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## Fifth Committee

### Summary record of the 21st meeting

Held at Headquarters, New York, on Friday, 27 December 2019, at 10 a.m.

*Chair:* Mr. Mavroyiannis. . . . . (Cyprus)  
*Chair of the Advisory Committee on Administrative  
and Budgetary Questions:* Mr. Terzi

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Completion of the work of the Fifth Committee at the main part of the seventy-fourth session of the General Assembly

*The meeting was called to order at 10.10 a.m.*

1. **The Chair** informed the Committee that some of the draft resolutions and decisions to be introduced had only recently been adopted informally, and were thus provisional and available in English only. With full regard for the resolutions of the General Assembly on multilingualism, he acknowledged the Committee's flexibility in proceeding on that basis so as to conclude its work at the main part of the session.

**Agenda item 132: Financial reports and audited financial statements, and reports of the Board of Auditors (continued) (A/C.5/74/L.11)**

*Draft resolution A/C.5/74/L.11: Financial reports and audited financial statements, and reports of the Board of Auditors*

2. *Draft resolution A/C.5/74/L.11 was adopted.*

**Agenda item 134: Programme budget for the biennium 2018–2019 (continued) (A/C.5/74/L.14)**

*Draft resolution A/C.5/74/L.14: Programme budget for the biennium 2018–2019*

3. *Draft resolution A/C.5/74/L.14 was adopted.*

**Agenda item 136: Programme planning (continued) (A/C.5/74/L.5 and A/C.5/74/L.18)**

*Draft resolution A/C.5/74/L.5: Programme planning*

4. **Mr. Kalugin** (Russian Federation), introducing the draft resolution on behalf of the sponsors, said that all narratives and references regarding the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 should be deleted from programme 6, Legal affairs, of the proposed programme budget for 2020, because the establishment of the Mechanism and its subsequent inclusion in that budget had been accompanied by flagrant violations of international law, including the Charter of the United Nations, the rules of procedure of the General Assembly related to financial matters and the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2018/3), which had been adopted by the Assembly.

5. Clearly, the Mechanism, which was illegal and had no right to exist, had been included in the proposed programme plan and the proposed programme budget not because it lacked funding but because the Secretary-

General, who had been drawn into a political adventure by a group of States, wanted to lend it legitimacy. The Russian Federation considered Assembly resolution 71/248 to be invalid and did not recognize the Mechanism, and would take that into account in its planning related to its financial obligations.

6. The Russian Federation called on delegations to vote in favour of the draft resolution. Delegations that decided to abstain from the voting would be supporting an initiative that seriously undermined the basic principles of cooperation at the United Nations and the Organization's funding, and threatened the financing of mandates that were fully supported by all Member States.

7. **Mr. Lauber** (Switzerland), speaking also on behalf of Liechtenstein, said that draft resolution A/C.5/74/L.5 was designed to undermine the authority of the General Assembly, which had stated its intention to finance the Mechanism from the regular budget when it had established the Mechanism and when it had called on the Secretary-General to include the necessary funding in the proposed budget for 2020. The two delegations were calling for a vote on draft resolution A/C.5/74/L.5. In addition, they intended to vote against draft resolution A/C.5/74/L.6, which would be introduced later at the current meeting.

8. **Mr. Al Arsan** (Syrian Arab Republic), making a general statement before the voting, said that no participation by Syria in any discussion of the matter should be taken to mean that it recognized the Mechanism and its mandate or powers. Member States should carefully reread Articles 10, 11, 12 and 22 of the Charter, in which the powers of the General Assembly were set out. Nowhere in those Articles was it stated that the Assembly had the authority to establish an investigative or judicial body, or an entity such as the Mechanism. Indeed, Article 12 provided that, while the Security Council was seized of any situation or matter related to international peace and security, the Assembly must not consider that situation or matter without the authorization or consent of the Council. The Assembly, however, had not sought the Council's authorization for the establishment of the Mechanism.

9. In several letters addressed to the Secretary-General and the President of the Security Council, the Permanent Mission of the Syrian Arab Republic had set out indisputable legal arguments proving that the General Assembly, in establishing the Mechanism, had exceeded its powers and infringed on the mandate of the Council. The Secretary-General and the Member States could not expect the Syrian Arab Republic, a sovereign country, to accept the collection of what was purported

to be evidence by the Mechanism, which was based in Geneva, thousands of miles from Syria, and which had been established without the approval of or a request from the Syrian Government. The Government of the Syrian Arab Republic had sought no technical or legal assistance from the United Nations in the matter. More importantly, the Mechanism had established no standards that would ensure the integrity of the chain of custody.

10. In contrast, the Security Council, in its resolution [2379 \(2017\)](#), had requested the Secretary-General to establish an investigative team, headed by a special adviser, to support domestic efforts to hold ISIL (Da'esh) accountable by collecting, preserving and storing evidence in Iraq of acts that might amount to war crimes. The evidence was to be collected in Iraq, not Geneva, and, before the adoption of that resolution, the Secretary-General and his team had held discussions with the Government of Iraq at the highest levels and exchanged letters with Iraqi officials for several months before an agreement had been reached on working methods and a code of conduct for the investigative team. However, in the case of the Mechanism, the United Nations had not consulted or coordinated with the country concerned, Syria, which had never requested any assistance from the Organization.

11. The supporters of the Mechanism were now attempting to make other Member States pay for their legal error. If Member States agreed to fund that illegal mechanism from the regular budget, they would be placing an additional financial burden on the United Nations at a time when it was going through one of its worst financial crises. The political process in Syria would continue regardless of any obstacles, and the Syrian people would address the questions of transitional justice, accountability and redress through national judicial and legal bodies, not an entity based in Geneva.

12. He called upon Member States to resist efforts to shift the burden of financing that illegal entity onto the United Nations. The friends of the Mechanism should continue to support it with their taxpayers' money, instead of asking other Member States and the Organization to fund it. His delegation supported draft resolution [A/C.5/74/L.5](#) and called upon other delegations to vote in favour of it.

*Statements made in explanation of vote before the voting*

13. **Mr. Välimaa** (Finland), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, North Macedonia and Turkey; the stabilization and association process

country Bosnia and Herzegovina; and, in addition, Georgia and Ukraine, said that the Fifth Committee, as the Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, should refrain from political discussion. Since the Committee strove to take decisions by consensus, the introduction of the draft resolution was regrettable. The General Assembly, in its resolution [71/248](#), had approved the mandate of the Mechanism and, in its resolution [72/191](#), had called on the Secretary-General to include the necessary funding in the proposed budget for 2020. It was the Committee's responsibility to ensure that those decisions were adequately implemented, but the adoption of the draft resolution would directly violate them by resulting in the deletion of all narratives and references related to the Mechanism from the proposed programme budget for 2020. Since the mandates and decisions adopted by the Organization's primary organs must be respected, those delegations would vote against the draft resolution and called on others to do likewise.

