.23)

Draft resolution A/C.5/69/L.23: Budgetary and financial situation of the organizations of the United Nations system

7. *Draft resolution A/C.5/69/L.23 was adopted.*

Agenda item 142: Report on the activities of the Office of Internal Oversight Services (*continued*) (A/C.5/69/L.18)

Draft resolution A/C.5/69/L.18: Report of the Office of Internal Oversight Services on its activities

8. *Draft resolution A/C.5/69/L.18 was adopted.*

Agenda item 143: Review of the implementation of General Assembly resolutions 48/218 B, 52/244, 59/272 and 64/263 (*continued*) (A/C.5/69/L.19)

Draft resolution A/C.5/69/L.19: Review of the implementation of General Assembly resolutions 48/218 B, 52/244, 59/272 and 64/263

9. *Draft resolution A/C.5/69/L.19 was adopted.*

Agenda item 145: Financing 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 (continued) (A/C.5/69/L.20)

Draft resolution A/C.5/69/L.20: Financing 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

10. Draft resolution A/C.5/69/L.20 was adopted.

Agenda item 146: Financing 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 (continued) (A/C.5/69/L.21)

Draft resolution A/C.5/69/L.21: Financing 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

11. Draft resolution A/C.5/69/L.21 was adopted.

Agenda item 147: Financing of the International Residual Mechanism for Criminal Tribunals (continued) (A/C.5/69/L.22)

Draft resolution A/C.5/69/L.22: International Residual Mechanism for Criminal Tribunals

12. Draft resolution A/C.5/69/L.22 was adopted.

Agenda item 151: Financing of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (continued) (A/C.5/69/L.13)

Draft resolution A/C.5/69/L.13: Financing of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

13. Draft resolution A/C.5/69/L.13 was adopted.

Agenda item 152: Financing of the United Nations Operation in Côte d'Ivoire (continued) (A/C.5/69/L.14)

Draft resolution A/C.5/69/L.14: Financing of the United Nations Operation in Côte d'Ivoire

14. Draft resolution A/C.5/69/L.14 was adopted.

Agenda item 159: Financing of the United Nations Mission in Liberia (continued) (A/C.5/69/L.8)

Draft resolution A/C.5/69/L.8: Financing of the United Nations Mission in Liberia

15. Draft resolution A/C.5/69/L.8 was adopted.

Agenda item 162: Financing of the United Nations Mission in South Sudan (continued) (A/C.5/69/L.15)

Draft resolution A/C.5/69/L.15: Financing of the United Nations Mission in South Sudan

16. Draft resolution A/C.5/69/L.15 was adopted.

Agenda item 166: Financing of the African Union-United Nations Hybrid Operation in Darfur (continued) (A/C.5/69/L.16)

Draft resolution A/C.5/69/L.16: Financing of the African Union-United Nations Hybrid Operation in Darfur

17. Draft resolution A/C.5/69/L.16 was adopted.

Agenda item 132: Programme budget for the biennium 2014-2015 (continued)

Programme budget implications relating to the programme budget for the biennium 2014-2015 (A/C.5/69/L.25)

Draft decision A/C.5/69/L.25: Programme budget implications relating to the programme budget for the biennium 2014-2015

18. Draft decision A/C.5/69/L.25 was adopted.

Questions relating to the programme budget for the biennium 2014-2015 (A/C.5/69/L.11 and A/C.5/69/L.26)

Draft resolution A/C.5/69/L.11: First performance report on the programme budget for the biennium 2014-2015

19. **Ms. Rios Requena** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, withdrew draft resolution A/C.5/69/L.11.

