



# General Assembly

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**45<sup>th</sup>** plenary meeting

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New York

*Official Records*

*President:* Mr. D'Escoto Brockmann ..... (Nicaragua)

*In the absence of the President, Mr. Mbuende (Namibia), Vice-President, took the Chair.*

*The meeting was called to order at 3.10 p.m.*

## Agenda item 65 (*continued*)

### Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

#### (a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations

**Reports of the Secretary-General (A/63/81, A/63/277 and A/63/348)**

#### (b) Special economic assistance to individual countries or regions

**Report of the Secretary-General (A/63/295)**

**Draft resolution (A/63/L.21)**

#### (c) Assistance to the Palestinian people

**Report of the Secretary-General (A/63/75)**

**Mr. Oosthuizen** (South Africa): My delegation would like to express its appreciation for the reports by the Secretary-General provided under agenda item 65, which provide a useful analysis of the specific challenges that the international humanitarian community faces today, as well as practical suggestions for consideration as to further guide our deliberations within the General Assembly.

Recognizing the challenges that we continue to face to assist vulnerable communities around the world, allow me to thank the United Nations Office for the Coordination of Humanitarian Affairs for the work done to further strengthen the coordination of humanitarian assistance in the United Nations.

The United Nations humanitarian system, like many other institutions, is faced with the reality of increasing demands within the ambit of rising food prices, increased input costs, challenges of climate change and the well-known challenge of the current financial crisis that is negatively affecting all Member States. It is up to us as Member States to continue to show our commitment to the United Nations humanitarian community and to ensure its success during these difficult times.

The recent High-Level Conference on World Food Security, which was held in Rome during June 2008, highlighted the particular challenges that developing countries are facing with regard to the high cost of food and how this impacts on feeding their vulnerable people. The negative impact that high food prices have on the budgets of humanitarian organizations, such as the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme, has also been highlighted, which in turn highlights the importance of donors fulfilling their commitments to contribute in a timely and adequate manner to the funding of these organizations.

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Funding will always remain critical to ensure the effective functioning of humanitarian organizations. This reality was recognized by Member States when they adopted resolution 60/124 of 15 December 2005, giving birth to the new Central Emergency Response Fund (CERF), which has as one of its main objectives the provision of funding in a more predictable and timely manner to ensure that early action would be possible in an effort to reduce loss of life. Although the new Fund has only been in operation for the past few years, the report of the Secretary-General (document A/63/348) highlights the various successes it has already achieved, one of which was to achieve its aforementioned goal of providing assistance in a timely manner in order to reduce loss of life, a critical element in the provision of humanitarian assistance. The fact that the Fund contributed substantially to the so-called under-funded emergencies, particularly in Africa, is a welcome success for my delegation.

As one of the original contributors to the Fund, South Africa will support the appeal made by the Secretary-General for continued and increased support to the Fund. This should not only mean financial support, but also include the need to strengthen the Secretariat to meet the challenges associated with the functioning, management and oversight of the Fund. At the same time, it is important to re-emphasize that contributions to the Fund should be additional to current commitments and not be to the detriment of resources made available for international cooperation for development.

However, it is also recognized that challenges within CERF still remain and will need to be addressed to ensure that the Fund will contribute more effectively to the workings of the United Nations humanitarian system. Solutions need to be found to allow non-governmental organizations to access funding quicker; better and clearer criteria need to be developed for resource allocation; quicker methods to obtain approval for the use of funds and better communication to allow agencies to better understand the role and use of the grant facility need to be developed. This requires continued involvement by Member States, and a further evaluation of the effective functioning of the Fund in the General Assembly will again be needed in the near future.

What the current financial and humanitarian crisis also highlights is the critical need for effective partnerships between Member States, the United

Nations humanitarian organizations and non-governmental organizations to work together to ensure a coordinated approach to providing life-saving humanitarian assistance to affected communities all around the world. These partnerships, under the leadership of national Governments, could also include the engagement of regional organizations to help improve humanitarian responses and standby capacities.

It is important to recognize, however, that owing to the increase in the scope and severity of the impact of humanitarian emergencies, many developing countries do not have the capacity to deal with disaster preparedness, risk reduction and the impact of these emergencies. An appeal is, therefore, made in order that the United Nations system and the international community continue to play their important role in assisting developing countries to enhance their humanitarian capacities in addressing these challenges.

My delegation will, therefore, actively engage in discussions in an effort to contribute to the collective wisdom of the United Nations so as to ensure an increase in the effectiveness of the United Nations system to provide humanitarian assistance. In particular, it remains a priority for my delegation to further the debate on the effective contribution that the cluster approach could make as one of the measures seeking to provide better leadership and prevent duplication and gaps in the provision of humanitarian assistance.

Also recognizing the role that military assets could play in the provision of disaster relief, it would be important to promote the effective use of internationally recognized guidelines on civil-military coordination, in full respect of existing humanitarian principles.

South Africa remains cognizant of the important role that parties to complex humanitarian emergencies can play in ensuring safe access to humanitarian personnel when providing assistance to vulnerable communities. Rapid and unimpeded passage of humanitarian personnel and relief consignments to affected communities is, therefore, critical. It is essential, however, that humanitarian assistance should be provided in a manner based on the principles of humanity, neutrality, impartiality and independence, as enshrined in General Assembly resolution 46/182 and other relevant General Assembly resolutions.

