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Summary record of the 29th meeting

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Chairman: Mr. Yousfi..... (Algeria)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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The meeting was called to order at 3.15 p.m.

Agenda item 117: Programme budget for the biennium 2006-2007 (*continued*)

Programme budget implications of draft resolution A/ES-10/L.20: Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory (continued) (A/61/614; A/C.5/61/13)

1. **The Chairman** proposed that, on the basis of the statement submitted by the Secretary-General (A/C.5/61/13) and the related observations and recommendations of the Advisory Committee (A/61/614), the Fifth Committee should adopt the following draft decision regarding the programme budget implications of draft resolution A/ES-10/L.20:

“The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General (A/C.5/61/13) arising from the draft resolution on the establishment of a United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory (A/ES-10/L.20) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/61/614):

(a) *Decides* to endorse the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

(b) *Reaffirms* rule 153 of the rules of procedure of the General Assembly;

(c) *Decides* to inform the General Assembly that, should it adopt draft resolution A/ES-10/L.20, appropriations up to \$3,098,700 would be required under section 3, Political affairs (\$2,812,000), and section 35, Staff assessment (\$286,700), to be offset by the same amount under Income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007, for the establishment and maintenance of the Register of Damage.”

2. **Mr. Carmon** (Israel) said that, in the case of the statement of programme budget implications under consideration (A/C.5/61/13), the customary consensus-based working methods had been cast aside in favour

of an effort to exploit an automatic majority in the Committee. Political considerations had encroached on its technical mandate. That was confirmed by the startling contrast between the precise and careful description of the structure and functions of the office of the Register of Damage in the report of the Secretary-General pursuant to General Assembly resolution ES-10/15 (A/ES-10/361) and the exorbitant sums, increased level of staffing and enlarged responsibilities described in draft resolution A/ES-10/L.20, which the General Assembly would be discussing later in the week. His delegation hoped that that subsequent discussion would result in significant changes.

3. Israel had already put in place a fully transparent and operational mechanism enabling Palestinians to seek reparations for land used to build the security fence. Almost 140 cases had already been reviewed, and the equivalent of over \$1.5 million had been paid to individuals and organizations as a result of their compensation claims. It would be counterproductive and disingenuous to demand funds, met from the taxes of Member States' citizens, for a costly and duplicative mechanism, especially at a time when the Organization was undergoing a process of reform at the urging of Member States acting in good faith. All Member States were no doubt aware that the United Nations already spent millions of dollars each year to advance the interests of the Palestinians. As a result of the automatic majority in the General Assembly, it adopted more than 20 mostly redundant and one-sided resolutions every year, and other special bodies and committees — including an entire Secretariat division — were manipulated to advocate the Palestinian cause rather than peace. His delegation often wondered what the Palestinians had gained from that infrastructure, and doubted that anyone could provide an honest and satisfactory answer to that question.

4. The conflict between the two parties could be resolved only through direct negotiation. If the Palestinians accepted the three conditions established by the international community and ended terror, they would find Israel ready and willing to move forward in partnership for the benefit of the two peoples. If the Committee, which was responsible for technical and budgetary affairs, had not accepted the infiltration of politics into its discussions, his delegation would not have felt compelled to request a recorded vote on the draft decision.

5. *At the request of the representative of Israel, a recorded vote was taken on the draft decision.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Nauru, Palau, United States of America.

Abstaining:

Moldova.

6. *The draft decision was adopted by 116 to 6, with 1 abstention.**

7. **Mr. Kozaki** (Japan) said that his delegation wished to emphasize that the Committee had taken a decision regarding the programme budget implications of draft resolution A/ES-10/L.20 while that draft

resolution was still under discussion. Should the need arise to take action as a result of that discussion, the Committee must do so in accordance with established procedures.

8. **Ms. Pehrman** (Finland), speaking on behalf of the European Union, said that the group had supported the draft decision regarding the statement of programme budget implications contained in document A/C.5/61/13, as well as the comments and observations of the Advisory Committee, particularly those contained in paragraphs 6 and 7 of its related report (A/61/614). Noting that deliberations on the draft resolution on the same subject (A/ES-10/L.20) were still ongoing, the European Union emphasized that its position on the programme budget implications in question was without prejudice to those deliberations and assumed that, if the draft resolution was altered in any way which affected its programme budget implications, rule 153 of the rules of procedure of the General Assembly would be applied as normal. The European Union reaffirmed its commitment to consensus, and urged the restoration of the long-standing working methods of the Committee.

9. **Mr. Wallace** (United States of America) said that his delegation had voted against the draft decision on the programme budget implications of the establishment of the United Nations Register of Damage because it had consistently opposed the establishment of the Register, the expansion of its mandate and the current action by the Committee. The clearly political mandate set out in draft resolution A/ES-10/L.20 was ill-timed and diverted attention from practical efforts to achieve peace and security for the Israeli and Palestinian peoples. Moreover, the draft decision went considerably beyond the scope of General Assembly resolution ES-10/15.

