



# General Assembly

Sixty-sixth session

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

Friday, 11 November 2011, 10 a.m.  
New York

Official Records

*President:* Mr. Al-Nasser ..... (Qatar)

*In the absence of the President, Mr. Thomson (Fiji), Vice-President, took the Chair.*

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

## Agenda items 73 and 74

**Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Note by the Secretary-General transmitting the sixteenth annual report of the International Tribunal (A/66/209)**

**Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Note by the Secretary-General transmitting the eighteenth annual report of the International Tribunal (A/66/210)**

**The Acting President:** May I take it that it is the wish of the Assembly to take note of the sixteenth annual report of the International Criminal Tribunal for Rwanda?

*It was so decided.*

**The Acting President:** May I take it that it is the wish of the Assembly to take note of the eighteenth annual report of the International Tribunal for the Former Yugoslavia?

*It was so decided.*

**The Acting President:** I now call on Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda.

**Ms. Khan** (International Criminal Tribunal for Rwanda): First of all, I would like to extend my sincere congratulations to His Excellency Mr. Nassir Abdulaziz Al-Nasser of Qatar on his election as President of the General Assembly and to wish him a successful tour of duty.

It is a great honour for me to address the members of the General Assembly and to present the sixteenth annual report (A/66/209) of the International Criminal Tribunal for Rwanda (ICTR) for the first time since my election as President of the Tribunal in May 2011. I am pleased to report that this will most likely be the second-to-last speech that the President of the Tribunal makes to the General Assembly with respect to the annual report.

As I will shortly describe in greater detail, the Tribunal's work is almost complete. In the last year, we have accomplished so very much. However, our work is not yet finished, and the assistance of the international community is required to ensure that there is no impunity gap.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.



I will first summarize the work undertaken at the Tribunal, and then I will address some of our remaining challenges.

During the reporting period, from 1 July 2010 to 30 June 2011, the Tribunal rendered six trial judgements and four appeals judgements, involving 18 accused. As of today, the total number of people whose judgements have been completed at the trial level is now 70 and, at the appellate level, 37. Only five trial judgements involving six accused remain to be delivered. In June 2011, the Tribunal rendered a historic judgement in the *Butare* case involving six accused — the largest in the history of the Tribunal. Since July 2011, the Tribunal has rendered the second-to-last multi-accused judgement in the case of *Bizimungu et al.* with respect to four accused. Next week, judgement will be rendered in the *Ndahimana* case, and, before the end of the year, judgement will also be rendered in the final multi-accused case, *Karemura et al.* Currently, only one case remains at the evidence phase, and it is expected to finish by early 2012. After December, judgement will remain to be rendered in only three single-accused cases. Trial work is due to be finished by the end of the second quarter of 2012, and appeals work is to be finished by early 2014.

The Trial Chambers have referred Jean Bosco Uwinkindi's case to Rwanda for prosecution; this is the first time that such a referral has occurred. Rwanda remains the focus of referrals, although other options for referral countries are being explored. We await the forthcoming decision of the Appeals Chamber regarding this referral. The Tribunal continues to support activities to further strengthen the Rwandan judiciary, in particular with respect to witness protection.

As described in our completion strategy reports, our efforts in the management of the pretrial and trial phases have allowed us, in the course of the past few years, to significantly reduce the time between the arrest of an accused and the judgement, without compromising the fair-trial rights of the accused.

The 12 permanent judges and nine ad litem judges in the Trial and Appeals Chambers continue to work tirelessly to complete the Tribunal's work. We would not be at such an advanced stage of completion of our work without the efforts of the ad litem judges. The General Assembly, by its resolution 65/258, reviewed the terms and conditions of service of ad

litem judges and granted a one-time ex gratia payment to those ad litem judges who have been in full-time, uninterrupted service for longer than three years. Most recently, Security Council resolution 1995 (2011) granted ad litem judges the ability to run for and vote in elections for the President and Vice-President of the ICTR. The Tribunal would like to thank the members of the General Assembly and the Security Council for recognizing, through those resolutions, the contributions made by ad litem judges.