Furthermore, my delegation remains convinced of the need to protect civilians during complex humanitarian emergencies and calls on all participants to address gender-based violence and make all possible efforts to ensure that adequate measures are put into place to prevent, promptly investigate and persecute acts of gender-based violence.

In this regard, South Africa would also like to express its concern about the increasing number of attacks against United Nations and other humanitarian personnel around the world. We would like to commend the courage and commitment of those brave men and women and also urge all parties involved in armed conflicts to comply with international humanitarian law, in particular their obligations under the Geneva Conventions and the Additional Protocols.

In conclusion, South Africa would like to reiterate its commitment to continue to contribute to the effective working of the humanitarian system, within its modest means. It is our hope that the international community will be able to work together in a spirit of partnership to provide assistance better, faster, more predictably and in a better coordinated manner, that will also take the needs of affected communities into consideration and not be based on financial considerations alone.

**Mr. Suarez** (Colombia) (*spoke in Spanish*): My delegation associates itself with the statement delivered yesterday on behalf of the Group of 77 and China.

In line with General Assembly resolution 46/182, the Government of Colombia has assumed primary responsibility for and the main role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory. The State has adopted laws, policies and programmes for comprehensive assistance that take into account international standards. National bodies, with significant technical capacity, coordinate the implementation of these policies through the organization of actions involving national, departmental and municipal authorities, with the participation of the private sector and civil society. I would like to emphasize, in this respect, the National Humanitarian Plenary, a coordination initiative led by the Presidential Agency for Social Action. Representatives of local government, international humanitarian assistance organizations and non-governmental organizations participate in that initiative.

Our country has faced natural disasters as a result of its location in the tropics, climate change and seismic and volcanic phenomena. In order to deploy effective responses, both the National System and the National Plan for Disaster Prevention and Response have been strengthened. We also have protocols to guide the response from the presidency, ministries and the Public Force and guidelines for the formulation of emergency sectoral plans. We have also provided cooperation in this field to countries in Latin America and the Caribbean.

Likewise, Colombia implements solid humanitarian response policies in response to terrorist violence caused by illegal armed groups. The State has progressively strengthened its comprehensive programmes for the assistance of displaced persons and other victims of violence. Priority access of this population to State social services, socio-economic stabilization and reparations are essential components in those initiatives. I must stress that a budget close to \$500 million is assigned each year for aid to displaced people.

In the past six years, the number of violent incidents has declined substantially, thanks to the Democratic Security Policy and the massive demobilization of former members of illegal armed groups. The consolidation of security is a decisive factor in mitigating the causes of humanitarian emergencies in Colombia.

The Secretary-General's reports refer to several topics that deserve special attention. With regard to disasters associated with climate change, we would highlight the role of international cooperation and technology transfer in the fields of adaptation, the development of early warning systems and the strengthening of national preparedness and response capacities.

With respect to the global food crisis, short-, medium- and long-term measures and joint efforts for solidarity among States and the international community as a whole, are essential to addressing that multidimensional problem.

With regard to the safety of humanitarian personnel, coordination and dialogue between the United Nations and Governments are required in order to identify risks, exchange information and define protection measures that are more effective against acts of violence affecting humanitarian work.

In relation to funding, Colombia appreciates the consolidation of the Central Emergency Respond Fund as an effective and flexible instrument that strengthens the response to time-critical emergencies and to situations where assistance has been under-funded or where there is a lack of resources.

Humanitarian assistance must be developed in a sustainable process aimed at rebuilding the social fabric of affected communities. In this respect, an appropriate transition from relief to development is a critical element in the design of policies and actions for humanitarian assistance.

The guiding principles set out in resolution 46/182 define the basic framework for humanitarian assistance. The cooperation of the United Nations and other actors of the international community must be provided in accordance with those principles, which include humanity, impartiality and neutrality, while also ensuring adequate coordination with the national programmes and authorities of the affected States. That is the only way to ensure effectiveness, coherence, a better response and a more efficient use of resources. Colombia will remain committed to promoting and implementing that framework of action.

**Mr. Petranto** (Indonesia): Indonesia welcomes the continued focus by the General Assembly on this agenda item. I align Indonesia's statement with that of Antigua and Barbuda on behalf of the Group of 77 and China. Allow me also to thank the Secretary-General for the comprehensive reports, which give a detailed and useful account of efforts to enhance international humanitarian responses.

Development and progress towards the Millennium Development Goals has suffered severe setbacks. Not only has the global economy been less conducive to growth, but disasters emanating from human and natural causes have compounded their negative impacts.

The timely provision of humanitarian assistance has therefore become more essential as a means for a rapid response for the victims but also as a means to help restore lives and development efforts.

In that context, my delegation continues to believe that an effective mechanism should be put in place. It should be demand-driven, as embodied in resolution 46/182 of 19 December 1991. That resolution rightly underlines the principles of neutrality, humanity and

impartiality and calls for full respect for the sovereignty, territorial integrity and national unity of States.

Indonesia would also like to emphasize the importance of strengthening the role of the Office for the Coordination of Humanitarian Affairs. At the same time, the Central Emergency Respond Fund (CERF) has been an important component in providing more predictable and timely responses to humanitarian emergencies. Synergies between the two should be strengthened continually in order to enhance international humanitarian efforts.