10. The report of the Secretary-General calling for the establishment of a United Nations Register of Damage (A/ES-10/361) indicated that registration of damage did not entail an evaluation or assessment of the loss or damage claimed, yet the Committee was approving funding for a draft resolution whose verification and assessment components exacerbated politicization and incurred costs for Member States. His delegation accordingly opposed action by the Fifth Committee which would lead to expansion of the scope of the Register of Damage and make a substantial and open-ended financial commitment to a politically charged mandate, calling into question the

* The delegations of Armenia and Niger subsequently informed the Committee that they had intended to vote in favour of the draft decision.

Organization's efficiency at a time when it was failing to institute reform and leaving many challenges unaddressed.

11. **Ms. Stevens** (Australia), recalling that the draft resolution on the establishment of the United Nations Register of Damage caused by the construction of the wall in the Occupied Palestinian Territory (A/ES-10/L.20) was due to be discussed by the General Assembly later in the week, said that her delegation had opposed the adoption on 2 August 2004 of General Assembly resolution ES-10/15 regarding the advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and indeed still opposed the General Assembly's treatment of that matter.

12. Taking into account the existence in Israel of a legislative and administrative process to mitigate damage caused to individuals and organizations by the construction of the wall, her delegation did not believe that a United Nations Register of Damage would advance the resolution of issues between Israel and the Palestinian people. Because it did not support that proposal, it logically also did not support the provision of resources for it. Australia continued to advocate a peaceful, negotiated settlement between the parties, on the basis of a two-State solution which recognized the legitimate aspirations of the Palestinian people and Israel's right to exist in peace within secure and recognized borders. It urged the international community to support Israel and the Palestinian people in efforts to achieve peace, in accordance with existing international initiatives, particularly the Quartet's road map.

13. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, reiterated the Group's long-standing position that the Committee, as a technical body, did not exist to consider political issues. Consequently, the Group upheld the Committee's role in implementing rule 153 of the rules of procedure of the General Assembly and providing its views on resource requirements emanating from other Main Committees, the plenary General Assembly or other United Nations bodies. Believing that the Committee must consider statements of programme budget implications on their technical merits, the Group had supported the statement in question in the same way that it would support any other statement.

Programme budget implications of the draft resolution contained in document A/AC.265/2006/L.8/Rev.1: Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (continued) (A/C.5/61/15)

Programme budget implications of draft resolution A/61/L.30: Oceans and the law of the sea (continued) (A/C.5/61/16)

14. **The Chairman** proposed that, on the basis of the statement submitted by the Secretary-General (A/C.5/61/15) and the related observations and recommendations of the Advisory Committee, the Fifth Committee should adopt the following draft decision regarding the programme budget implications of the draft resolution contained in document A/AC.265/2006/L.8/Rev.1:

“The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General (A/C.5/61/15) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/C.5/61/SR.28):

(a) *Decides* to inform the General Assembly that, should it adopt the draft resolution contained in document A/AC.265/2006/L.8/Rev.1, no immediate financial implications would arise;

(b) *Also decides* that any additional resources as might be necessary would be reported in the context of the second performance report on the programme budget for the biennium 2006-2007; and further, that continuing requirements relating to the activities mandated under the terms of the draft resolution, if adopted, would be considered in the context of the proposed programme budgets for the related biennium.”

15. *The draft decision was adopted.*

16. **The Chairman** proposed that, on the basis of the statement submitted by the Secretary-General (A/C.5/61/10) and the related observations and recommendations of the Advisory Committee, the Fifth Committee should adopt the following draft decision regarding the programme budget implications of draft resolution A/61/L.30:

“The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General (A/C.5/61/16) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/C.5/61/SR.28):

(a) *Decides* to inform the General Assembly that the adoption of draft resolution A/61/L.30 would not give rise to additional requirements under sections 2, General Assembly and Economic and Social Council affairs and conference management and 28D, Office of Central Support Services, of the programme budget for the biennium 2006-2007;

(b) *Also decides* that any additional resources as may be necessary will be reported in the context of the second performance report on the programme budget for the biennium 2006-2007.”

17. *The draft decision was adopted.*

18. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China in explanation of position, said that the Committee’s decisions regarding the programme budget implications of draft resolution A/61/L.30 and of the draft resolution contained in document A/AC.265/2006/L.8/Rev.1 would result in the cost of new activities being absorbed within the existing resources for the current biennium. In the space of one week, the Committee had made four requests for such absorption of expenditure. The Group was concerned at, and wished to see further discussion of, the potential impact of such practices on the Development Account.

19. **Mr. Kozaki** (Japan) said that his delegation had joined the consensus regarding the decisions just adopted subject to the understandings explained in the statement which it had made at the previous meeting of the Committee (see A/C.5/61/SR.28).

The meeting rose at 3.40 p.m.