



# General Assembly

Sixty-second session

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## General Committee

### Summary record of the 4th meeting

Held at Headquarters, New York, on Thursday, 10 July 2008, at 3.30 p.m.

*Chairman:* Mr. Kerim . . . . . (The former Yugoslav Republic of Macedonia)  
(President of the General Assembly)

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*The meeting was called to order at 3.30 p.m.*

**Organization of work, adoption of the agenda and allocation of items** (*continued*)

*Request for the inclusion of an additional item:  
note by the Secretary-General (A/62/236)*

1. **The Chairman** drew attention to the request submitted by the Secretary-General for the inclusion in the agenda of the sixty-second session of an additional item entitled "Extension of the terms of the ad litem judges 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" (A/62/236).

2. **Mr. Churkin** (Russian Federation) said that his delegation had expressed its position on the inclusion of the item at the 110th plenary meeting of the General Assembly, held on 8 July 2008. According to rule 15 of the Rules of Procedure, the Party putting forward a proposal for consideration in the current session of the General Assembly should justify its important and urgent character, which the note by the Secretary-General failed to do. Paragraph 2 of that note stated that the current terms of the ad litem judges came to an end on 23 August 2009. Moreover, the future of the Tribunal remained to be determined. Security Council resolution 1534 (2004) emphasized the importance of the Completion Strategies set out for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), calling the Tribunals to complete trial activities at first instance by the end of 2008 and to complete all work by 2010. However, the ICTY had reported to the Security Council that it would not be able to meet that deadline. His delegation therefore proposed that the item should be deferred.

3. **Mr. Wickremasinghe** (United Kingdom) asked whether the Secretariat could explain the urgency of the request.

4. **Mr. Botnaru** (Representative of the Secretariat) said that the original request had been made by the President of the Tribunal. However in accordance with rule 15 of the Rules of Procedure, the General Committee could take action in the matter only on the request of the Secretary-General. By deciding to recommend the inclusion of the item, the Committee would allow the request of the President of the

Tribunal to be issued as a document of the General Assembly and of the Security Council, and thus to receive further consideration.

5. **Mr. Wickremasinghe** (United Kingdom) said that the question of whether to recommend inclusion of the item was purely procedural. If further action was then deemed necessary, a meeting of the General Assembly could be convened.

6. **Mr. Churkin** (Russian Federation) said that the clarifications provided had confirmed that the item was not urgent. Furthermore, request of the President of the Tribunal could be circulated as an official document without including the item in the agenda.

7. **Mr. Delacroix** (France), supported by **Mr. Hannesson** (Iceland), agreed that the issue was procedural, rather than substantive.

8. **Mr. Badji** (Senegal), supported by **Mr. Ali** (Malaysia), said that, although the question appeared to be procedural, there was certainly a matter of substance at stake. In opening the current session of the General Committee, the Chairman had made reference to the spirit of consensus, and in that spirit, would make better sense to discuss the matter without undue haste and, after negotiations, to arrive at a decision acceptable to all parties.

9. **Mr. Wickremasinghe** (United Kingdom), supported by **Mr. Delacroix** (France) and **Mr. Donovan** (United States of America), said that the inclusion of the item would allow the relevant documents to be circulated, and an informed decision could then be taken in due course.

10. **Ms. Chen Peijie** (China) said that her delegation did not oppose the inclusion of the item in principle. However, the representative of the Russian Federation had made a convincing case that the item was not urgent, and it would be more appropriate to discuss the question at the next session of the General Assembly.

11. **Mr. Churkin** (Russian Federation) said that the haste shown by the Secretariat in proposing the item did not create a favourable climate for its discussion. A calm, methodical approach would have been more helpful in gaining the support of the General Assembly and the Security Council.

12. *The Committee decided to recommend to the General Assembly that consideration of the item should be deferred to its sixty-third session and that the item*

*should be included in the provisional agenda for that session.*

*Request for the inclusion of an additional item:  
note by the Secretary-General (A/62/237)*

13. **The Chairman** took it that the General Committee wished to recommend the inclusion in the agenda of the current session of an additional item entitled “Extension of the terms of the judges 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”, under Heading I (Organizational, administrative and other matters).