14. **Ms. Norman-Chalet** (United States of America) said that, despite the critical nature of the work of the Mechanism, established by the General Assembly in its resolution [71/248](#), a small number of delegations had, in informal consultations, repeatedly insisted on depriving the Mechanism of the resources necessary to complete its mandate. She called on all delegations that supported the Mechanism and accountability efforts in Syria to vote against the draft resolution.

15. *At the request of the representative of Switzerland, a recorded vote was taken on draft resolution [A/C.5/74/L.5](#).*

*In favour:*

Belarus, Burundi, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, Russian Federation, Suriname, Syrian Arab Republic, Tajikistan, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia,

Maldives, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Abstaining:*

Afghanistan, Algeria, Antigua and Barbuda, Armenia, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Côte d'Ivoire, Egypt, El Salvador, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Libya, Malawi, Mali, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, South Africa, Sri Lanka, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam.

16. *Draft resolution A/C.5/74/L.5 was rejected by 88 votes to 18, with 47 abstentions.\**

17. **Mr. Grigoryan** (Armenia) said that Armenia supported the activities carried out by United Nations bodies in accordance with their mandates, and the preservation of such bodies' working methods. Any international body mandated to conduct investigations, particularly in relation to a country where hostilities were ongoing, should do so on the basis of the principles of independence, impartiality, transparency and international consensus.

18. **Mr. Zhainakov** (Kazakhstan) said that the United Nations was confronting the worst regular budget crisis of recent years. In 2019, the Secretary-General had repeatedly appealed to the Member States to resolve the crisis immediately. Kazakhstan had always paid its contributions to the regular budget in full and in a timely manner, and encouraged other Member States to do likewise. Given the seriousness of the situation, the Secretary-General's proposal for additional resources of \$17.8 million, including for 60 temporary posts for the Mechanism, in the 2020 regular budget was premature. The Mechanism had been funded since its establishment

in 2016 by voluntary contributions, and the preservation of the status quo was the best solution at a critical time for the Organization's budget.

*Draft resolution A/C.5/74/L.18: Programme planning*

19. **Mr. Almansouri** (Qatar) proposed that a new operative paragraph be inserted in the draft resolution, to read: "*Decides* to approve the programme plan for programme 6, Legal affairs, of the proposed programme budget for 2020, as contained in the report of the Secretary-General."

20. **Mr. Chumakov** (Russian Federation) said that his delegation wished to call for a recorded vote on the oral amendment proposed by the representative of Qatar.

21. **Mr. Al Arsan** (Syrian Arab Republic) said that the Syrian Arab Republic supported the request of the representative of the Russian Federation for a recorded vote on the proposed oral amendment. No participation by Syria in any discussion of the matter could be considered as constituting recognition of the Mechanism, which was illegal, having been established in violation of the Charter, in the interest of certain countries that had funded it since 2016 and were now irresponsibly attempting to involve the States Members of the United Nations in funding it through the regular budget, at a critical financial time for the Organization.

22. His Government had submitted a number of documents, including the letter dated 12 November 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General ([A/73/562](#)), to substantiate its position that, from a legal and procedural perspective, the Mechanism could not be considered a subsidiary body established by the General Assembly or be granted any legal status, and had no mandate to conclude agreements with Member States or other entities. The United Nations must not support the Mechanism through voluntary contributions or the regular budget. Any information or evidence collected, consolidated, preserved and analysed by the Mechanism would therefore be inadmissible in future legal proceedings, particularly given that the Mechanism's mandate was not limited in geographical scope or duration and complied with no specific standards. He called on delegations to vote against the proposed oral amendment. The political process in Syria would continue despite the obstacles raised by the Governments that financed and promoted the Mechanism. Those Governments had a biased position

\* The delegation of the Sudan subsequently informed the Committee that it had intended to vote in favour of draft resolution [A/C.5/74/L.5](#).

on the situation in the Syrian Arab Republic, and their taxpayers should continue financing the Mechanism.

23. **Ms. Norman-Chalet** (United States of America) called on all delegations that supported the Mechanism and accountability efforts in Syria to vote in favour of the proposed oral amendment in order to ensure that the necessary narrative and planning elements for the Mechanism were included in the proposed programme budget for 2020.

24. *At the request of the representatives of the Russian Federation and the Syrian Arab Republic, a recorded vote was taken on the oral amendment proposed by Qatar.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Against:*

Belarus, Burundi, China, Cuba, Democratic People's Republic of Korea, Eritrea, Guinea, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, Russian Federation, Sudan, Suriname, Syrian Arab Republic, Tajikistan, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Afghanistan, Algeria, Antigua and Barbuda, Armenia, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Côte d'Ivoire, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Ghana, India, Indonesia, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Libya,

Malawi, Mali, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, South Africa, Sri Lanka, Uganda, United Arab Emirates, Viet Nam.

25. *The oral amendment was adopted by 86 votes to 20, with 48 abstentions.*

26. **Mr. Al Arsan** (Syrian Arab Republic) said that his delegation could not allow the adoption by consensus of the draft resolution, as orally amended. The Syrian Arab Republic had not been consulted on the establishment of the International, Impartial and Independent Mechanism and its consent on the matter had not been requested. In establishing the Mechanism, the General Assembly had violated the Charter by encroaching on the authority and powers of the Security Council. He called for a recorded vote on the draft resolution.

27. *At the request of the representative of the Syrian Arab Republic, a recorded vote was taken on draft resolution [A/C.5/74/L.18](#), as orally amended.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda,



Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zimbabwe.

*Against:*

Sudan, Syrian Arab Republic.

*Abstaining:*

Antigua and Barbuda, Bahrain, Belize, Benin, Côte d'Ivoire, Cuba, Equatorial Guinea, Iran (Islamic Republic of), Malawi, Mali, Rwanda, United Arab Emirates, Venezuela (Bolivarian Republic of).

28. *Draft resolution A/C.5/74/L.18, as orally amended, was adopted by 130 votes to 2, with 13 abstentions.\*\**

29. **Mr. Chumakov** (Russian Federation) said that, following discussion of the International, Impartial and Independent Mechanism, his delegation had not addressed the draft resolution as a whole. However, it wished to dissociate itself from the part of the draft resolution related to the Mechanism, and would take that into account in its planning related to its obligations to the United Nations.

30. **Mr. Zaw** (Myanmar) said that his delegation had voted in favour of the deletion from the proposed programme budget for 2020 of all narratives and references related to the International, Impartial and Independent Mechanism, which had been funded since its establishment through voluntary contributions. The United Nations should be adequately funded so that it could do more in many areas, and the regular budget should be a reliable source of funding to help Member States combat social, economic and environmental challenges; however, financial burdens resulting from divisive, non-consensual initiatives should not be imposed on all Member States, particularly when the United Nations was facing a dire liquidity crisis.