Indonesia appreciates the independent review of the CERF commissioned by the Secretary-General. While the Fund's operations only started two years ago, it has shown some encouraging results. Indonesia takes note that the Fund has been more effective in enabling rapid mobilization of necessary funds for life-saving operations in many countries that have experienced sudden disasters and conflicts. The recommendations of the review have been noted and should be further discussed with key stakeholders. Indonesia looks forward to actively contributing to those discussions. Let us not forget that the CERF relies on the commitment and contributions of Member States. We encourage the continued support of Member States to replenish the Fund.

With the increasing disasters we are witnessing globally, there is still obvious room for improvement in coordination, effectiveness and efficiency, with the objective of strengthening partnerships at all levels. Although all countries should undertake appropriate measures to mitigate the impacts of disasters, we cannot deny that most developing countries lack the capacity to provide swift and timely relief efforts and conduct rehabilitation and recovery programmes at later stages. Therefore, we also believe that the international community, including the United Nations system and other relevant actors, should not fail to support the capacity and capability of developing countries in, among other areas, developing disaster preparedness plans. Indonesia itself has developed and is launching today an Indonesian tsunami early warning system. We hope that the international community will support our initiative.

On behalf of the Association of Southeast Asian Nations and tsunami-affected countries, Indonesia will also be submitting a draft resolution entitled "Strengthening emergency relief, rehabilitation,

reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster” for the General Assembly’s consideration. The draft resolution builds on recent developments and lessons learned during the rehabilitation and reconstruction phase in the affected countries. Indonesia seeks the continued sponsorship of Member States of the draft resolution, which will be taken up for the last time at this year’s session.

**The Acting President:** In accordance with General Assembly resolution 45/6 of 16 October 1990, I now call on Ms. Christine Beerli, Vice-President of the International Committee of the Red Cross.

**Ms. Beerli** (International Committee of the Red Cross): In many places around the world — this week in particular, we are thinking of the dramatic situation in eastern Democratic Republic of the Congo — the lives of countless men, women and children continue to be ravaged by armed conflicts or other situations of violence. Natural disasters are occurring more frequently. A scarcity of resources, due partly to environmental degradation and climate change, and rising food insecurity imperil livelihoods that are already fragile. All those factors contribute to poverty, migration and increased public health risks and aggravate the humanitarian consequences of armed conflict.

The activities of the International Committee of the Red Cross (ICRC) are exclusively humanitarian. It works throughout the world to protect and assist persons affected by armed conflict and other situations of violence. Its aim is to meet their most urgent needs without discrimination of any kind. The ICRC is determined to remain a reliable, effective and predictable organization that can adapt to evolving humanitarian situations and needs — an organization whose work is underpinned by a strong culture of accountability, first and foremost to the affected persons themselves.

Today, humanitarian action is carried out in highly complex and sensitive environments and faces many challenges. Gaining and maintaining access to persons in need of protection while minimizing security risks is, beyond a doubt, our top-priority concern in most operations.

The level of violence has increased considerably in many countries where the ICRC works, with serious humanitarian consequences for the civilian population. The risks of the rejection and instrumentalization of

humanitarian staff are growing, and that has dramatic and dire consequences with regard to their safety.

The ability of its staff to carry out its humanitarian tasks safely is of extreme importance to the ICRC. Safety is more than just an issue of physical protection; if the ICRC is to operate in safety, it must have acceptance. Acceptance is entirely dependent on the perception of the parties to an armed conflict, and of those whom the ICRC assists, with regard to its exclusively humanitarian and impartial approach and its dissociation from any kind of political or military agenda. Impartiality implies that assistance will be provided without any discrimination and will be based solely on assessed needs. Credible neutrality and independence require that we deliberately refrain from acting in any way or making any kind of statement that might be interpreted as taking sides or being associated with a specific agenda. Proximity to affected people is as essential to the ICRC as sustained dialogue with all actors in armed conflicts — no matter how they may be characterized by the international community — and with all those who are able to influence such actors.

On the basis of its long experience in working in the area of armed conflict, the ICRC believes that it is its exclusively humanitarian, neutral, independent and impartial approach that allows it to operate in places such as Afghanistan, Colombia and Darfur, to fulfil its humanitarian mandate in the North and South Caucasus and Pakistan, and to act as a neutral and humanitarian intermediary — for example, to facilitate the release of captured civilians. It considers that way of working to be the most effective and powerful tool at its disposal for ensuring access to people and acceptance by all parties. Of course, that rests on the assumption that belligerent parties trust the ICRC, but it is precisely such trust that is increasingly difficult to build and maintain, as various stakeholders are calling the very foundations of humanitarian aid into question, which is yet another challenge of serious concern to the ICRC today.

The environment for humanitarian action has changed dramatically in recent years. The integration of crisis management tools, combining political, military, humanitarian and development objectives and activities, is an inherent feature of many contexts today. United Nations peace support operations are increasingly multifaceted; their mandates range from peace maintenance to peace enforcement and post-conflict recovery. They are often entrusted with the

task of both protecting civilian populations and facilitating the delivery of humanitarian assistance. Unfortunately, that has sometimes blurred the distinction between political goals and humanitarian operations and between political or military actors and humanitarian organizations.

Increasingly, political and military actors refer to humanitarian principles or reasons. That those principles are being acknowledged is, of course, a welcome development, but we should recognize that they apply mainly to the activities of humanitarian organizations. When used by public authorities and the military to describe their activities, the term "humanitarian" may lose some of its essential attributes. The incorporation of humanitarian aid into a political strategy might have the very unwelcome consequence that parties to an armed conflict and affected populations come to associate all humanitarian actors with political or military agendas. Furthermore, humanitarian agencies may cease to be regarded as independent and neutral and thus no longer acceptable. The effectiveness of humanitarian activities, particularly in gaining access to persons in need of assistance, may suffer.