The Prosecutor, Mr. Hassan Jallow, who was recently reappointed, and his Office have been focused on efforts to arrest the remaining fugitives, conduct remaining trials and appeals, prepare records for transfer to the residual mechanism, and provide mutual assistance to national prosecuting authorities. The number of requests for assistance from Member States continues to increase, and this support is crucial because national prosecuting authorities will have to continue the fight against impunity once the Tribunal has closed down. It is also essential that the residual mechanism continue this support.

State cooperation remains of fundamental importance to the Tribunal's work. The efforts of the tracking team, in cooperation with national authorities, led to the arrest of one fugitive, Bernard Munyagishari, in May 2011 in the Democratic Republic of the Congo. The number of remaining fugitives is now down to nine. This includes three of the most high-ranking accused: Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. In order to help ensure that evidence is still available when they are arrested, preservation of evidence proceedings under rule 71 bis have begun for Kabuga and Mpiranya, and proceedings in relation to Bizimana are slated to begin this month.

As we have done many times, we call upon all States — especially the States of the Great Lakes region, in particular Kenya — to intensify their cooperation with the Tribunal and to render all necessary assistance so that the remaining fugitives can be arrested. These fugitives, who are accused of the most terrible crimes, must be arrested to send a strong message to the world that evading justice is not an option.

The Registrar, Mr. Adama Dieng, continued to work with Member States on a number of matters, ranging from the enforcement of sentences to the relocation of persons acquitted by the Tribunals and

those who have finished serving their sentences. Following the recent trial judgment in the case of *Bizimungu et al.*, the number of acquitted persons remaining under the protection of the Tribunal has increased from three to five. Acquitted persons reside in a safe house in Arusha, with no travel documents, separated from their families, without access to employment and with limited freedom of movement. One acquitted person has been there for more than five years since the Appeals Chamber confirmed his acquittal.

The rule of law requires that those who have been lawfully acquitted be able to recommence their lives in full enjoyment of their rights. However, this has not been implemented for persons acquitted by the ICTR, as there is no formal mechanism to secure the support of Member States to accept these individuals. I therefore ask for the renewed cooperation of Member States and the Security Council to make this possible.

Security Council resolution 1966 (2010), which established the International Residual Mechanism for Criminal Tribunals, requests the Secretary-General to make the practical arrangements necessary for the commencement of the Mechanism's operations, which, I recall, will begin on 1 July 2012 for the Arusha Branch of the Mechanism. All organs of the Tribunal are working vigorously to ensure a smooth transition to a small and efficient Residual Mechanism under the coordination of the Office of Legal Affairs (OLA) and in close cooperation with the ICTY.

Among the main transition activities, the Tribunals provided substantive inputs to the first budget proposal of the Mechanism, which will be presented to the General Assembly for approval. Both Tribunals also provided detailed comments on OLA's draft Rules of Procedure and Evidence of the Mechanism. That draft is being reviewed by Member States, and we expect that the Tribunals will be engaged in a second round of comments in the course of November in order to finalize the draft Rules by the end of the year.

Resolution 1966 (2010) entrusts the Mechanism with the responsibility of managing the Tribunals' archives. The archives will serve as a lasting reminder of the work of the Tribunals and will help ensure that the international community remains conscious of the need to bring the perpetrators of horrific crimes to justice and of the need to prevent such heinous crimes.

Furthermore, I would like to reaffirm the Tribunals' strongly held views that Residual Mechanism staff should be considered as United Nations Secretariat staff. That would assist in the smooth and efficient functioning of the Mechanism by attracting and retaining the most qualified staff. I hope Member States will join me in supporting this important determination.

Despite the momentous progress that has been made this year, there are still a number of obstacles preventing the timely completion of the Tribunal's work. In particular, staff attrition continues to pose a significant challenge. As the Tribunal prepares to transition to the Residual Mechanism next year, many experienced staff members have left for more permanent jobs at other institutions. These departures constitute an important loss of experience and institutional memory. It is difficult to fill vacancies and attract enough efficient and qualified candidates, since most of the available contracts are of a temporary nature. The uncertainty inherent in temporary contracts affects morale and productivity at the Tribunal. Furthermore, many temporary contracts will have to be extended beyond the current prescribed limits.