31. His delegation did not recognize the Independent Investigative Mechanism on Myanmar, since the purview of the Human Rights Council did not include the establishment of such prosecutorial bodies. The General Assembly should not justify such a blatant breach of the Council's guiding principles for political purposes. His Government was not opposed to accountability for wrongdoing and would continue to address the issue. The programme plan was essential to the work of the United Nations and must fully reflect activities that benefited the Organization's wider

membership. However, some parts of the proposed programme plan for 2020, particularly programme 6, Legal affairs, had been affected by politicization, polarization and divisiveness. No mechanism or programme established without the consent or cooperation of the country concerned would produce tangible results. Although his delegation had voted in favour of the draft resolution, it dissociated itself from the Committee's decision to include the Independent Investigative Mechanism on Myanmar in the proposed programme budget for 2020.

**Agenda item 138: Pattern of conferences** (*continued*) (A/C.5/74/L.10)

*Draft resolution A/C.5/74/L.10: Pattern of conferences*

32. *Draft resolution A/C.5/74/L.10 was adopted.*

**Agenda item 141: Joint Inspection Unit** (*continued*) (A/C.5/74/L.19)

*Draft resolution A/C.5/74/L.19: Enhancing accessibility for persons with disabilities to conferences and meetings of the United Nations system*

33. *Draft resolution A/C.5/74/L.19 was adopted.*

**Agenda item 140: Human resources management** (*continued*) (A/C.5/74/L.21)

*Draft resolution A/C.5/74/L.21: Seconded active-duty military and police personnel*

34. *Draft resolution A/C.5/74/L.21 was adopted.*

**Agenda item 142: United Nations common system** (*continued*) (A/C.5/74/L.3 and A/C.5/74/L.4)

*Draft resolution A/C.5/74/L.3: United Nations common system*

*Draft resolution A/C.5/74/L.4: United Nations common system*

35. *Draft resolutions A/C.5/74/L.3 and A/C.5/74/L.4 were adopted.*

\*\* The delegation of Bahrain subsequently informed the Committee that it had intended to vote in favour of the draft resolution, as orally amended.

**Agenda item 144: Report on the activities of the Office of Internal Oversight Services (continued)** (A/C.5/74/L.12)

**Agenda item 133: Review of the efficiency of the administrative and financial functioning of the United Nations (continued)** (A/C.5/74/L.12)

*Draft resolution A/C.5/74/L.12: Report on the activities of the Office of Internal Oversight Services*

36. *Draft resolution A/C.5/74/L.12 was adopted.*

**Agenda item 145: Review of the implementation of General Assembly resolutions 48/218 B, 54/244, 59/272, 64/263 and 69/253** (A/C.5/74/L.13)

*Draft resolution A/C.5/74/L.13: Review of the implementation of General Assembly resolutions 48/218 B, 54/244, 59/272, 64/263 and 69/253*

37. *Draft resolution A/C.5/74/L.13 was adopted.*

**Agenda item 146: Administration of justice at the United Nations (continued)** (A/C.5/74/L.9)

*Draft resolution A/C.5/74/L.9: Administration of Justice at the United Nations*

38. *Draft resolution A/C.5/74/L.9 was adopted.*

**Agenda item 147: Financing of the International Residual Mechanism for Criminal Tribunals (continued)** (A/C.5/74/L.8)

*Draft resolution A/C.5/74/L.8: Financing of the International Residual Mechanism for Criminal Tribunals*

39. *Draft resolution A/C.5/74/L.8 was adopted.*

**Agenda item 156: Financing of the United Nations Mission for Justice Support in Haiti (continued)** (A/C.5/74/L.16)

*Draft resolution A/C.5/74/L.16: Financing of the United Nations Mission for Justice Support in Haiti*

40. *Draft resolution A/C.5/74/L.16 was adopted.*

**Agenda item 163: Financing of the African Union-United Nations Hybrid Operation in Darfur (continued)** (A/C.5/74/L.15)

*Draft resolution A/C.5/74/L.15: Financing of the African Union-United Nations Hybrid Operation in Darfur*

41. *Draft resolution A/C.5/74/L.15 was adopted.*

*The meeting was suspended at 11.30 a.m. and resumed at 1.30 p.m.*

**Agenda item 135: Proposed programme budget for 2020 (continued)**

*Programme budget implications relating to the programme budget for 2020* (A/C.5/74/L.17)

*Draft decision A/C.5/74/L.17: Programme budget implications relating to the programme budget for 2020*

42. *Draft decision A/C.5/74/L.17 was adopted.*

*Questions relating to the proposed programme budget for 2020* (A/C.5/74/L.6 and A/C.5/74/L.7)

*Draft resolution A/C.5/74/L.6: Proposed programme budget for 2020: Foreword and introduction, and section 8, Legal affairs*

43. **Mr. Chumakov** (Russian Federation), introducing the draft resolution on behalf of the sponsors, said that all narratives and references regarding the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 should be deleted from the proposed programme budget for 2020, because General Assembly resolution 71/248 had been developed behind the scenes and brought before the Assembly without the consent of the Syrian Arab Republic. In addition, the Assembly's functions did not include criminal investigations; the Security Council had established various investigative mechanisms in accordance with its responsibility for maintaining international peace and security, and, in some cases, the Assembly had authorized the Secretary-General to conduct the related negotiations with the State concerned, but the prior consent of that State had been key. In deciding, on the basis of a vote, to establish the Mechanism to find evidence of specific criminal acts and settle factual questions related to the criminal responsibility of specific individuals, the General Assembly had exceeded its prerogatives, in violation of Articles 10, 11, 12 and 22 of the Charter.

44. The Mechanism had been established without the express consent of the Syrian Arab Republic or a resolution of the Security Council adopted pursuant to Chapter VII of the Charter, in blatant violation of the principles of sovereign equality and non-intervention in the domestic affairs of States, enshrined in Article 2 of the Charter. Assembly resolution 71/248 was therefore invalid, and all related activities of the Mechanism and Secretariat since its adoption fell outside the framework of the Charter and international law.



45. Despite complaining constantly about the financial difficulties of the Organization, the Secretary-General had proposed that the Mechanism be funded from the regular budget. The Mechanism's financial situation could only be envied; its surplus at the end of November 2019 had been more than \$4 million. In particular, the Secretary-General had proposed the imposition on all Member States of an additional burden of \$17.8 million, ignoring the fact that mandates adopted by consensus were underfunded and inadequately fulfilled. If Member States were compelled to finance entities that were clearly confrontational in nature, the current delays in the payment of assessed contributions would worsen significantly and result in long-term arrears. That would adversely affect, in particular, the provision of technical and humanitarian assistance to developing countries. The Russian Federation did not recognize the Mechanism and would take that into account in fulfilling its financial obligations.

46. If delegations abstained from the voting on the draft resolution, their vote would not be counted and they would therefore be supporting an initiative that undermined the basic principles of cooperation at the United Nations and the Organization's funding, and threatened the financing of mandates that were the subject of consensus. Only a decision not to allocate resources to the Mechanism from the regular budget would stabilize the Organization's financial situation.