States have an important political role in preventing and resolving conflicts and in creating sustainable conditions that enable populations to recover after conflict. Armed and security forces play an equally important role in stabilizing situations and providing security. The independence of humanitarian organizations in making decisions and acting must be preserved while they engage in appropriate dialogue with political and military actors for humanitarian purposes.

The ICRC deems it essential that political or military action, including that undertaken under United Nations auspices, be conceived in such a way as not to erode the acceptability of humanitarian action. While there are situations in which the military might be needed to build a bridge, drill a well or otherwise provide logistical means to bring urgent assistance to those in need, the military should be entrusted with humanitarian tasks only in emergency situations in which humanitarian agencies cannot do the job. Likewise, humanitarian agencies should resort to the use of military and civil defence capabilities only when no alternative is available.

The ICRC has a legal mandate from the international community to ensure the protection of internally displaced persons and to provide them with assistance when they are victims of armed conflict. Displaced persons are very high on our list of operational priorities. The ICRC has often pointed to the need to design flexible response strategies to situations of internal displacement. Those strategies would take into account the mandates and comparative strengths of the actors and agencies in the field. They would also be adapted to fit the different contexts in which internal displacement occurs. The ICRC cannot but reiterate its wish for a coordinated approach that succeeds in reconciling the ICRC's specific identity as a strictly neutral and independent actor with a dynamic collaboration with United Nations agencies and non-governmental organizations in responding to humanitarian needs on the ground.

In situations of armed conflict or other violence, the ICRC, in addition to its own activities, coordinates the international relief operations undertaken by the International Red Cross and Red Crescent Movement. Every national Red Cross and Red Crescent society is committed, together with the International Federation, to the fundamental principles of the Movement and to supporting sister organizations dealing with crises in their countries neutrally and impartially. In over 80 countries where the ICRC is currently operational, national Red Cross and Red Crescent societies are its primary partners for humanitarian action towards people in need.

However, the ICRC remains committed to efficient cooperation, in particular in the field, with all other relevant humanitarian actors that are effectively delivering protection and assistance. That, of course, includes the humanitarian agencies within the United Nations system.

**The Acting President:** In accordance with General Assembly resolution 49/2 of 19 October 1994, I call on the observer for the International Federation of Red Cross and Red Crescent Societies.

**Mr. Schulz** (International Federation of Red Cross and Red Crescent Societies): Thank you, Sir, for giving me the opportunity to take part in this important debate on behalf of the International Federation of Red Cross and Red Crescent Societies (IFRC).

We agree that the increasing frequency and intensity of disasters, as described in the Secretary-

General's report (A/63/277), is a disturbing trend that requires urgent attention both in terms of improving local, national, regional and international response capabilities, and, more importantly, in terms of addressing disaster risk reduction. That is most apparent when considering the dramatic impacts of climate change, the global food crisis, the recent financial turmoil and global economic decline.

We are seeing the nature of international response operations changing, with an emerging role for regional organizations and mechanisms and the reluctance of some countries to accept unsolicited external assistance. Both those situations occurred recently in Myanmar and presented the IFRC with the challenge of rapidly developing regional Red Cross and Red Crescent mechanisms that could match and work alongside the arrangements being designed and put in place by Asian Governments.

We have also observed that, in the delta region of Myanmar, international resources were not provided at the levels that some members of the international community considered necessary. It was quickly apparent to us that it is important for all concerned that as clear an understanding as possible be available of the coping mechanisms that can be and are being used in the affected area.

Almost 15 years ago, in May 1994, the global humanitarian community recognized at the Yokohama World Conference on Natural Disaster Reduction that, while disasters are obviously related to hazards of one kind or another, they derive their force from the vulnerability of people and communities to those hazards. That underlines the urgency to increase the humanitarian capacity to respond to disasters that cannot be avoided in the short term, while we likewise increase the capacities of individuals, families, communities and countries to better understand and address the risks associated with climate change and to be better protected in the short and medium terms.

The current negotiations of the United Nations Framework Convention on Climate Change for a new agreement to be completed in Copenhagen in December 2009 provide a welcome and necessary opportunity to strengthen the integration of climate risk management in overall disaster risk management and to improve coherence with longer-term development processes.

The Red Cross and Red Crescent Movement has worked closely with humanitarian and development

organizations in the United Nations system and with non-governmental organizations to prepare a joint vision for the upcoming Poznań Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on how existing humanitarian and disaster risk reduction organizations, policies and measures can help to improve people's resilience. A further step in that process is to establish dialogue at the national level among the humanitarian disaster risk reduction sector, climate change policymakers and knowledge centres.

The IFRC welcomes the Secretary-General's call for a multi-year commitment to humanitarian funding. We are pleased that the call is not limited to the Central Emergency Response Fund (CERF), as that mechanism is not accessed by agencies beyond the United Nations family and the International Organization for Migration. There is, however, a clear need for predictable humanitarian funding for humanitarian actors that are not part of the United Nations system, such as the IFRC and others.

We therefore also welcome the keen willingness of the Office for the Coordination of Humanitarian Affairs to initiate dialogue with the IFRC on humanitarian funding. That dialogue recognizes that the IFRC Disaster Response Emergency Fund and United Nations CERF are complementary funding mechanisms and both deserve donor support because of that complementarity.