In resolution 1995 (2011), the Security Council reiterated its call upon the relevant United Nations bodies to intensify cooperation with the secretariat and the Registrar of the Tribunal to find solutions to the staffing situation. Although those are problems inherent in any closing institution, there are ways to combat the extreme staff attrition occurring at the Tribunal.

Lastly, as the sun sets on the Tribunal, I would like to raise the essential issue of the legacy that the Tribunals will leave for the future of international law. While some excellent projects have been carried out to preserve our work in the consciousness of the international community, it is our responsibility to collect and share the most important aspects of the work of the Tribunal before it closes its doors forever.

If resources are not allocated to preserve our legacy, we are in danger of losing the lessons learned by an institution that has helped to shape international law. As our last staff members leave, we lose our collective experience and memory. If that memory is not captured now, it will be very difficult to retrieve in the future. In December, we will be presenting a more

comprehensive plan for legacy projects. We hope you will support them.

It has been a great pleasure and honour to address the Members of the Assembly for the first time. On behalf of the entire Tribunal, I want to express our gratitude for the support that the Governments of Member States have shown us over the past 17 years. Although our work is almost complete, it is not yet over. The Tribunal was created with the goal of ending impunity for crimes committed during the Rwandan genocide. Much progress has been made towards that goal, but we require the help of the Member States to finish our mandate.

**The Acting President:** I now call on Mr. Patrick Lipton Robinson, President of the International Tribunal for the Former Yugoslavia.

**Mr. Robinson** (International Tribunal for the Former Yugoslavia): I would first like to congratulate the President on his assumption of the presidency of the General Assembly and to express my gratitude for his country's steadfast support for the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

It is an honour to appear before the Assembly today in my capacity as President of the Tribunal and to present to it the Tribunal's eighteenth annual report (see A/66/210).

At present, two people indicted by the Tribunal are at the pretrial stage, 16 are on trial and 17 are in appeal proceedings. In the past year, the Trial Chambers delivered judgements in the *Gotovina et al.*, *Dorđević*, and *Perišić* cases. The Appeals Chamber delivered one judgement on review in the *Šljivančanin* case and one appeal judgement in the *Hartmann* case. To date, the Tribunal has concluded proceedings against 126 of the 161 persons indicted by the Tribunal.

On 26 May 2011, Ratko Mladić was arrested in Serbia, having evaded justice for 16 years. He had been indicted in 1995 by the Office of the Prosecutor for genocide, crimes against humanity and war crimes allegedly committed between 1992 and 1995, during the conflict in Bosnia and Herzegovina. On 31 May, Mladić was transferred to The Hague, where he will face trial. Shortly after Mladić's arrest, the last remaining fugitive, Goran Hadžić, was arrested and

transferred to the Tribunal, after having evaded justice for seven years.

The arrests of Mladić and Hadžić are a milestone in the Tribunal's history and brings us closer to the successful completion of our mandate. With the trial of the last two fugitives, all persons indicted by the Prosecutor will face the judicial process, and the Tribunal will be removing yet another brick in the wall of impunity.

The Tribunal continues to take all measures possible to expedite its trials without sacrificing due process. Over the years, it has kept its procedures under continual review and has introduced a variety of reforms in order to improve its work.

But as the Tribunal nears the end of its mandate, highly qualified and essential staff continue to leave at alarming rates for more secure employment elsewhere. The loss of experienced staff has significantly impacted proceedings and placed an onerous burden on the remaining staff, and it will place a much heavier financial burden on the international community in the long run.

Despite a resolution adopted by the General Assembly and three by the Security Council aimed at encouraging the adoption of retention incentives by the United Nations Secretariat for the Tribunal's staff, no significant results have been achieved. The Tribunal is still seeking support for two measures that will assist in retaining and replacing its staff.

First, it is essential that consideration be given to a retention incentive for the Tribunal's long-serving and loyal staff members. It is proposed that only staff members who have more than five years of continuous service and who remain until their posts are abolished would qualify for the incentive. In 2008, the Advisory Committee on Administrative and Budgetary Questions endorsed a retention incentive, and the report of the Secretary-General on this issue (A/62/681) included calculations demonstrating that the eventual cost would be more than offset by the savings associated with reduced turnover rates in terms of lower rotation and higher productivity and efficiency.