47. **Mr. Ajeeb** (Syrian Arab Republic) said that the Syrian Arab Republic did not recognize the illegal Mechanism or General Assembly resolution 71/248, which violated the Charter and the principles of sovereign equality and non-intervention in the domestic affairs of States; in particular, the consent of the Syrian Arab Republic, the country concerned, should have been sought for the establishment of the Mechanism. His delegation rejected the decision to fund the Mechanism from the regular budget, a decision that would adversely affect that budget and the General Assembly, particularly at a time of financial crisis. He called on all delegations to respect the spirit and letter of the Charter and support the draft resolution so that, in future, no other Member State would be faced with the establishment of an illegitimate mechanism that threatened its security.

48. **Mr. Välimaa** (Finland), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, North Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, Liechtenstein and Ukraine, said that the Fifth Committee, as the Main Committee of the General

Assembly entrusted with responsibilities for administrative and budgetary matters, should refrain from political discussion. Since the Fifth Committee strove to take decisions by consensus, the introduction of the draft resolution was regrettable. The General Assembly, in its resolution 71/248, had approved the mandate of the International, Impartial and Independent Mechanism and, in its resolution 72/191, had called on the Secretary-General to include the necessary funding in the proposed budget for 2020. It was the Committee's responsibility to ensure that those decisions were implemented, but the adoption of the draft resolution would directly violate them by depriving the Mechanism of funding. Since the decisions made by the Organization's primary organs must be respected, his delegation called for a vote on the draft resolution. It would vote against the draft resolution and called on other delegations to do likewise.

49. **Mr. Madriz Fornos** (Nicaragua), making a general statement before the voting, said that Nicaragua supported the draft resolution because, in establishing the International, Impartial and Independent Mechanism, the General Assembly had exceeded the powers conferred upon it by the Charter; the Security Council was the sole organ with the mandate to establish such a mechanism. In an unfriendly act that had violated the sovereignty of the Syrian people, the Assembly had not engaged in prior consultation with the Syrian Arab Republic and had adopted resolution 71/248 against that country's will. That had infringed the right to, and the principles of, sovereignty and equality of all Members and non-intervention in the internal affairs of States, in accordance with Article 2 of the Charter. The solution to the Syrian conflict was to be found in dialogue and negotiation towards a political agreement that reflected the will of the Syrian people and Government, with the support of the international community and without foreign intervention.

50. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea), making a general statement before the voting, said that his delegation opposed the funding of the International, Impartial and Independent Mechanism from the regular budget. The establishment of the Mechanism had clearly violated the principles of sovereign equality, the self-determination of peoples and non-interference in States' internal affairs, principles that were fundamental to the Charter and international relations. General Assembly resolution 71/248 had not been adopted transparently or by consensus; the United Nations should provide legal technical assistance only at the request of a Member State, but the adoption of the resolution had been enforced without prior consultation with, or the

agreement of, the Syrian Arab Republic. The establishment of the Mechanism had been an example of politicization, double standards and selectivity in relation to a human rights issue. Nothing could justify allowing the Mechanism to carry out its activities under the United Nations umbrella with funding from the regular budget. The United Nations should not be subject to political or financial pressure and should preserve its neutrality and credibility as a facilitator of a political resolution of the situation in the Syrian Arab Republic.

51. **Ms. Norman-Chalet** (United States of America), speaking in explanation of vote before the voting, said that the General Assembly had established the International, Impartial and Independent Mechanism to help provide prosecutors and investigators with the evidence needed to open criminal proceedings related to the crimes committed by the Assad regime. The Committee was responsible for deciding upon budgetary matters; issues related to the legality of the Mechanism had already been resolved.

52. **Mr. Ajeeb** (Syrian Arab Republic), speaking on a point of order, requested that the Chair help delegations observe the principles of the Charter and the rules of the Organization by referring to the Syrian Arab Republic by its official name; no representative of a Member State should be referred to as representing a regime.

53. **Ms. Norman-Chalet** (United States of America), speaking in explanation of vote before the voting, said that the adoption of the draft resolution would deprive the Mechanism, whose mandate had been established by the General Assembly, of funding from the regular budget and would undermine the will of the international community and the work of the Mechanism. The United States remained committed to holding the perpetrators of atrocities in Syria accountable; it would vote against the draft resolution and called on all delegations that supported the Mechanism and accountability efforts in Syria to do likewise.

54. **Mr. Al Arsani** (Syrian Arab Republic) said that the representative of the United States had demonstrated the true intentions underlying the establishment of the Mechanism; in Assembly resolution 71/248, no mention was made of accountability. It was clear that the countries that had established the Mechanism, having failed to exert pressure on the Syrian Arab Republic by supporting terrorism, were now asking the other Member States to fund the Mechanism as another means of exerting such pressure. The United States representative should read the Assembly's resolutions

before attempting, as was her delegation's usual practice, to politicize the Committee's deliberations.

55. *At the request of the representative of Finland, a recorded vote was taken on draft resolution A/C.5/74/L.6.*

*In favour:*

Belarus, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, Russian Federation, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Abstaining:*

Algeria, Antigua and Barbuda, Armenia, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Côte d'Ivoire, Dominican Republic, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Guinea, India, Indonesia, Iraq, Kenya, Lao People's Democratic Republic, Lesotho, Libya, Mali, Mauritania, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, South Africa, Sri Lanka, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam.

56. *Draft resolution A/C.5/74/L.6 was rejected by 86 votes to 20, with 50 abstentions.*

*Draft resolution A/C.5/74/L.7: Proposed programme budget for 2020: section 26, Palestine refugees*

57. **Mr. Chumakov** (Russian Federation) said that, at the request of the State of Palestine, the Chair of the Group of 77 and China, whose opinion on the United Nations Relief and Works Agency for Palestine Refugees in the Near East was decisive, his delegation wished to withdraw the draft resolution. The underfunding of the Agency, however, remained an open question.

58. *Draft resolution A/C.5/74/L.7 was withdrawn.*

*Draft report of the Fifth Committee  
(A/C.5/74/L.26)*

59. **The Chair** drew attention to the draft report of the Fifth Committee on the proposed programme budget for 2020 (A/C.5/74/L.26), which described the actions taken by the Committee and contained its recommendations. He invited the Committee to consider the recommendations in part III.

*Draft resolution I: Questions relating to the proposed programme budget for 2020 (A/C.5/74/L.20)*

60. **Mr. Välimaa** (Finland), speaking on behalf of the European Union and its member States, proposed the insertion of two new paragraphs in the draft resolution under section 8, Legal affairs. The first new paragraph would read, “Takes note of paragraphs III.47, III.48, III.49, III.52, III.53, III.54, III.55 and III.56 of the report of the Advisory Committee”. The second new paragraph would read, “Decides that regular budget resources for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 under section 8, Legal affairs, for 2020 amount to 17,806,200 dollars before recosting”.

61. **Mr. Chumakov** (Russian Federation) called for a vote on the oral amendment proposed by the representative of Finland.

*Statements made in explanation of vote before the voting*

62. **Ms. Norman-Chalet** (United States of America) said that the United States supported the funding of the International, Impartial and Independent Mechanism from the regular budget as mandated by the General Assembly, would vote in favour of the oral amendment proposed by Finland and called on all delegations that supported the Mechanism and accountability efforts in Syria to do likewise.