In recent years, the IFRC has spoken of the progress of its work under the heading "International Disaster Response Laws, Rules and Principles". This year, with great satisfaction we bring to the Assembly's attention the adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance by States and national societies sitting together at the thirtieth International Conference of the Red Cross and Red Crescent in 2007. The Guidelines are already helping Governments to prepare themselves both to enable and effectively to monitor and coordinate the international assistance they request.

Experience has shown that good planning in that area can greatly reduce technical problems, such as restrictions and delays in customs, visas, transport permissions and tax exemption procedures, that can otherwise seriously undermine the speed and effectiveness of aid provided to stricken communities.

It also empowers Governments to ensure that international assistance is of appropriate quality and complements their own efforts to assist those in need.

Realizing that, a number of Governments have already begun to use the Guidelines proactively to examine their legal preparedness for international relief. Working with a very wide range of partners, including the United Nations, specialized agencies, the Inter-Parliamentary Union and key regional organizations, the IFRC and its member national societies are developing innovative projects and practical tools to support Governments in that task.

As pointed out by Secretary-General Ban Ki-moon in his report, this body can make an important contribution by promoting the active attention of its members to the issues raised in the Guidelines. We were very pleased that the Economic and Social Council saw the adoption of the Guidelines as of significance and included a reference to them in its resolution 2008/36, and it is our hope that the General Assembly will share that view.

**The Acting President:** In accordance with General Assembly resolution 47/4 of 16 October 1992, I now call on the observer for the International Organization for Migration.

**Mr. Dall'Oglio** (International Organization for Migration): The International Organization for Migration (IOM) is pleased to take the floor today with reference to the report of the Secretary-General entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations" (A/63/81).

The great number of serious humanitarian crises this year has resulted in the heightened vulnerability of poor countries that have been exposed to the negative impact of concomitant and interconnected crises: financial instability, extreme climatic events, environmental degradation, volatile prices for food and energy and unacceptable levels of hunger, poverty and inequality. The magnitude of the challenges warrants a strengthening of the coordination of emergency humanitarian assistance in a collaborative effort with all stakeholders.

As we approach the end of this challenging year, we would like to seize the opportunity to take stock of progress made and draw lessons for the future with

respect to new modalities of working together promoted by the humanitarian reform process.

Through greater predictability, accountability and a more deliberate effort to build partnerships, IOM's engagement with the humanitarian reform process has to date centred around enhanced responsibilities for vulnerable migrants and displaced persons, which we have assumed under the cluster approach. Through our cluster lead role on camp coordination and camp management in situations of natural disasters and our active engagement in a number of other areas, such as emergency shelter and early recovery, a new pattern of collaboration is emerging to deal with both emergency response as well as capacity development.

The cluster approach supports national responses and fills gaps where international support and solidarity are needed. National Governments should be able to call upon any of the cluster leads as a partner in relevant sectors whenever appropriate.

IOM has taken an active role within the Inter-Agency Standing Committee (IASC) in incorporating climate change into the humanitarian agenda. An increase in the number of extreme environmental or climatic events and the resulting internal or cross-border displacement already present a challenge to the humanitarian community, while the frequency and intensity of such events are expected to rise further. There is an urgent need to gain a better understanding of the important linkages between what can be called environmentally induced migration and climate change, with special attention to be paid to the most vulnerable countries, communities and individuals.

Following a request from the IASC, IOM, in coordination with the IASC secretariat and in cooperation with other agencies, is carrying out a series of informal inter-agency meetings and consultations to develop appropriate terminology and typology on migration and displacement and to identify possible operational and analytical gaps in the context of the humanitarian response.

Furthermore, in order to create an appropriate informal framework for efficient, coherent and cross-cutting cooperation in the field of climate change and environmentally induced migration, IOM, together with the United Nations Environment Programme, United Nations University and the Munich Re Foundation, is working on the establishment of the climate change, environment and migration alliance. The alliance is



conceived as a multi-stakeholder global partnership of concerned actors representing a range of perspectives, including environment, migration, development and humanitarian assistance, and aims to promote awareness-raising, research, policy development and practical actions.

IOM strongly encourages the multilateral negotiations on climate change to take account of the humanitarian consequences of climate change, as well as the need to manage such consequences and to protect human security through the systematic reduction of disaster risks, including emergency preparedness and reinforcement of response and recovery mechanisms at the local, national, regional and global levels. IOM looks forward and will be contributing to a number of events at the Conference of the Parties to the United Nations Framework Convention on Climate Change in Poznań in December, such as the side event led by the Office of the United Nations High Commissioner for Refugees on “Climate change, migration and forced displacement: the new humanitarian frontier?”.

On a different note, this year marks the two-year evaluation of the Central Emergency Response Fund (CERF), which has become a valuable tool for the humanitarian community’s emergency response activities, including those of IOM. Indeed, CERF has a relevance and usefulness as a flexible response mechanism filling an important gap between sudden emergencies and the timely availability of cash flows. The life-saving criteria of CERF received substantial acknowledgement in the evaluation and we welcome a revisiting of the criteria to recognize the particularly vulnerable situations of certain displaced persons, including stranded migrants who require humanitarian assistance.

IOM acknowledges with appreciation the contributions it has received from CERF in the amount to date of some \$37 million, which represents a critical mass of resources to jump-start operations in 61 crises. As CERF faces competing demands from the adverse effects of climate change and the food crisis, we would welcome Member States calling for an increase of additional contributions to the Fund in the omnibus humanitarian resolution this fall.