Providing staff members with a direct incentive to stay until the abolition date of their posts has proved highly effective in other downsizing organizations. Moreover, in the long run, the retention of experienced staff is the most efficient and cost-effective approach

for the Tribunal, because the cost of replacing staff who leave is greater than that associated with providing the proposed retention incentive.

Secondly, with the Tribunal reaching the end of its work, it is likely that the rate of staff attrition will accelerate if effective action is not taken. It is therefore necessary for the Tribunal to have mechanisms in place to allow it to quickly and effectively replace staff in critical positions.

The Tribunal has been fortunate to be able to attract a number of highly qualified interns, some of whom would make ideal candidates for P-2 posts. This is particularly true in Chambers, where there is high attrition among junior staff and considerable time is required for new staff to familiarize themselves with the work of Chambers. Unfortunately, under current regulations, interns cannot apply for professional posts within six months of the completion of their internships.

The Tribunal therefore needs a waiver of the relevant regulations so that it can tap this resource and expand its pool of qualified and experienced candidates. This would have a direct and positive impact on the expeditious completion of trial and appellate activity. There would be no adverse financial consequences of waiving the six-month rule, and former interns would have to apply through the regular Inspira staff selection process. The Office of Human Resources Management has indicated that it does not have any objection to the waiver of the six-month break-in-service requirement for interns before they can apply for ICTY posts. The Tribunal therefore renews its plea for the international community to exercise foresight and assist the Tribunal with measures to retain and replace its staff. The longer the problem continues, the longer the work of the Tribunal will be extended, and the more money it will cost the international community in the long run.

The second area in which we need the support of the Member States of the General Assembly involves the establishment of a victims' trust fund. In my previous reports to the Security Council, I raised the need for the compensation of victims and witnesses. More than 6,900 witnesses and accompanying persons from all over the world have been called to appear before the Tribunal. Without the courage of those witnesses to step forward and give evidence, there would be no trials, and impunity would reign. The

victims of the conflict in the former Yugoslavia have a right to compensation under international law for the crimes committed against them. I have previously called upon the Security Council to establish a trust fund for victims of crimes falling within the Tribunal's jurisdiction, and thus to breathe life into the General Assembly's Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of 29 November 1985.

The Tribunal has taken certain initiatives to establish a system for providing assistance and support to victims. I wish to announce what may be described as the achievement of the first step in that process, namely, that the International Organization for Migration has secured funding to carry out a comprehensive assessment study aimed at providing guidance to the Tribunal on appropriate and feasible victim assistance measures and possible means of financing the same. I stress that the measures envisaged will not impose any obligations upon States to provide funding, but that they rather contemplate voluntary contributions. That would go some way towards bringing the position of the Tribunal somewhat closer to the International Criminal Court, which has a trust fund for its victims. The Tribunal cannot, through the rendering of its judgements alone, bring peace and reconciliation to the region. Other remedies must complement the criminal trials if lasting peace is to be achieved. One such remedy should be adequate assistance to the victims for their suffering. I would like to call upon the Member States of the General Assembly to lend their support to such initiatives.

In 1954, Dag Hammarskjöld, the second Secretary-General, said, "The United Nations was not created in order to bring us to heaven, but in order to save us from hell". We at the Tribunal realize that what the world has been experiencing lately may fairly be described as hell, as is reflected by the matters that the United Nations has recently had to address. But I urge the Member States of the General Assembly not to lose sight of the importance of international criminal justice in our continual quest for international peace. The deterrent effect of the threat of criminal sanctions has always allowed us to police the baser part of our natures. Each time a head of State sits down at the negotiating table instead of picking up the phone to call his minister of defence, international criminal justice has succeeded. Each time a general orders his troops to contain protestors instead of opening fire on

them, international criminal justice has succeeded. Each time a person in power chooses peace over violence, international criminal justice has succeeded.

International criminal justice is not the solution to all our problems. Like the United Nations itself, it was never intended to lead us to heaven, but rather to save us from an inexorable descent into the abyss of self-destruction. It is an important piece of the great puzzle that we all must work to solve. We at the Tribunal are proud to be part of the solution, together with the States Members of the United Nations. We therefore thank Member States for their support of the Tribunal. In return, we pledge to continue discharging the work that Members have committed to our care.