14. *It was so decided.*

15. **The Chairman** recalled that the Secretary-General had requested that the item should be considered directly in plenary meeting. He took it that the Committee wished to accede to that request.

16. *It was so decided.*

*Request for the inclusion of an additional item  
submitted by Ukraine (A/62/235)*

17. **The Chairman** drew attention to the request submitted by Ukraine for the inclusion in the agenda of the current session of an additional item entitled “Commemoration of the seventy-fifth anniversary of the Great Famine 1932-1933 in Ukraine (Holodomor)”. The representative of Ukraine had asked to address the Committee in accordance with rule 43 of the Rules of Procedure.

18. *At the invitation of the Chairman, Mr. Sergeyev (Ukraine) took a place at the Committee table.*

19. **Mr. Sergeyev** (Ukraine) recalled that the 1932-1933 Famine (Holodomor) had claimed the lives of millions of Ukrainians. The records of the Committee for State Security (KGB) and archival research carried out in many countries had shed light on the mechanisms and policies that had caused the famine.

20. In 2003, a joint statement issued as a document of the fifty-eighth session of the General Assembly had helped raise awareness of the famine. That document had been intended to promote research and

dissemination of information, in order to strengthen the rule of law and enhance respect for human rights and fundamental freedoms. The famine had also been commemorated by resolution 62 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its thirty-fourth session in 2007.

21. The current item was intended to commemorate the famine and draw on the lessons of the past. The question was urgent in that 2008, which marked the seventy-fifth anniversary of the famine, was drawing to a close.

22. His country shared the pain of the other peoples of the former Soviet Union that had suffered during the famine, and any documents to be adopted would reflect that sentiment. His delegation had raised the matter in its national capacity, as in the 2003 statement and in the UNESCO resolution, as an expression of Ukraine’s openness to dialogue and in order to obtain the greatest possible consensus and support.

23. *Mr. Sergeyev (Ukraine) withdrew.*

24. **Mr. Churkin** (Russian Federation) said that his delegation opposed the inclusion of the item. The famine had indeed been a tragedy, but it had affected many regions of the Union of Soviet Socialist Republics (USSR). Western Ukraine, in present-day Poland, had also been affected, as had the Germans of the Volga region. The issue had been brought to the attention of the League of Nations, which had referred it to the International Committee of the Red Cross. The tragedy had been caused by forced collectivization and by the total control of the State over collective farms, a systemic failing that extended to the entire USSR, not just to Ukraine.

25. The 2003 joint statement had been made by the delegations of the countries of the Commonwealth of Independent States and of other States. The Russian Federation honoured the victims of those tragic events, and was prepared to make a joint statement similar to that of 2003. However, there was no point in continuing to debate the issue at the level of the United Nations. In particular, it was inappropriate to raise the issue with reference to only one of the affected regions.

26. **Mr. Mammadov** (Azerbaijan) said that his delegation had supported the 2003 joint statement. He supported inclusion of the item as a purely procedural

issue; commemoration of the famine would pay tribute to its victims.

27. **Mr. Delacroix** (France) said that his country had supported other statements on the famine, such as the UNESCO resolution and the statement recently issued by the Organization for Security and Cooperation in Europe. Although such commemorative resolutions were comparatively rare at the United Nations, France did not oppose them in principle. However, in order to bear fruit, such resolutions must be adopted by consensus.

28. **Mr. Guo** Jiakun (China) noted that the sixty-second session of the General Assembly would close in two months. Given that little activity took place in August, one month of work remained. The time would be more profitably spent completing items already on the agenda, such as the food and energy crisis, rather than adding new substantive items.

29. **Mr. Álvarez** (Uruguay) said that his country had traditionally defended the idea that any relevant topic could be debated at the General Assembly. However, he regretted the lack of consensus on the item, and suggested that, as a compromise, the item could be included in the agenda of the next session.

30. **Mr. Badji** (Senegal) said that the two points of view expressed each had their merits, but his delegation preferred to act on the basis of consensus. The representative of the Russian Federation had said that it might be possible to issue a joint statement. It therefore appeared that there was scope for negotiation, and any decision to be made after such discussions had taken place.

31. *The Committee decided not to recommend to the General Assembly the inclusion of the item in the agenda of the sixty-second session.*

*The meeting was rose at 4.15 p.m.*