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Chairman: Mr. Maurer (Switzerland)
*Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Ms. McLurg

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The meeting was called to order at 10.05 a.m.

Agenda item 142: Administration of justice at the United Nations (A/64/292, A/64/314 and A/64/508; A/C.5/64/3)

1. **Mr. Lin** (Former Secretary of the Headquarters Joint Appeals Board and Joint Disciplinary Committee), introducing the report of the Secretary-General on the outcome of the work of the Joint Appeals Board during 2007 and 2008 and between January and June 2009 and on statistics on the disposition of cases and work of the Panel of Counsel (A/64/292), said that the offices of the former system of administration of justice had concentrated between January 2008 and June 2009 on clearing as much of the backlog of cases as possible. He commended all the volunteers working for the joint appeals boards and the Panel of Counsel for making efforts far beyond the call of their regular duties.

2. In view of the large number of cases pending before the joint disciplinary committees and since more was at stake for staff members accused of misconduct, it had been decided at the end of 2008 to shift the priority to reviewing disciplinary cases, a move which had necessarily delayed the review of appeals. In the first six months of 2009 staff members had continued to file appeals to the boards and the Administration had continued to refer disciplinary cases to the committees. That was why some 140 pending cases had had to be passed on to the new system of administration of justice at the end of June 2009.

3. Paragraph 5 of the related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/508) gave details of the additional information and analysis requested by the Advisory Committee on the monetary compensation recommended by the joint appeals boards.

4. **Mr. Barkat** (United Nations Ombudsman), introducing the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/64/314), said that the newly integrated Office served the staff and related personnel of the bodies listed in paragraph 2 of the report. The Office had been heartened by the importance which the General Assembly attached to the informal resolution of disputes, an approach which helped to create an equitable working environment and a culture of managerial accountability.

5. The report gave an overview of the Office's activities, described the systemic issues identified and offered suggestions for improving policymaking, as well as outlining the actions taken to reach out to staff worldwide and future directions for the Office's work. In the past the system for categorizing disputes had differed from body to body, making it difficult to identify cross-cutting issues; the common system introduced in 2009 would provide a more detailed picture of such issues. There had been an overall increase in the volume of cases, with 74 per cent of them originating in country offices, field offices and peacekeeping operations. Chapter IV of the report contained a breakdown of the systemic issues identified during the reporting period.

6. The Administration had made much progress in addressing some of the issues raised by the Office in its previous reports, inter alia, by introducing contractual reform and a whistleblower policy and improving the national competitive examination programme. In response to the General Assembly's request that it should facilitate the equal access of field personnel to its services, the Office had conducted a number of in-person interventions in the field, observing at first hand the systemic issues affecting the personnel. It had also been raising staff members' awareness of the system of administration of justice and the Office's expanded mandate, inter alia, through a new website in all six official languages. The Office's Mediation Division had been operational since July 2009.

7. **Mr. Kelapile** (Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's report on the administration of justice (A/64/508), said that the Advisory Committee noted that with the abolition of the joint appeals boards and joint disciplinary committees and the introduction of the new system of administration of justice, the Secretary-General's report (A/64/292) was the last one on the work of the boards and committees. The Advisory Committee had recommended that an analysis of the monetary compensation awarded and the indirect costs associated with appeals should be provided in the next report on the administration of justice, which should identify those aspects of staff administration which generated a large number of appeals and should compare data from the old and new systems.

8. With regard to the Office of the United Nations Ombudsman and Mediation Services, the Advisory

Committee emphasized the importance of interaction between the Office and other parts of the Secretariat, such as the Office of Human Resources Management, to ensure that systemic issues were adequately addressed. It had reiterated its view that the Secretary-General should report regularly to the General Assembly on the action taken to address the Ombudsman's findings on systemic issues. The Advisory Committee noted that the Office had been providing mediation services in support of the formal system of administration of justice since 1 July 2009; that was an important role for the Office.

9. On a related matter, the Advisory Committee recalled that the General Assembly had decided that the judges of the United Nations Appeals Tribunal should be compensated on a per-case basis. It noted that no provision had been made for other entitlements related to travel and subsistence. At an appropriate time, the General Assembly might wish to look into that matter.