It was not so long ago that international criminal justice was but a dream in the minds of those striving for a safer and more just world. But now that dream is in the process of being realized. The Tribunal has demonstrated to the international community that international humanitarian law is an enforceable body of law, that it binds the conduct of the most senior State officials, and that the rule of law is a living, breathing reality that forms part of the fabric of our civilization. The Tribunal represents the aspirations of the international community to ensure that justice prevails over impunity, and that is something in which we all have a stake.

It is for those reasons that the work of the Tribunal, which has been entrusted to us, is not only our work, but in fact the work of everyone here today. I therefore call upon all Member States of the General Assembly to assist us in our commitment to bring the work of the Tribunal to a close in an expeditious and fair manner.

**The Acting President:** I thank the President of the International Tribunal of the Former Yugoslavia.

I now give the floor to the observer of the European Union.

**Mr. Vrailas** (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States.

The candidate countries Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Iceland; the countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina; along with Serbia,

Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

This year, once again, the European Union and its member States reaffirm their unwavering support for the work of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). Both Tribunals are making invaluable contributions to our shared goal of ending impunity for serious international crimes. The European Union and its member States thank both President Robinson and President Khan for their reports (see A/66/210 and A/66/209) and commends them for their efforts to complete the work of the Tribunals. We also pay special tribute to the entire staff of the Tribunals for their work.

The Tribunals have played key roles in strengthening the rule of law and promoting long-term stability and reconciliation, and not only in the Balkans and Rwanda; their jurisprudence has had far wider effects. Since their establishment, both Tribunals have embodied the need to fight impunity and the refusal by the international community to let the perpetrators of the most serious crimes of international concern escape justice. They were forerunners in creating jurisprudence that is a source of inspiration for all national and international jurisdictions, in particular the International Criminal Court, that have to address such crimes. Their record bears that out.

International criminal justice does exist, and it prevails. Sooner or later, perpetrators will be held accountable for their crimes. The arrests and swift transfers to The Hague of the long-sought fugitives Ratko Mladić and Goran Hadžić demonstrate that fact. Their trials, as with all the other cases pending before the Tribunals, will fulfil a duty to provide justice for the victims and their families.

We recall that cooperation on the part of States remains the cornerstone of the Tribunals' ability to complete their mandate, in particular cooperation in bringing those indicted before justice. In that respect, we commend the cooperation of the Democratic Republic of Congo authorities with regard to the arrest and transfer to the ICTR during the past year of Bernard Munyagishari. However, despite continuing appeals by the international community, 10 accused individuals in all remain at large.

The failure to arrest those indictees remains a matter of grave concern. Among those still at large are three key indictees allegedly responsible for the most serious atrocities, including Félicien Kabuga. We call on all States concerned to intensify their efforts to ensure that all indictees are arrested and transferred to the Tribunals.

We note that the cooperation of Serbia, Croatia and Bosnia and Herzegovina with the ICTY was generally adequate during this past reporting period, in which Serbia, in particular, met one of its key obligations with the arrests and transfers of the two last indictees at large. The countries remain committed to meeting their obligations towards the Tribunal and towards justice. With the last fugitives in the Western Balkans apprehended and in detention in The Hague, the EU has decided not to renew the asset freeze imposed on the fugitives and to lift the visa ban against them and their support network. Completing the process of rendering justice for crimes committed during the wars in the former Yugoslavia is essential for lasting reconciliation.

Full cooperation with the ICTY remains an essential condition for the Stabilisation and Association Process in the Western Balkans and is an essential condition for membership in the EU. The EU and its member States also call upon the Governments concerned to pursue with greater vigour the proper conduct of domestic war-crime trials. Political leaders should avoid statements and measures that could call into question the importance of reconciliation and the need to serve justice through the prosecution of war crimes. We continue to urge all States to continue to cooperate with both Tribunals in full accordance with their obligations under the relevant resolutions of the Security Council.