63. **Mr. Al Arsan** (Syrian Arab Republic) said that the Syrian Arab Republic did not recognize the Mechanism, which had been established without consultation or a request for its consent as the country concerned. In establishing the Mechanism, the General Assembly had encroached upon the mandate of the Security Council. The representative of the United States had disclosed the true reason for which her country and others had established the Mechanism, and those countries now wished to transfer the burden of financing the Mechanism to all Member States. The Mechanism had no basis in international or national criminal justice or international law, and offered no safeguards regarding the chain of custody. Despite the obstacles, the political process in Syria, which was owned by the Syrian people, would address the questions of accountability, transitional justice and redress through the national courts rather than through the Mechanism, which was based in Geneva and collected what was purported to be evidence without respect for national or international standards. To fund the Mechanism from the regular budget would be to waste the Organization’s resources on an entity that the Syrian Arab Republic would never recognize and that would be rejected by the political process in Syria, regardless of the pressure exerted on the country. By agreeing to such funding, Member States would be complicit in exerting such pressure and in corruption.

64. **Mr. Chumakov** (Russian Federation) said that the proposed oral amendment undermined the separate understanding reached with some delegations on the funding of the Mechanism. His delegation would vote against the proposed oral amendment, and called on others to do likewise.

65. *At the request of the representative of the Russian Federation, a recorded vote was taken on the oral amendment proposed by Finland.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Jordan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea,

Romania, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Against:*

Belarus, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Guinea, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, Russian Federation, Sudan, Suriname, Syrian Arab Republic, Tajikistan, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Algeria, Antigua and Barbuda, Armenia, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Gambia, Ghana, India, Indonesia, Iraq, Japan, Kenya, Lao People's Democratic Republic, Lesotho, Libya, Mali, Mauritania, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, South Africa, Sri Lanka, Tunisia, Uganda, United Arab Emirates, Viet Nam.

66. *The oral amendment was adopted by 84 votes to 22, with 47 abstentions.*

67. **Mr. Chumakov** (Russian Federation), referring to paragraph 33 of the draft resolution, requested further information regarding the ways in which the Secretariat intended to reduce the resources for document printing for the formal meetings of the Committee by \$5 million, an amount that did not reflect the actual expenditure related to such printing.

68. **Mr. Ramanathan** (Controller) said that the Secretariat would make every effort to reduce those resources, although the amount of \$5 million did not correspond to the needs of the Department for General Assembly and Conference Management. The Secretariat would revert to the matter in the context of the Secretary-General's performance report on the programme budget for 2020 and his report on the proposed programme budget for 2021.

69. *Draft resolution I, as orally amended, was adopted.*

70. **Mr. Chumakov** (Russian Federation) said that his delegation dissociated itself from the adoption of the part of the programme budget for 2020 regarding the financing of the International, Impartial and

Independent Mechanism, and would take that dissociation into account in relation to its financial obligations.

71. **Mr. Al Arsan** (Syrian Arab Republic) said that the Syrian Arab Republic dissociated itself from the consensus on financing the International, Impartial and Independent Mechanism from the regular budget, and would fulfil its financial obligations to the United Nations in 2020 on that basis. Financing the Mechanism from the regular budget was a waste of the Organization's resources if the State concerned rejected and refused to cooperate with the Mechanism.

72. **Mr. Fu Daopeng** (China) said that it was regrettable that the Committee had approved the inclusion of the Mechanism in the regular budget through a vote, without taking into account the concerns of many States, including China, that had opposed the establishment of the Mechanism. Adopting a programme budget through a vote undermined the Committee's practice of working by consensus and created an undesirable precedent.

73. **Mr. Tavoli** (Islamic Republic of Iran) said his delegation dissociated itself from the decision to fund the Mechanism from the regular budget, a decision that ran counter to the Charter.

74. **Mr. Zaw** (Myanmar) said that, pursuant to section 8, Legal affairs, of the draft resolution, the 2020 budget of the Independent Investigative Mechanism on Myanmar was over \$15 million, which, combined with the resources provided for that Mechanism in 2019, gave a total of \$27 million since its establishment. The financial and human resources deployed should have been used for more meaningful purposes. Since the duration of the mandate of the highly controversial Mechanism was open-ended, the amount of taxpayer funds that would ultimately be expended on it was unknown. Such funds should be judiciously spent for the benefit of the Organization's wider membership, but the effectiveness of the selective resolutions concerning the Mechanism and the impact of the related budgetary expenditure had not been properly evaluated. Myanmar dissociated itself from the Committee's decision to appropriate resources for the Mechanism.

75. **Ms. De Armas Bonchang** (Cuba) said that her delegation dissociated itself from the decision to appropriate resources for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which it considered to be illegal. The decision was unjust and ran counter to the sovereign interests of

Member States, which were being forced to fund, from the regular budget, the implementation of mandates that were not the subject of intergovernmental consensus.

76. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that his delegation wished to dissociate itself from the decision to fund the International, Impartial and Independent Mechanism from the regular budget. The Syrian issue should be addressed peacefully, by political means, without foreign interference and in conformity with the demands and interests of the Syrian Arab Republic.

77. **Mr. Madriz Fornos** (Nicaragua) said that the General Assembly had exceeded its purview in establishing the International, Impartial and Independent Mechanism, which was therefore illegal, and his delegation dissociated itself from the decision to fund the Mechanism from the regular budget. Consensus had not been reached on the matter, and the Mechanism had been established without the consent of the Syrian Arab Republic.

78. **Mr. Bayley Angeleri** (Bolivarian Republic of Venezuela) said that his delegation dissociated itself from the decision to fund the Mechanism, which had been established without the consent of the Syrian Arab Republic.

*Draft resolution II: Special subjects relating to the proposed programme budget for 2020 (A/C.5/74/L.22)*

79. **Ms. De Armas Bonchang** (Cuba) said that activities related to the responsibility to protect had no legal basis because no intergovernmental agreement on the definition of that concept had been reached. In section 3, Political affairs, special political missions, under thematic cluster I: special and personal envoys, advisers and representatives of the Secretary-General (A/74/6 (Sect. 3)/Add.2), the resources requested for the Special Advisor to the Secretary-General on the Responsibility to Protect could not be distinguished from those requested for the Special Advisor to the Secretary-General on the Prevention of Genocide. In line with her Government's position of principle against genocide, her delegation fully supported the functions of the Office of the Special Adviser on the Prevention of Genocide and the oral amendment it wished to propose was not intended to undermine that Office. The budget estimates and related narrative for the Special Adviser on the Responsibility to Protect should be removed from the budget document until the General Assembly took decisions on the concept, its implementation and scope, and other related matters.