10. **Mr. Elhag** (Sudan), speaking on behalf of the Group of 77 and China, said that the Group regarded the administration of justice as an integral part of an effective human resources management system and firmly supported the reforms approved by the General Assembly in its resolutions 61/261, 62/228 and 63/253. It agreed with the Advisory Committee that the General Assembly should be provided with reports on those aspects of staff administration that had given rise to a large number of appeals, as well as additional information on the accountability of officials who caused the Organization financial losses. It also agreed that the Office of the Ombudsman should develop the guidelines it needed in order to become fully operational as soon as possible.

11. **Ms. Berlanga** (Mexico), speaking on behalf of the Rio Group, said that the system of administration of justice was important for the staff's career development and constituted an effective accountability mechanism. It endorsed the Advisory Committee's view, stated in paragraph 5 of its report (A/64/508), that the information provided on the Joint Appeals Board at Headquarters should also be provided on the boards at the other three main duty stations. Given the importance of accountability, the Group was concerned about the way in which cases involving officials who had caused the Organization financial losses were handled. Stricter accountability measures should be implemented throughout the United Nations system,

including the imposition of more severe sanctions in cases of fraud.

12. Managers should promote a culture of zero tolerance of harassment, discrimination and abuse of authority by any staff member. The Group was worried in that connection by the indication in the Secretary-General's report on the activities of the Office of the Ombudsman (A/64/314) that staff alleging misconduct were sometimes denied due process and that the Organization did not seem to be truly committed to dealing with such allegations. The report also indicated that the existence of several offices responsible for dealing with allegations of misconduct by peacekeeping personnel created confusion. The Group hoped that the need for personnel of the Office to travel away from Headquarters would diminish once the regional offices were in operation and that communication between the Office and the Secretariat on systemic issues would be improved. It also hoped that the Mediation Division would soon be operating on a regular basis.

13. **Mr. Al-Manai** (Qatar) said that no reform of the system of administration of justice could be effective unless the system's shortcomings were identified. Furthermore, due process required that all available means of dispute settlement should be exhausted before decisions became final. Disputes could in fact be fruitful if addressed constructively, as they sometimes arose when creative ideas came into conflict. The Office of the Ombudsman should intervene at the point of intersection between creativity and conflict in order to settle disputes informally. Such an approach did not preclude monitoring the root causes of disputes and preventing their repetition.

14. The United Nations should seek to become a better role model for the administration of justice throughout the world by supporting the Office of the Ombudsman and its Mediation Division in a neutral and transparent manner. Informal dispute resolution had a very useful role to play in that regard. His delegation appreciated the Organization's efforts to provide training for supervisory personnel and the Ombudsman's field visits to address issues raised by local staff and explain his Office's functions.

15. The shortcomings in the determination of responsibility for protecting the rights of personnel seconded by Member States to help to preserve international peace and security were a source of concern. There was no clear legislation on the

protection of peacekeepers against attacks and abuse, and it was not enough to refer cases to the host country in question. The competent bodies should take action to address those shortcomings.

16. United Nations rules and regulations should take women's empowerment and equality of rights fully into consideration. While there had been some improvement in the number of female recruits and in the appointment of women to senior positions, the numerical gap between men and women was still too wide. Women should also be accorded additional benefits in respect of their family responsibilities. That was the approach taken in Qatar.

Agenda item 163: Financing of the activities arising from Security Council resolution 1863 (2009)
(A/64/465 and A/64/509)

17. **Mr. Yamazaki** (Controller), introducing the report of the Secretary-General on the financing of support of the African Union Mission in Somalia (AMISOM) from 1 July 2009 to 30 June 2010 (A/64/465), recalled that, by its resolution 63/275 B, the General Assembly had authorized a commitment authority of \$138,802,500, with assessment, for the support of AMISOM for the period from 1 July to 31 December 2009, and had requested the Secretary-General to submit a full 2009/10 budget in a timely manner. The full budget for 2009/10, totalling \$225,439,100, included the commitment authority of \$138,802,500, as well as \$1,059,100 in budgeted voluntary contributions in kind. Expenditure of \$72,042,800 had been incurred for the period from 1 July 2008 to 30 June 2009 against the commitment authority of \$75,641,900 approved for that period.