Draft resolution A/C.5/69/L.26: Questions relating to the programme budget for the biennium 2014-2015

20. **Mr. González Sánchez** (Cuba), speaking also on behalf of the Plurinational State of Bolivia, Ecuador, Nicaragua and the Bolivarian State of Venezuela, proposed an oral amendment to section IV of draft resolution A/C.5/69/L.26, as the text entailed approval of activities and outputs on the responsibility to protect in the strategic framework of the Office of the Special Adviser on the Prevention of Genocide. The delegations for which he spoke objected to the reference to a concept on which there was no intergovernmental agreement as to its definition, scope or possible implementation methods. Including such activities was therefore a violation of General Assembly resolutions and the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

21. While the delegations for which he spoke reiterated their support for the activities of the Special Adviser and their commitment to international law, until there was a decision of the General Assembly on the matter, all references to the responsibility to protect should be removed from the budget document. He therefore proposed that four paragraphs should be inserted in section IV, the first of which would read, "Recalling that the General Assembly has not decided on the concept of the responsibility to protect, its scope, implications and possible implementation methods". The second paragraph would read, "Noting that the estimates in respect of thematic cluster I include narratives, functions, expected accomplishments, indicators of achievement, outputs and other information related to the Special Adviser to the Secretary-General on the Responsibility to Protect". The third paragraph would read, "Decides to delete all references to the activities, functions, expected accomplishments, indicators of achievement, outputs and other information related to the implementation of the responsibility to protect, as contained in the logical framework and related narratives of the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide". The fourth paragraph would read, "Requests the Secretary-General to issue a corrigendum to his report (A/69/363/Add.1)".

22. **Mr. Planting** (Netherlands) requested a recorded vote on the proposed amendment and stated that, as a longstanding proponent of the responsibility to protect,

his delegation did not support the proposed amendment and would vote against it.

Statements made in explanation of vote before the voting

23. **Ms. Biagiotti** (Italy), speaking on behalf of the States members of the European Union, said that the Committee, which was mandated to consider administrative and budgetary questions, should focus on those issues and refrain from political discussions that should take place in other forums. It was the Committee's responsibility to ensure that the Office of the Special Adviser for the Prevention of Genocide had sufficient resources in order to implement effectively the mandate approved by the Security Council in its resolution 1366 (2001). The proposed amendment would hamper the Office's work, and for that reason the States members of the European Union would vote against the oral amendment and invited other delegations to do the same.

24. **Mr. Yazdani** (Islamic Republic of Iran) said that his delegation supported the proposal made by the representative of Cuba.

25. **Ms. Mukashyaka** (Rwanda) said that, as co-Chair of the Group of Friends on Responsibility to Protect, Rwanda would vote against the proposed amendment and invited other delegations to do the same.

26. **Mr. Jiménez** (Nicaragua) said that the Organization's resources should be used only for the implementation of agreed mandates. As there was no consensus in the international community concerning the concept of the responsibility to protect, his delegation supported the proposed amendment.

27. *At the request of the representative of the Netherlands, a recorded vote was taken on the oral amendment proposed by the delegations of Cuba, the Plurinational State of Bolivia, Ecuador, Nicaragua and the Bolivarian Republic of Venezuela.*

In favour:

Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Ecuador, Iran (Islamic Republic of), Lao People's Democratic Republic, Namibia, Nicaragua, Saint Vincent and the Grenadines, Sri Lanka, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Singapore, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Algeria, Angola, Bahamas, Bahrain, Bangladesh, Belarus, Bhutan, Brunei Darussalam, Burundi, Cameroon, Central African Republic, Chad, China, Colombia, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Grenada, Guinea, Guinea-Bissau, Guyana, Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Liberia, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Yemen.

28. *The oral amendment was rejected by 80 votes to 15, with 60 abstentions.*

29. **Mr. González Sánchez** (Cuba), speaking also on behalf of the Plurinational State of Bolivia, Ecuador, Nicaragua and the Bolivarian State of Venezuela, requested a recorded vote on section IV of draft resolution A/C.5/69/L.26.

30. *At the request of the representative of Cuba, a recorded vote was taken on section IV of draft resolution A/C.5/69/L.26.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zambia.

Against:

Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Ecuador, Iran (Islamic Republic of), Nicaragua, Saint Vincent and the Grenadines, Sri Lanka, Sudan, Venezuela (Bolivarian Republic of).

Abstaining:

Bangladesh, Central African Republic, Libya, Mauritania, Nigeria, Senegal, Thailand, Zimbabwe.