With regard to the ICTR, the EU and its member States note with appreciation that the Prosecutor has held fruitful high-level discussions with officials of several States on the issue of cooperation with his Office. We regret, however, that cooperation with Kenya remains a major challenge. We call on the Kenyan authorities to engage in further discussions with the Prosecutor of the ICTR.

The Security Council in its resolutions 1503 (2003) and 1534 (2004), called on the ICTY and ICTR to transfer all lower- and mid-level accused to competent national jurisdictions for trial by domestic

courts. We welcome the ongoing efforts of Rwanda, in cooperation with international donors, to strengthen the Rwandan legal system and its ability to adjudicate cases transferred from the ICTR, should the ICTR decide to transfer such cases there. The EU and its member States confirm their commitment to support activities aimed at strengthening the capacity of the Rwandan judiciary.

Although the delayed capture and transfer of fugitive indictees may have led to further delays in the completion strategy, the EU and its member States welcome the fact that the deadline will be met for the completion of the transition to the Residual Mechanism. We urge the Tribunals to continue to identify further measures to complete their work as efficiently and promptly as possible. However, the completion of the Tribunals' work should be done in an orderly manner and not affect the quality of their adjudication and due process.

We welcome the work of the Tribunals on strengthening the capacity of national authorities to handle the remaining war-crime cases effectively. We fully support, including with financial means, the training and information exchanges. In its Stabilisation and Association Process for the Western Balkans, the EU is increasingly underlining the importance of local ownership for handling war-crime cases in line with the need to fight impunity.

The EU and its member States further welcome the adoption of resolution 1966 (2010), of 22 December 2010, on the Residual Mechanism for the International Criminal Tribunals and look forward to the upcoming elections by the General Assembly of the roster of judges forming the core of that Mechanism.

**Mr. McLay** (New Zealand): I have the honour to speak today on behalf of Canada, Australia and New Zealand (CANZ), my own country.

CANZ pays tribute to the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), which have made unprecedented contributions to international jurisprudence in the area of international criminal law and to the international community's efforts to end impunity for the most serious international crimes.

CANZ reiterates its strong support for the work of the Tribunals, which have achieved many important

milestones in the past year. Of particular note are the arrests of Ratko Mladić and Goran Hadžić and their transfer to the ICTY in The Hague. The arrest of those last remaining fugitives brings the ICTY one step closer to fulfilling its mandate. Their trials will contribute to the healing process for victims of the atrocities committed during the 1992-1995 war in the former Yugoslavia. We commend the Serbian authorities for facilitating those arrests and the Office of the Prosecutor for its commitment to moving ahead expeditiously with the trials.

The Tribunals issued several important decisions in the past year, including the ICTY's decision convicting Momčilo Perišić of crimes against humanity and war crimes, sentencing him to 27 years imprisonment, and the decision in the Uwinkindi case, which marked the first time an ICTR Chamber has agreed to transfer a case to Rwanda for trial. We commend the work and the decisions of the Tribunals in those and other landmark cases, all of which have greatly improved the international community's understanding of war crimes, crimes against humanity and genocide, and will be instrumental in informing the work of other international criminal courts and tribunals.

In the context of transfers to national jurisdictions, CANZ acknowledges the excellent outreach undertaken by the Tribunals. Making judgements accessible and understandable to victims and affected communities is a crucial part of the Tribunals' legacy. Equally important are the training programmes and study visits conducted by the Tribunals, aimed at building the capacity of national courts to handle cases concerning the same crimes as those that fall within the Tribunals' jurisdiction. The capacity-building of domestic jurisdictions is essential to ensuring that both past and future perpetrators of serious international crimes are brought to justice.

CANZ welcomes the December 2010 decision by the Security Council to establish the International Residual Mechanism for Criminal Tribunals, which will commence work in July 2012. That resolution demonstrates the international community's determination to combat the impunity of those responsible for the most serious violations of international humanitarian and human rights law. The CANZ countries are confident that the Residual Mechanism will continue the good work of the Tribunals in contributing to international

jurisprudence, and will ensure that high-level fugitives do not escape justice. We commend the joint work of the Tribunals to facilitate the commencement of the Residual Mechanism's operations and to complete their remaining work by December 2014. We urge States to continue to support the Tribunals to help them to implement their completion strategies and to support the Residual Mechanism as it takes up its work.