18. The budget request reflected resource requirements for AMISOM military and police personnel for the provision of rations and the emplacement and rotation of battalions, as well as provisions for the international and national staff of the United Nations Support Office for AMISOM (UNSOA) and the planning teams in Addis Ababa and New York. All core administrative and budgetary functions of UNSOA and the United Nations Political Office for Somalia (UNPOS) would be integrated as of 1 January 2010, with UNSOA performing those functions for both entities. The resource requirements for 2009/10 were about \$90 million lower than originally projected, owing mainly to a change in circumstances and a subsequent analysis of requirements. In particular, a change in the

concept of operations, with troops now likely to remain in tactical positions for the foreseeable future, had led to a reduction in the provision of hard-wall accommodation and a commensurate decrease in construction costs. In addition, the completion of initial contingency planning in New York and a review of the expertise required in Addis Ababa had led to a reduction in the size of those planning teams.

19. The General Assembly was invited to appropriate \$224,380,000 for the period from 1 July 2009 to 30 June 2010, inclusive of the commitment authority of \$138,802,500 previously authorized; to assess \$85,577,500 for the period from 1 July 2009 to 30 June 2010, in addition to the amount of \$138,802,500 already assessed for the period from 1 July to 31 December 2009, should the Security Council decide to continue the mandate; to appropriate the amount of \$75,641,900 previously authorized for the period from 1 July 2008 to 30 June 2009; and to decide on the treatment of the unencumbered balance of \$3,599,100 and other income of \$122,000 for the period ended 30 June 2009.

20. **Mr. Kelapile** (Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's related report (A/64/509), expressed the Advisory Committee's condolences in relation to the recent deadly attack on AMISOM personnel. While it understood that a number of steps would be taken to address security issues, such as ensuring that construction works were compliant with United Nations minimum operating security standards and monitoring contractors' access to AMISOM sites, the Advisory Committee was of the view that such procedures should already have been implemented in all field operations where security was precarious.

21. While efforts were being made to achieve efficiencies, the overall operational structure of United Nations support for Somalia was highly complex, as shown in annex II to the Advisory Committee's report (A/64/509). The Advisory Committee was concerned that the involvement of so many departments and offices might make it hard to see how overall accountability for the support for Somalia was organized. It therefore encouraged the Secretary-General to keep under review all activities related to the United Nations presence in Somalia.

22. The Advisory Committee had been informed that the proposed budget could be reduced by a total of \$9.8 million, comprising a \$2.5-million reduction in costs under military contingents and a \$7.3-million reduction under operational costs. It therefore recommended that the General Assembly should appropriate \$214,580,000 for the financing of support for AMISOM for the period from 1 July 2009 to 30 June 2010.

23. **Ms. Pataca** (Angola), speaking on behalf of the Group of African States, said that, pursuant to Security Council resolution 1872 (2009), in which the Council requested the Secretary-General to continue to provide a logistical support package for AMISOM, the Group welcomed the first proposed budget for the financing of support for the Mission. Effective support to AMISOM should contribute to a more secure environment in Mogadishu, enabling the peace process to move forward and the Transitional Federal Government to consolidate its authority. The Group expressed its appreciation to all Member States that had contributed to the United Nations Trust Fund in Support of AMISOM and called for the pledges made at the donors conference to be honoured. It noted that the Department of Peacekeeping Operations continued to plan for the transition of AMISOM to a possible future United Nations peacekeeping operation.

24. The Group trusted that the Entebbe logistics base would be expanded and would continue to be used to support AMISOM and other peacekeeping missions in Africa. It acknowledged the progress made by UNSOA in supporting AMISOM through the transit base in Mombasa. It commended the Governments of Uganda and Burundi for providing troops to AMISOM, as well as those countries that had indicated their willingness to do so, and paid tribute to the AMISOM peacekeepers. In that connection, it condemned all attacks on AMISOM personnel and, in particular, expressed its condolences over the attacks of 17 September 2009.

25. **Mr. Tessema** (Ethiopia) recalled that, having sent its defence forces into Somalia two and a half years previously, at the request of the country's Transitional Federal Government, to combat the threat posed by extremist forces, his Government had repeatedly called on the international community to support AMISOM and subsequently transform it into a United Nations peacekeeping operation. Following the adoption of Security Council resolutions 1863 (2009) and

1872 (2009), the international community must continue to give high priority to strengthening AMISOM and building the capacity of Somalia's federal institutions. The continued presence of AMISOM in Mogadishu was vital if stable security conditions were to be maintained; however, the Mission might fail to achieve its mandated strength or establish effective peacekeeping operations in the absence of logistical support from the United Nations and donor assistance for its other requirements. His delegation therefore urged the Committee to approve the Secretary-General's proposed budget for financing support for AMISOM, since the support package was critical and must be delivered in an effective and timely manner. The emphasis it placed on support offices, logistics hubs and liaison points was particularly valuable. Further opportunities should be explored in the countries of the subregion to help strengthen AMISOM and speed up the process of establishing a United Nations peacekeeping operation in Somalia, since any delay would have serious consequences not only in that country but throughout the region.