31. *Section IV of draft resolution A/C.5/69/L.26 was adopted by 141 votes to 10, with 8 abstentions.**

32. *Draft resolution A/C.5/69/L.26 was adopted.*

33. **Mr. Wickramarachchige** (Sri Lanka) said that, while his delegation had joined the consensus on the draft resolution, it did not approve of the resource requirements for the implementation of resolution 25/1 of the Human Rights Council, which called on his Government to investigate human rights violations while also establishing an international investigation. Such action was contrary to the principle of international law whereby national avenues must be exhausted before having recourse to international avenues of investigation.

*Draft report of the Fifth Committee
(A/C.5/69/L.27)*

34. **The Chair** drew attention to the draft resolutions contained in chapter IV of the draft report of the Fifth Committee (A/C.5/69/L.27).

Draft resolution I: Questions relating to the programme budget for the biennium 2014-2015

35. **The Chair** recalled that draft resolution I had been adopted earlier in the meeting.

Draft resolution II: Programme budget for the biennium 2014-2015

36. **The Chair** drew attention to draft resolution II, which dealt with revised budget appropriations for the biennium 2014-2015 (section A), revised income estimates for the biennium 2014-2015 (section B) and financing of the appropriations for the year 2015 (section C).

37. *Draft resolution II was adopted.*

Agenda item 131: Review of the efficiency of the administrative and financial functioning of the United Nations *(continued)*

Proposed programme budget outline for the biennium 2016-2017 (continued) (A/C.5/69/L.10 and A/C.5/69/L.28)

Draft resolution A/C.5/69/L.10: Proposed programme budget outline for the biennium 2016-2017

38. **Ms. Rios Requena** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, withdrew draft resolution A/C.5/69/L.10.

Draft resolution A/C.5/69/L.28: Proposed budget outline for the biennium 2016-2017

39. *Draft resolution A/C.5/69/L.28 was adopted.*

*Questions deferred for future consideration
(A/C.5/69/L.29)*

Draft decision A/C.5/69/L.29: Questions deferred for future consideration

40. *Draft decision A/C.5/69/L.29 was adopted.*

Completion of the work of the Fifth Committee at the main part of the sixty-ninth session of the General Assembly

41. **Ms. Rios Requena** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, said that the deliberations at the current part of the sixty-ninth session had been challenging and protracted. Noting that the budgetary process was the cornerstone of the Committee's work, she said that two draft resolutions introduced by the Group at a time when no progress was being made in discussions on questions relating to the programme budget for the biennium 2014-2015 and the programme budget outline for 2016-2017 were subsequently withdrawn.

42. **Mr. Dosseh** (Togo), speaking on behalf of the Group of African States, said that the extension of the Committee's programme of work at the main part of the session until after 24 December should not become customary. Rather, the Committee should adhere to the programme adopted at the beginning of the session. Greater efforts should be made to ensure the timely issuance of documents so that the Committee had sufficient time for their consideration. He trusted that the items that had been deferred would be completed in due time in a spirit of compromise and cooperation.

43. **Ms. Power** (European Union), speaking also on behalf of the candidate countries Albania, Montenegro and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova and Ukraine, welcomed the budget-related agreements reached, which would

* The delegations of the Congo and the Sudan subsequently informed the Committee that they had intended to abstain and to vote in favour, respectively.

provide the United Nations with the resources needed to continue its work, as well as the consensus achieved on outstanding issues. She looked forward to examining the independent study under way on recosting, with a view to reaching agreement on a reform that would enhance the Organization's financial sustainability. It was to be hoped that in future the budget implications of draft resolutions under consideration in other Main Committees would be submitted to the Fifth Committee in a timely manner.

44. The Committee had become dysfunctional. The late finish of the main part of the session set another bad precedent and could have been avoided had Member States engaged in the negotiations in good faith. It was unfortunate that the deliberations on the major outstanding budgetary items had been conducted under threat of a vote on draft resolutions. Such an approach was unacceptable and its longer-term implications were a matter of concern. The long-standing principle of consensual decision-making on all resource-related issues was vital. Without the consent of all Member States, from the smallest contributors to the largest, the Committee could not perform its work and the Organization ran the risk of becoming paralysed. She urged Member States to renew their commitment to negotiating constructively and in good faith. The States Members of the European Union were prepared to engage in a structured exchange, in advance of the seventieth session of the General Assembly, in order to address the shortcomings collectively.