To conclude, IOM is committed to those most vulnerable in times of crisis and remains dedicated to working resourcefully and proficiently with our IASC

network. We express here our deep appreciation to our partners, and in particular to the Emergency Relief Coordinator and the leadership of the Office for the Coordination of Humanitarian Affairs for their unwavering commitment to the improvement of humanitarian response capacities.

**The Acting President:** We have heard the last speaker in the debate on agenda item 65 and its sub-items (a) to (c).

The Assembly will now take a decision on draft resolution A/63/L.21, entitled “Special economic assistance for Yemen”.

I should like to announce that since the tabling of the draft resolution, the following countries have become sponsors: Bangladesh, the Democratic People’s Republic of Korea, Ecuador, Indonesia, the Islamic Republic of Iran, Kyrgyzstan, Madagascar, Malaysia, Myanmar, Pakistan, the Philippines, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia and the United States of America.

May I take it that the Assembly wishes to adopt draft resolution A/63/L.21?

*Draft resolution A/63/L.21 was adopted (resolution 63/20).*

**The Acting President:** I now give the floor to the representative of Yemen.

**Mr. Al-Sulaimani (Yemen):** On behalf of the Republic of Yemen, I would like to warmly thank all those who sponsored and supported resolution 63/20 entitled, “Special economic assistance for Yemen”. We thank the General Assembly for adopting the resolution by consensus.

We would also like to express our appreciation for the multifaceted assistance that has been granted by friendly and brotherly States, the donor community, the United Nations specialized agencies, international financial organizations and development and human relief assistance organizations. We hope that more technical and material assistance will be granted to Yemen to help us to overcome the effects of the floods and torrential rains that have struck some Yemeni provinces as well as to rebuild housing, property and infrastructure.

We reaffirm that the relief efforts that have been made by my country and by civil society organizations, as well as actions and policies formulated by the

national Government have helped to mitigate the devastating material and psychological effects of this natural disaster. Our means are limited and that is why we hope for assistance from the international community.

**The Acting President:** The General Assembly has thus concluded its consideration of agenda item 65 and its sub-items (a) through (c).

#### **Agenda item 69 (*continued*)**

#### **Report of the International Criminal Court**

##### **Draft resolution (A/63/L.19)**

**The Acting President:** Members will recall that the General Assembly held the debate on this agenda item at its 35th plenary meeting, on 30 October 2008.

I now give the floor to the representative of the Netherlands to introduce draft resolution A/63/L.19.

**Mr. de Klerk** (Netherlands): I have the honour to introduce, under agenda item 69, a draft resolution entitled “Report of the International Criminal Court” (A/63/L.19).

In addition to the 45 countries mentioned in document A/63/L.19, which contains the text of the draft resolution, the following countries have indicated their wish to be included as sponsors of the resolution: Afghanistan, Albania, Andorra, Antigua and Barbuda, Barbados, Belize, Bosnia and Herzegovina, Burkina Faso, the Central African Republic, Chile, Colombia, Costa Rica, the Democratic Republic of the Congo, Dominica, the Dominican Republic, Ecuador, Fiji, Gabon, Gambia, Georgia, Guyana, Iceland, Jamaica, Japan, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Mongolia, Montenegro, Nauru, Niger, Panama, Paraguay, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Serbia, Sierra Leone, South Africa, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, Uruguay and Zambia. This brings the total number of sponsors to 96.

On 30 October, the President of the International Criminal Court (ICC), Judge Philippe Kirsch, presented the fourth annual report of the ICC to this body. We had a very constructive and in-depth debate then and there is no reason to repeat that discussion here today. Allow me, though, to highlight a few elements.

The establishment of the Court was the most significant development of the past decade in our long and ongoing struggle to eradicate impunity. In the words of the Secretary-General in his statement marking the 10th anniversary of the Court on 17 July, “[T]he creation of the ICC is unquestionably one of the major achievements of international law during the past century”.

In that regard, we will continue to strive for universal adherence to the Rome Statute of the International Criminal Court. We are therefore very pleased to welcome the countries which have recently become State Parties to the Rome Statute — the Cook Islands, Madagascar and Suriname — and it is our sincere hope that others will join soon. We look forward to welcoming many more States as parties to the ICC by the 2010 Review Conference, at which States parties and non-States parties may participate, in accordance with the Rome Statute and the rules of procedure for the Review Conference.

The International Criminal Court’s annual report, as well as the debate in the General Assembly just over a week ago, underlined the important role the International Criminal Court plays in our common multilateral system to end impunity and to establish the rule of law, to promote and encourage respect for human rights and to restore and maintain international peace and security. It is our firm conviction that sustainable peace cannot be achieved if perpetrators of the most serious crimes are not brought to justice. Peace and justice are, in our view, complementary requirements.

The President of the International Criminal Court, in his address to the General Assembly (see A/63/PV.35), stressed the fact that the cooperation of States, international organizations and civil society are essential to the Court’s functioning. This is especially the case in relation to the arrest and surrender of accused persons, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences.

We are pleased that the United Nations continued to assist the Court over the past year in its endeavours through implementation of the Relationship Agreement. We also welcome the assistance provided so far by States parties and non-States parties and call on all States to continue to support the Court’s efforts in that regard.