80. She proposed that two new preambular paragraphs and two new operative paragraphs be inserted in

section XVIII of draft resolution A/C.5/74/L.22. The first new preambular paragraph would read, "Recalling that the General Assembly has not decided on the concept of responsibility to protect, its scope, implications and possible means of implementation"; the second new preambular paragraph would read, "Noting that the estimates of thematic cluster I comprise narratives, functions, strategy and external factors, results, performance measures, deliverables and other information related to the Special Adviser to the Secretary-General on the Responsibility to Protect". The first new operative paragraph would read, "Decides to delete the narratives, functions, strategy and external factors, results, performance measures, deliverables and other information related to the Special Adviser to the Secretary-General on the Responsibility to Protect, as contained in the strategic framework and the related narratives of the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, which is contained in the report A/74/6 (Sect. 3)/Add.2"; the second new operative paragraph would read, "Requests the Secretary-General to issue a corrigendum to his report". She asked delegations to consider the proposed oral amendment with a view to ensuring that appropriate funding was provided for mandates that were the subject of intergovernmental consensus, given the Organization's acute lack of liquidity.

81. **Mr. Välimaa** (Finland), speaking on behalf of the European Union and its Member States, said that the Fifth Committee, as the Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, should refrain from political discussion. It was responsible for adequately funding the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, whose mandate had been approved in Security Council resolution 1366 (2001). The proposed oral amendment would hamper the performance of that mandate by the Office in collaboration with other United Nations entities, particularly the Special Adviser on the Responsibility to Protect. He called for a vote on the proposed oral amendment.

*Statements made in explanation of vote before the voting*

82. **Mr. Madriz Fornos** (Nicaragua) said that resources should not be appropriated for the Special Adviser on the Responsibility to Protect, as there was no consensus on the scope, definition and implications of the concept of responsibility to protect, which raised serious doubts because of its possible political uses and purposes. His delegation would vote in favour of the oral amendment proposed by Cuba and called on others to do likewise.



83. **Mr. Tavoli** (Islamic Republic of Iran) said that, although his delegation supported lawful action against the crime of genocide in line with his Government's principled position on the matter, the first Special Adviser on the Responsibility to Protect had been appointed following an exchange of letters between the Secretary-General and the Security Council; no intergovernmental agreement had been reached on the responsibility to protect, and the General Assembly had not reached consensus on the inclusion of the matter in its agenda. His delegation would vote in favour of the proposed oral amendment.

84. **Mr. Ajeeb** (Syrian Arab Republic) said that the responsibility to protect was one of the most controversial questions among Member States, which had not agreed on a consensual definition of the concept or its scope, implications and means of implementation. The concept therefore lacked a legal or United Nations framework, and certain Governments might misuse it to justify interference in the affairs of other States, in flagrant violation of the purposes and principles of the Charter, in particular sovereignty and territorial integrity; his delegation would therefore vote in favour of the proposed oral amendment.

85. **Mr. Kim** Nam Hyok (Democratic People's Republic of Korea) said that Member States had not reached consensus on the concept of responsibility to protect, elements of which could be manipulated for political purposes. The allocation of funds from the regular budget to the Special Adviser on the Responsibility to Protect, which had not been endorsed by all Member States, was questionable given the Organization's serious lack of resources. His delegation requested that the narratives, functions, outputs and other information related to the Special Adviser be deleted from the draft resolution and not be considered by the Committee until consensus was reached on the concept. His delegation would vote in favour of the proposed oral amendment.

86. **Mr. Chumakov** (Russian Federation) said that his delegation shared the concerns raised by other delegations about the concept of responsibility to protect and the related mandate, and would vote in favour of the proposed oral amendment.

87. **Mr. Bayley Angeleri** (Bolivarian Republic of Venezuela) said that the General Assembly had not taken a decision on the concept of responsibility to protect or its scope, implications and means of implementation, and his delegation would therefore vote in favour of the proposed oral amendment.

88. **Mr. Tan** (Canada) said that his delegation would vote against the proposed oral amendment, which exceeded the purview of the Committee.

89. *At the request of the representative of Finland, a recorded vote was taken on the oral amendment proposed by Cuba.*

*In favour:*

Belarus, Burundi, Cambodia, Chad, China, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Eritrea, Iran (Islamic Republic of), Nicaragua, Russian Federation, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:*

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Belize, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Cameroon, Colombia, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador, Ethiopia, Gambia, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Namibia, Nepal, Oman, Pakistan, Paraguay, Philippines, Saint Lucia, Saudi Arabia, Serbia, Singapore, South Africa, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Yemen.

90. *The oral amendment was rejected by 79 votes to 18, with 52 abstentions.*

91. **Ms. Geva** (Israel) proposed that, in section XV of draft resolution [A/C.5/74/L.22](#), a new paragraph be

inserted, to read: “Decides not to approve the proposed resources imposed for the implementation of Human Rights Council resolution 40/13”.

92. **Mr. Kalkoul** (Algeria), speaking on behalf of the Group of Arab States, requested a recorded vote on the oral amendment proposed by the representative of Israel.

93. *At the request of the representative of Algeria, a recorded vote was taken on the oral amendment proposed by Israel.*

*In favour:*

Australia, Israel, United States of America.

*Against:*

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Canada, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Montenegro, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

*Abstaining:*

Brazil, Cameroon, Colombia, Dominican Republic, Equatorial Guinea, Ghana, India,

Kenya, Lesotho, Mongolia, Mozambique, Myanmar, Papua New Guinea.

94. *The oral amendment was rejected by 128 votes to 3, with 13 abstentions*

95. *Draft resolution II was adopted.*

96. **Ms. Geva** (Israel) said that Israel dissociated itself from the Committee's decision to appropriate resources for the implementation of Human Rights Council resolution 40/13.

97. **Mr. Heredia** (Philippines) said that, as a founding member of the Human Rights Council, the Philippines had joined the consensus on the draft resolution, including section XV. In view of the financial crisis at the United Nations, the Committee must deploy resources judiciously to ensure that such resolutions and decisions made a positive impact. To that end, the Philippines had engaged in frank discussions with the Office of the United Nations High Commissioner for Human Rights on Council resolution 41/2, on the promotion and protection of human rights in the Philippines, to clarify whether the proposed requirements would represent a judicious use of the Organization's limited resources. Regrettably, the Office had not provided satisfactory justification for the establishment of the proposed two general temporary positions related to that resolution, in view of its existing capacity in Geneva and Bangkok.

98. Council resolution 41/2 had been supported by only 18 of the Council's 47 members. It did not reflect the will of the Council and its validity was highly questionable. The decision to allocate resources for its implementation was misguided and irresponsible, and would serve only to allow a few Member States to use the Council to advance their nefarious political agenda. The Philippines dissociated itself from the decision to allocate post and non-post resources relating to the resolution.

99. **Mr. Mikeladze** (Georgia) said that, with regard to section XVIII of the draft resolution, Georgia fully supported the Geneva International Discussions, a unique means of addressing the security, human rights and humanitarian challenges resulting from the unresolved conflict between the Russian Federation and Georgia, and acknowledged the important role of the United Nations Representative to the Discussions, whose mandate was reflected in the report of the Secretary-General on the estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council under thematic cluster I: special

and personal envoys and special advisers of the Secretary-General ([A/66/354/Add.1](#)).