45. **Mr. García Landa** (Mexico) said that his delegation welcomed the consensus that had been achieved, but was deeply concerned at the protracted nature of the deliberations and the polarization of positions that prevented rational decision-making on administrative and financial matters. In view of the important issues to be discussed at the seventieth session, including the programme budget for the biennium 2016-2017, the scale of assessments for the apportionment of the Organization's expenses and the funding and backstopping arrangements for special political missions, Member States should engage in discussions in advance of that session in order to avoid the prospect of decision-making through voting. Moreover, all delegations should be engaged more inclusively in the Committee's discussions in order to counteract the tendency for two main groups to form during the negotiation process, which contributed to

polarization and discouraged the search for compromise.

46. **Ms. Paik** Ji-Ah (Republic of Korea) said that many important agenda items had had to be deferred owing to the late submission of many documents, the slow pace of discussions and the intense last-minute negotiations, which had resulted in only partial agreement. Member States should seriously reflect on ways of improving the Committee's working methods so as to ensure that budgetary and administrative matters were handled effectively and efficiently.

47. **Mr. Ono** (Japan) said that his delegation reiterated that the principle of decision-making by consensus set out in General Assembly resolution 41/213 was crucial. Noting that the submission of a non-negotiated draft resolution on the programme budget outline was unprecedented in the Committee's recent history, he urged delegations not to have recourse to methods that ran counter to that principle.

48. The late closing date of the main part of the session was a problem that would be partially addressed by reforms already planned to facilitate the timely issuance of documents. However, other issues must be tackled in order to find a structural solution that would enable the negotiations to be coordinated in a manner that ensured predictability, transparency and the efficient use of the Committee's time. He urged delegations to reflect on those matters and put forward specific ideas.

49. **Ms. Coleman** (United States of America) said that, as the Committee entrusted with overseeing the Organization's resources, the Fifth Committee should better manage its own time and resources. For over two decades, it had been the Committee's customary practice to make decisions by consensus, thereby ensuring that one group of Member States could not force the adoption of decisions against the will of any other group, that all Members could be heard before agreement was reached and that competing national interests were balanced with Member States' mutual interest in enabling the United Nations to perform its mission. The threat of holding a vote was not conducive to consensus.

50. It was in the nature of compromise that the agreements reached during the current session had not met all the objectives of any delegation. With few exceptions, Member States had worked through their differences and preserved their constructive methods. It

would be unfortunate to have the introduction of non-negotiated draft resolutions become a common practice. Her delegation was committed to addressing the items that had not been fully resolved at the current part of the session and to engaging in dialogue on ways of improving the Committee's working methods and preserving the spirit of cooperation that was the essence of consensus-based decision-making. It would do a disservice to the Organization to allow divisions and disagreement to become the hallmark of the Fifth Committee.

51. **Mr. Sun Xudong** (China) said that it was only with the introduction of draft resolutions by the Group of 77 and China that other delegations had been willing to engage in discussions that had led to consensus. He urged Member States to propose specific action that would improve the Committee's working methods so as to increase its efficiency.

52. **Mr. Kisoka** (United Republic of Tanzania) said that the Committee's working methods remained intact and that many items could have been decided in time had delegations engaged constructively at the expert level.

53. **Mr. Guilherme de Aguiar Patriota** (Brazil) said that good faith negotiations conducted earlier in the session at the level of experts could lead to proper decision-making by consensus. The submission of a draft resolution was an option open to the members of all Committees. Delaying tactics and brinkmanship in the negotiation process should be avoided.

54. **Ms. Rios Requena** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, said that the Group's sole intention in introducing draft resolutions had been to ensure that the Committee upheld its decision-making responsibility.

The meeting rose at 5 p.m.