Before I outline the three main objectives of the draft resolution, let me point out a minor, technical update. The first line of operative paragraph 14 of the draft resolution, should read “Notes that the Review Conference to be held in 2010” instead of 2009.

The draft resolution before us serves three main objectives. First, it seeks to provide political support for the International Criminal Court as an organization, for its mandate, for its aims and for the work it carries out. Secondly, it seeks to underline the importance of the relationship between the International Criminal Court and the United Nations, which continues to grow stronger on the basis of the Relationship Agreement. Lastly, it serves to remind States and international and regional organizations of the need to cooperate with the International Criminal Court as it seeks to carry out its tasks.

The Netherlands hopes that this draft resolution will be adopted by consensus and that it will lead to even greater support for the International Criminal Court in the fight against impunity and for its attempts to hold perpetrators of very serious crimes accountable for their actions.

**The Acting President:** I should like to announce that Honduras has become a sponsor of draft resolution A/63/L.19.

We shall now proceed to consider draft resolution A/63/L.19. Before giving the floor to the speakers in explanation of position before action is taken on the draft resolution, may I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

**Ms. Willson** (United States of America): The concerns of the United States about the Rome Statute and International Criminal Court (ICC) are well known and date back to 2000, when the United States signed the Rome Statute but made clear that it would not submit the Statute for ratification unless its fundamental concerns were satisfied. Accordingly, the United States cannot join the consensus on this draft resolution.

Our concerns about the ICC are concerns about means, not about ends. We have remained steadfastly committed to promoting the rule of law and helping to bring violators of international humanitarian law to justice, wherever the violations may occur, and have

continued to play a leadership role in righting these wrongs. Our actions over the last years with respect to the Sudan can leave no doubt about the strength of these commitments. As we have emphasized, we cannot ignore the terrible crimes that have occurred throughout the conflict in Darfur and the massive human suffering the world has witnessed.

We underscore once again that we respect the right of other States to become parties to the Rome Statute and have asked in return that other States respect our decision and our right not to become a party. While respecting each other’s choices, there are practical ways in which the United States and the supporters of the International Criminal Court can work together to advance the cause of international criminal justice.

In this connection, we appreciate the inclusion of language in this year’s draft resolution that emphasizes the importance of cooperation by States parties with States that are not parties to the Rome Statute and that notes that the upcoming review conference provides an opportunity to address the concerns of non-parties.

At the same time, we would like to take this opportunity to underscore once again the importance we attach to rigorous implementation of resolution 58/318, which provides that

“all expenses resulting from the provision of services, facilities, cooperation and any other support rendered to the International Criminal Court or the Assembly of States Parties to the Rome Statute of the International Criminal Court, including under any arrangements that may be otherwise agreed under article 10 of the Relationship Agreement, that may accrue to the United Nations as a result of the implementation of the Relationship Agreement shall be paid in full to the Organization” (*resolution 58/318, para. 3*).

**Mr. Ajawin** (Sudan): Draft resolution A/63/L.19 contains contentious procedural issues regarding the workings of the International Criminal Court and we would like to inform this Assembly that the Sudan strongly dissociates itself from the draft for the various reasons that were outlined by my country when the report of the activities of the International Criminal Court was tabled at the General Assembly last week.

The Sudan views with serious concern that the Court, rather than being faithful to the wishes of the States parties, through its Prosecutor General, unfortunately, and in the absence of any accountability on his part, chose to use the Court as a tool in the hands of ulterior motives and as threat to my country's peace and stability. It is no surprise that all regional and international organizations sharply deplore the recent indictments brought by him against the Sudanese leadership and have stated in a single voice that these indictments will jeopardize peace and security in the Sudan and in the entire region.

It is regrettable that the Prosecutor General intentionally overlooked cardinal principles of international law and the law of treaties and chose to target a Member State that is not a party to the Rome Statute, overlooking, also, the immunity enjoyed by its head of State under the relevant laws and norms, repeatedly confirmed by the International Court of Justice.

We look forward to the States parties in the forthcoming review conference rectifying these blunders by the Prosecutor General. For this and other reasons, the Sudan strongly dissociates itself from the draft resolution and calls on the President to ensure that its position is properly reflected in the record.

**The Acting President:** The Assembly will now take a decision on draft resolution A/63/L.19. May I take it that the Assembly decides to adopt draft resolution A/63/L.19, as orally corrected?

*Draft resolution A/63/L.19, as orally corrected, was adopted (resolution 63/21).*

**The Acting President:** I now call on the representative of Costa Rica.

**Mr. Urbina (Costa Rica) (spoke in Spanish):** My delegation has requested the floor in order to make a general statement regarding agenda item 69 following the adoption of the resolution. I take this opportunity to repeat Costa Rica's willingness to contribute to every effort aimed at strengthening the International Criminal Court, which is a young institution and one that is in its consolidation phase. The 108 countries that have acceded to or ratified the Rome Statute are under the obligation to educate international public opinion as to the importance, for the civilized, peaceful coexistence of nations and for the building of peace, of the existence of an independent, effective and legitimate

mechanism to help heal the wounds that have been inflicted on our collective memories for many decades and which often stand in the way of peaceful and sustainable development. Only our ceaseless efforts will be able to persuade those who still harbour doubts of the Court's enormous potential to contribute, from a unique perspective and with a strong impact, towards a better world for the coming generations.