100. His delegation's understanding was that the descriptions and conclusions related to the Representative in section 3, Political affairs, special political missions, under thematic cluster I: special and personal envoys, advisers and representatives of the Secretary-General ([A/74/6 \(Sect.3\)/Add.2](#)), would, in the proposed programme budget for 2021, be brought into conformity with the established United Nations terminology and the facts on ground.

101. **Mr. Zaw** (Myanmar) said that the decision of the Human Rights Council in its resolution [40/29](#) to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar had resulted in additional resource requirements for 2020. Cooperation with the United Nations was the cornerstone of the foreign policy of Myanmar; his Government had cooperated with the Special Rapporteur since the appointment of the first person to that role in 1992, despite its opposition to such selective, country-specific mandates. However, the current Special Rapporteur had made comments that had lacked objectivity and good faith and had resulted in misunderstanding, distrust and further polarization in the country. Since December 2017, Myanmar had repeatedly called for the replacement of the Special Rapporteur, following the unanimous decision of the country's parliament to stop cooperating with her.

102. The Council's request, in its resolution [42/3](#), for the United Nations High Commissioner on Human Rights to follow up on the implementation of the recommendations made by the independent international fact-finding mission on Myanmar had also entailed financial implications. Myanmar had collaborated with the Council in the hope of receiving constructive contributions to national efforts to promote human rights in the country. Regrettably, however, many biased reports had been produced as a result of the numerous resolutions adopted and the unprecedented politically motivated mechanisms established in relation to Myanmar, at a cost of millions of dollars from the regular budget. That was beyond comprehension in terms of the effective utilization of the Organization's resources. There was duplication in the work of the United Nations human rights mechanisms related to Myanmar. Such discriminatory, selective resolutions were of no help to national efforts in the area, and such disproportionate use of human and financial resources was unjustifiable. Myanmar dissociated itself from the decision to approve resources for the implementation of Council resolutions [40/29](#) and [42/3](#).

103. **Mr. Tavoli** (Islamic Republic of Iran) said that the technical nature of the Committee's functions had not been respected in relation to the 2020 resource requirements for the implementation of Security Council resolution [2231 \(2015\)](#). The actual expenditure for the operational costs of the mission in the first nine months of 2019 had been \$72,000, only 27 per cent of the 2019 appropriation of \$270,000; however, the appropriation for such costs for 2020 was \$260,000, similar to the 2019 appropriation. Also in the first nine months of 2019, none of the \$147,400 appropriated for facilities and infrastructure had been spent, but exactly the same appropriation had been approved for 2020. The 2020 budget did not reflect the fact that the mission would be relieved of a major part of its current work in October 2020. His delegation dissociated itself from the decision to approve the resources for the implementation of the resolution.

104. **Mr. Ajeeb** (Syrian Arab Republic) said that his delegation wished to dissociate itself from the decision to approve the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its fortieth, forty-first and forty-second sessions, especially the requirements for the implementation of Council resolution [40/17](#), on the human rights situation in the Syrian Arab Republic, in keeping with his Government's principled position of rejecting politicization and selectivity in human rights and the use of United Nations mechanisms to target a particular State in the interests of other States that were influential in the Organization. Such use constituted interference in his country's domestic affairs, in violation of the Charter. Some of the Council's reports on specific situations in Member States lacked credibility. Council resolution [40/17](#) had not been adopted by consensus, and his delegation opposed the allocation of resources for its implementation.

105. **Mr. Chumakov** (Russian Federation) said that, while his delegation supported the format of the Geneva International Discussions, it did not share the views of the representative of Georgia regarding the United Nations Representative to the Discussions and encouraged the Representative to continue to act in accordance with her mandate.

106. **Mr. Tan** (Canada) said that, by adopting the draft resolution, the Committee had done its duty and ensured that mandates issued by the governing bodies of United Nations system organizations were appropriately financed. In voting on the oral amendment proposed by Israel, his delegation had been guided by its understanding that the Committee's role in considering Human Rights Council resolutions was not to further evaluate the related mandates but purely to set the level

of resources required to complete the approved tasks, and by its strong support for the Committee's practice of approving as a package revised estimates resulting from resolutions and decisions adopted by the Council. He welcomed the approval of the revised estimates by consensus. Canada had strong reservations regarding the commission of inquiry related to the Gaza Strip, as Human Rights Council resolution [S-28/1](#) was one-sided and prejudged the outcome of the commission's investigation. His delegation had stated those positions during the Council's deliberations on the resolution, and the Fifth Committee was not the appropriate forum in which to revisit that debate. Canada supported the Secretary-General's request for resources to fund the Council mandates as a package because of its sense of responsibility regarding the human rights pillar, which had too often been threatened in the Committee. For the United Nations to operate properly, the Committee must respect the limits of its mandate and not discriminate in the funding of human rights mandates, and his delegation therefore welcomed the adoption of the draft resolution by consensus.

*Draft resolution III: Programme budget for 2020*  
([A/C.5/74/L.23](#))

107. **The Chair** drew attention to draft resolution III. Section A dealt with the budget appropriations for 2020, section B with the income estimates for 2020 and section C with the financing of appropriations for 2020.

108. **Mr. Ramanathan** (Controller) said that the adoption of the oral amendment proposed by Finland to draft resolution [A/C.5/74/L.20](#) would result, in section A of draft resolution [A/C.5/74/L.23](#), in an increase of \$7,680,500 in the appropriation under section 8, Legal affairs, and an increase of \$632,200 under section 36, Staff assessment, after recosting and cross-cutting reductions, bringing the total appropriation to \$3,073,830,500. Corresponding adjustments would be made, in section B of draft resolution [A/C.5/74/L.23](#), to income section 1, Income from staff assessment, and, in section C of that draft resolution, to the assessment on Member States.

109. *Draft resolution III, as orally amended, was adopted.*

*Draft resolution IV: Unforeseen and extraordinary expenses for 2020* ([A/C.5/74/L.24](#))

110. *Draft resolution IV was adopted.*

*Draft resolution V: Working Capital Fund for 2020*  
([A/C.5/74/L.25](#))

111. *Draft resolution V was adopted.*

112. **Mr. Ramanathan** (Controller) said that the adoption of the oral amendment proposed by Finland to draft resolution [A/C.5/74/L.20](#) would result, in section A of draft resolution III, contained in section III of the draft report of the Fifth Committee on the proposed programme budget for 2020 ([A/C.5/74/L.26](#)), in an increase of \$7,680,500 in the appropriation under section 8, Legal affairs, and an increase of \$632,200 under section 36, Staff assessment, after recosting and cross-cutting reductions, bringing the total appropriation to \$3,073,830,500. Corresponding adjustments would be made, in section B of draft resolution III, to income section 1, Income from staff assessment, and, in section C of draft resolution III, to the assessment on Member States.

113. The Chair invited the Committee to adopt the draft report on the proposed programme budget for 2020 ([A/C.5/74/L.26](#)), as orally amended.