26. **Mr. Traystman** (United States of America) said that his delegation strongly supported the Security Council's decision, by its resolution 1863 (2009), to strengthen support for AMISOM, which played an important role in helping the Somali people achieve peace and reconciliation. The United States had provided \$135 million in logistical and equipment support, as well as predeployment training for the Burundian and Ugandan forces, since the deployment of AMISOM in 2007. It also provided humanitarian assistance to Somalia, having donated over \$150 million in food and other assistance in the last year, and planned to maintain that level of support.

27. His delegation condemned in the strongest terms the continuing military offensives against the Transitional Federal Government and AMISOM, including the deadly suicide attacks by Al-Shabaab against AMISOM headquarters on 17 September 2009, and paid its deepest respects to those who had lost their lives. Since security clearly remained tenuous, his delegation trusted that the Committee would recommend authorization of the funds requested by the Secretary-General to ensure that the progress already made was not reversed and the path to peace and stability in Somalia was strengthened.

28. At a time of rapidly escalating expenses associated with the Organization's multiple and varied activities, every effort must be made to ensure the efficient, effective and transparent use of available resources, particularly in the current difficult financial climate.

29. **Mr. Tawana** (South Africa) said that the Secretary-General's first proposed budget for the financing of support for AMISOM, which would provide predictable, flexible and sustainable funding for the Mission, marked a significant milestone in terms of cooperation between the United Nations and the African Union. Such cooperation was vital for strengthening the peace and security architecture in Africa; while the Security Council had primary responsibility for maintaining international peace and security, regional organizations played an important and complementary role. Recalling the provisions of Security Council resolution 1872 (2009) regarding the continued provision of a logistical support package for AMISOM and the possible deployment of a peacekeeping operation, he stressed the importance of deepening the strategic partnership between the United Nations and the Mission by providing the necessary funding and logistics to support peacekeeping operations carried out in Africa on behalf of the United Nations. The Secretary-General's budget proposal provided a good basis for longer-term peacebuilding in Mogadishu, and the Security Council should establish a United Nations peacekeeping operation in Somalia in the near future.

30. He expressed concern at the proposed budget reduction of \$9.8 million recommended by the Advisory Committee; his delegation trusted that it would not have a negative impact on the effective execution of the Mission's challenging mandate. Lastly, he paid tribute to the African Union troops who, despite difficult conditions and limited resources, had gone the extra mile in the cause of peace and stability in Somalia.

31. **Mr. Mugoya** (Uganda) said that the precarious security conditions in Somalia and the general vulnerability on the ground, as exemplified by the attack on AMISOM troops on 17 September 2009, highlighted the work that needed to be done to improve the situation, since initiatives such as the training and mentoring of the senior leadership of the Somali police force by AMISOM civilian police could only be achieved if security conditions permitted.

32. His delegation welcomed the Secretary-General's budget proposal and trusted that the Committee would make every effort to ensure that support for AMISOM was not hindered by the proposed \$9.8-million reduction recommended by the Advisory Committee. Provision of adequate funds for the support package would be a major factor in determining progress in Somalia, including the possible deployment of a United Nations peacekeeping mission there.

33. His delegation had expected a substantial budget proposal under facilities and infrastructure to ensure the safety and security of AMISOM troops, particularly in view of the recent terrorist attack. It would therefore be seeking confirmation that the \$80,787,000 proposed under that item would be sufficient to address the security threats faced by AMISOM as a result of its currently inadequate facilities and infrastructure. That said, his delegation welcomed the commencement of engineering work by UNSOA to enhance AMISOM sanitation, power and water facilities.

Agenda item 133: Programme planning (*continued*)
(A/C.5/64/L.4)

Draft resolution A/C.5/64/L.4: Programme planning

34. *Draft resolution A/C.5/64/L.4 was adopted.*

The meeting rose at 11.30 a.m.