In today's world, riddled with crises, threats and bad news, the International Criminal Court is an oasis of hope. We know that in order to strengthen humankind's great qualitative progress, it is necessary first to overcome the great obstacles facing any attempt to change the status of things and to place limits on power. There always has been and always will be a great lack of understanding, deeply divided interests and enormous loads of bad faith. For these reasons, no one should be surprised by the opposition to the Court from powerful interests that refuse to subject their conduct to law. Or is it not ancient history, always repeated, that those who are drunk with power and wealth believe with vanity that their conduct is above the law and far from the scrutiny of justice?

We all know who are opposed to the International Criminal Court, and why. The peoples, their hearts filled with hope, have acceded to the Rome Statute, and we know that we have the duty to defend the Court and to refute the weak arguments that oppose it, to expose the bad faith and to educate international public opinion.

Costa Rica is committed in this effort of civilized humanity by the international community, insisting on building a future on the solid basis of justice. Those who seek to deform the face of the Court, those who with bad intention accuse it of being a political tool, a mechanism for domination or a tribunal that addresses African issues exclusively will not succeed.

In this battle the victors will be those of us who can demonstrate the independence of the Court and its intrinsic value in the fight against impunity as a solid foundation of peace. We will be gracious in the struggle, those of us who are able to distinguish between the natural mandate of the Prosecutor to investigate crimes, the tireless efforts of the judges responsible for impartial analysis of facts brought to their attention, and the implementation of norms accepted by all. We will be victorious in the struggle, those of us who are able to demonstrate, based on solid

facts, that the situations submitted to the Court's jurisdiction in this period are not the result of arbitrariness or discrimination but of the unsolicited intent of the referring States and of the Security Council.

I will conclude by recalling that there are still seven outstanding arrest warrants, some three years after their issuance. We are not ignoring the fact that this situation endangers, every day, the confidence that peoples may have in the International Criminal Court. By its own nature the Court is unable to arrest those individuals; that is not the role of any court of justice in the world. Costa Rica understands that the enforcement of those arrest warrants is the responsibility of States and, by extension, of the international community.

In our view, therefore, it is crucial that we implement a process that will seriously analyze the problem of complying with the mandates of the Court. We must examine the broad array of tools available to the international community to achieve its purposes and to place some of those instruments at the service of the Court's effectiveness, because its future depends on that effectiveness.

Costa Rica will align its efforts with those of other States to consolidate the international system of criminal justice so as to enhance its efficiency and to sow hope for a solid and durable peace in the minds and hearts of the peoples who need this hope, for their progress.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 69?

*It was so decided.*

#### **Agenda item 105 (continued)**

##### **Appointments to fill vacancies in subsidiary organs and other appointments**

##### **(h) Appointment of a member of the Joint Inspection Unit**

##### **Note by the Secretary-General (A/63/108)**

**The Acting President:** As indicated in document A/63/108, the General Assembly is required, during the sixty-third session, to appoint a member to fill a vacancy on the Joint Inspection Unit that will arise

from the expiration of the term of office on 31 December 2009 of Mr. Tadanori Inomata, of Japan.

As also indicated in the same document, in accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, the President of the General Assembly shall consult with Member States to draw up a list of countries — in this case, one country — which would be requested to propose a candidate for appointment to the Joint Inspection Unit.

Also, as indicated in document A/63/108, paragraph 4, the General Assembly, by its resolution 61/238, decided that, beginning on 1 January 2008, the President of the General Assembly, when drawing up the list of countries, in accordance with article 3, paragraph 1, of the statute of the Unit, will invite Member States to submit the names of the countries and their respective candidates simultaneously, on the understanding that the candidates submitted would be the candidates that the respective Member States intended to propose, to the extent possible, for appointment by the Assembly, in accordance with article 3, paragraph 2, of the statute.

After holding the necessary consultations, I should like to communicate to the Assembly the information received from the Chairman of the Group of Asian States that the Group of Asian States has endorsed Japan to propose a candidate for the vacancy from among the Asian States.

In accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit and with resolution 61/238 of the General Assembly, Japan has submitted the name of a candidate and the relevant curriculum vitae highlighting the candidate's relevant qualifications for the task.

After holding the appropriate consultations described in article 3, paragraph 2, of the statute of the Joint Inspection Unit, including consultations with the President of the Economic and Social Council and with the Secretary-General in his capacity as Chairman of the United Nations System Chief Executives Board for Coordination, I will submit the name of the candidate to the Assembly for appointment to the Joint Inspection Unit.

We have thus concluded this stage of our consideration of sub-item (h) of agenda item 105.

I now give the floor to the representative of Myanmar, who wishes to speak in exercise of the right of reply.

**Mr. Myint** (Myanmar): References to Myanmar have been made on some occasions in connection with cyclone Nargis, many months after the event.

One such reference was made by the representative of the International Committee of the Red Cross this afternoon under agenda item 65. Although the real motivation of the reference is not very clear, we deem it necessary to inform the Assembly of what actually transpired concerning cyclone Nargis.

In fact, the Government of Myanmar quickly responded to the catastrophe, and international assistance arrived in Myanmar immediately after the cyclone by land, sea and air. The fact that the response of the Government was adequate has been confirmed by the relevant international organizations. The international community, acting through the United Nations, could work in partnership with the Government of Myanmar.

The creation of the Tripartite Core Group — the TCG — which comprises Myanmar, ASEAN and the United Nations, has contributed to the smooth coordination of humanitarian assistance and joint planning for longer-term recovery and preparedness.

*The meeting rose at 4.30 p.m.*