114. *The draft report of the Fifth Committee was adopted.*

### **Agenda item 133: Review of the efficiency of the administrative and financial functioning of the United Nations** (*continued*) ([A/C.5/74/L.27](#))

*Draft decision [A/C.5/74/L.27](#): Questions deferred for future consideration*

<sup>ss</sup> 115. *Draft decision [A/C.5/74/L.27](#) was adopted.*

### **Completion of the work of the Fifth Committee at the main part of the seventy-fourth session of the General Assembly**

116. **Mr. Bamyia** (Observer for the State of Palestine), speaking on behalf of the Group of 77 and China, said that, despite the challenges associated with approving an annual programme plan and budget for the first time in almost 45 years, the Committee had adopted a programme budget that would ensure that the United Nations had adequate resources to implement all mandated programmes and activities, providing that Member States honoured their legal and financial obligations to the Organization.

117. At the main part of the session, the Group had focused on protecting the development pillar of the United Nations, including the budget of the Department of Economic and Social Affairs, the United Nations Conference on Trade and Development and the United Nations regional economic commissions, so that the Organization could perform its role as an enabler of development.

118. Reforms, which were essential to an effective, fit-for-purpose United Nations that could fulfil its



intergovernmentally agreed mandates, were naturally accompanied by teething pains. At the main part of the seventy-fourth session, for the first time, the entire programme plan had been submitted for consideration and decision by the General Assembly with no specific recommendations, and the sequential nature of the review processes of the proposed programme budget by the Committee for Programme and Coordination and the Advisory Committee for Administrative and Budgetary Questions had not been preserved. Guided by the draft resolution on the proposed programme budget for 2020, the Secretariat and Member States should work together to improve the implementation of the ongoing management reforms, in particular the change to an annual programme budget on a trial basis. The role of the Committee for Programme and Coordination should be strengthened.

119. The Group welcomed the successful conclusion of the Fifth Committee's deliberations on revised estimates and programme budget implications; the second performance report on the programme budget for the biennium 2018–2019; the United Nations common system, including an unprecedented challenge to the International Civil Service Commission; construction and property management, including the provision of important guidance to project managers; the Office of Internal Oversight Services; administration of justice; and the United Nations Joint Staff Pension Fund. The Group was disappointed that, owing to time constraints, the Committee had not considered human resources management; it looked forward to the continuation of the Committee's deliberations on that and other matters at the first part of the resumed session.

120. **Mr. Mmalane** (Botswana), speaking on behalf of the Group of African States, said that 2019 had been a unique year in which the first phase of the change from a biennial to an annual budget had been implemented, in accordance with General Assembly resolution [72/266 A](#). In addition, for the first time, the entire programme plan had been submitted for consideration and decision by the General Assembly without any specific recommendations, and the sequential nature of the reviews of the proposed programme budget by the Committee for Programme and Coordination and the Advisory Committee had not been preserved. Despite the challenges associated with changing to an annual programme plan and budget, the Fifth Committee had adopted a programme budget that would ensure that the United Nations had adequate resources to implement all mandated programmes and activities, particularly in the development pillar.

121. Notwithstanding the adoption of a draft resolution on programme planning, the sequential nature of the

reviews of the programme budget should be preserved and strengthened. At the main part of the session, the Group had helped the Organization perform its role as an enabler of the development agenda by ensuring that adequate resources were allocated to the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States; the Department of Economic and Social Affairs; the New Partnership for Africa's Development, including the Office of the Special Adviser on Africa; the Department of Political and Peacebuilding Affairs; the United Nations Conference on Trade and Development; the United Nations Environment Programme; information and communications technology; the elimination of Ebola in the Southern African Development Community region; training in the implementation of the reforms; capacity-building for developing countries; special political missions; administration at the United Nations Office at Nairobi; and the regional economic commissions.

122. **Mr. De Preter** (Observer for the European Union) said that the European Union attached great importance to the reforms of the United Nations and the 2030 Agenda for Sustainable Development. The draft resolutions adopted at the main part of the session confirmed the direction in which the United Nations was moving in terms of budgetary and management reforms. He welcomed the consensus on those issues and the membership's support for the Secretary-General's efforts. The consensus reached on programme planning had demonstrated the Committee's capacity to agree on technical issues with political ramifications.

123. The Organization's processes should be streamlined, fewer and lighter documents should be produced, and planning and programming should be more results-oriented. The Committee should review its working methods to conduct its negotiations more efficiently and productively, improve the financial sustainability of the United Nations and protect the Organization's common values and the system as a whole. The European Union welcomed the approval of the annual budget with a level of resources that would allow effective mandate fulfilment; it would remain vigilant with a view to the adequate financing of all United Nations mandates, bearing in mind that none of them could be fulfilled unless the others were also fulfilled. The Committee's assumptions and deliberations should be based on the Secretary-General's resource requests, to avoid arbitrary decisions, further politicization and the fragmentation of the budget.

124. The European Union attached great importance to the correct functioning of the committees that helped the



Fifth Committee in its deliberations. The Fifth Committee should discuss the functioning and composition of the Advisory Committee, and arbitrary decisions related to the Advisory Committee must not be imposed through the plenary General Assembly. He looked forward to the Fifth Committee's deliberations on the expansion and functioning of the Advisory Committee.

125. **Ms. Norman-Chalet** (United States of America) said that the main part of the session had been an opportunity to consider the fruits of the collective reform decisions through which Member States had sought to enable the Organization to operate more effectively, plan strategically and identify efficiencies. Although the deliberations had not been easy, the Committee had adopted a budget that would improve the Organization's effectiveness and efficiency while funding essential mandates related to peace and security, human rights and development. It had taken policy decisions, including by reaffirming the role and recommendations of the International Civil Service Commission and the mandate of the Office of Internal Oversight Services, and eliminating outdated classes of travel. In the future, the Committee would need to consider the ways in which human resources management was addressed in the context of an annual budget. Her delegation looked forward to helping the United Nations produce more results-oriented programme plans.

126. **Mr. Fu Daopeng** (China) said that, by approving the programme plan for 2020, the first annual programme budget since 1974 and draft resolutions on the United Nations common system and many other matters, the Committee had ensured the effective functioning of the United Nations and the full implementation of mandates. It was regrettable that no consensus had been reached on the global service delivery model. His delegation looked forward to considering the matter at the first part of the resumed session and approving the Secretary-General's reform proposal without further delay, in order to cut costs, improve efficiency and provide better services to Member States.

127. **Mr. Singh** (India) said that, although the deliberations at the main part of the session had been laborious, the Committee had approved an adequate level of resources in the proposed programme budget for 2020. His delegation attached great importance to the effective functioning of the United Nations with a view to the efficient fulfilment of mandates. Given that the Committee was entrusted with responsibilities for administrative and budgetary matters and strove to take decisions by consensus, it was disappointing that the

deliberations at the current meeting had been politicized.

128. His delegation welcomed the Secretary-General's commitment to addressing the challenges faced by the Organization, including the scarcity and unbalanced allocation of resources. Member States should ensure that resources were allocated in a balanced manner so that the Organization could effectively implement its development agenda.

129. **The Chair** declared that the Fifth Committee had completed its work at the main part of the seventy-fourth session of the General Assembly.

*The meeting rose at 3.55 p.m.*