The Tribunals face challenges of staff retention and recruitment. We recognize that those problems have the potential to impact on the ability of the Tribunals to meet their completion strategy targets. We urge the Secretariat and other relevant bodies to continue to work with the Registrars of the Tribunals to find practical solutions to address the staffing situation.

The CANZ countries call on States to support the Tribunals and the Residual Mechanism at this important juncture in the delivery of international criminal justice. We urge States, especially those in the Great Lakes region, to cooperate with the ICTR to ensure the arrest of the remaining nine fugitives.

For our part, at this critical time, Canada, Australia and New Zealand will continue to offer our full support to the Tribunals and the Residual Mechanism.

**Mr. Starčević** (Serbia): Let me begin by welcoming the President of the International Tribunal for the Former Yugoslavia (ICTY), Judge Patrick Robinson, and the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Khalida Rachid Khan, and thanking them for their presentation of the annual reports of the two Tribunals (see A/66/210 and A/66/209).

In connection with the International Criminal Tribunal for the Former Yugoslavia, I would like to reiterate that all agencies of the Republic of Serbia in charge of cooperation with the Tribunal maintain excellent professional relations with ICTY representatives and the personnel of its office in Belgrade. The Republic of Serbia has fully cooperated with the ICTY and continues to do so without any obstacles.

The persistent pursuit of fugitives resulted in the arrest of Ratko Mladić, in the village of Lazarevo on 26 May, and Goran Hadžić, on Mount Fruška Gora on 20 June. After procedures before the High Court in Belgrade, they were promptly transferred to the



Tribunal in The Hague. Out of the 46 indictees requested by the ICTY, the Republic of Serbia transferred 45 of them to the Tribunal. One indictee died before he could be arrested. In that way, the Republic of Serbia completed its cooperation with the ICTY with respect to the transfer of the indictees.

My country responded in full to almost all requests that it received from the ICTY related to the provision of documentation and data, access to the archives of Serbian Government agencies, and the provision of waivers for testifying in the proceedings before the Tribunal, with only recent requests in the process of being met.

The Republic of Serbia continues to cooperate with the ICTY regarding a timely response to all forms of assistance requests, which include cooperation with the ICTY Chambers, the secretariat and the Office of the Prosecutor and the defence of indictees. New requests related to the provision of documentation and data and access to the archives of Serbian Government agencies, as well as the provision of waivers for testifying, are received on a daily basis and are considered without delay.

The arrest of the last two fugitives and their transfer to the Tribunal provide ample evidence of the commitment of my country to the rule of law and the seriousness with which it approaches cooperation with the ICTY. By fulfilling its moral and legal obligations with respect to the arrest of the indictees and by maintaining a high level of cooperation on matters related to the provision of technical assistance in connection with cases tried before the ICTY, as well as by trying war crimes in domestic courts in a professional manner, the Republic of Serbia has made a significant contribution to the achievement of the goals of the ICTY completion strategy and, at the same time, to the process of the normalization of relations among countries of the region and to the strengthening of confidence in the work of national and international institutions.

**Mr. Gamaha** (United Republic of Tanzania): At the outset, allow me to extend my appreciation to the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Khalida Rachid Khan, and the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Patrick Lipton Robinson, for presenting their respective reports (see A/66/209 and A/66/210) on the ongoing activities of

the two Tribunals in the discharge of their respective mandates. We are pleased to note that the Tribunals have continued their tireless efforts in completing their work expeditiously, and are preparing for the transition to the International Residual Mechanism for Criminal Tribunals.

The efforts of the Tribunals towards the completion of their mandates at both the trial and the appellate levels cannot be overstated. We are especially delighted to note that the number of fugitives has been reduced. We also appreciate the fact that the Tribunals have continued to further advance interaction with the authorities of the States of the former Yugoslavia and of Rwanda to encourage cooperation with the Tribunal on, among other things, bringing to justice those fugitives who are still at large.

Like many others, my delegation is concerned about the immense challenges currently facing the Tribunals as they wind up. The staff reduction and the relocation of persons acquitted by the Tribunals will negatively affect the completion strategies. We wish to appeal to the United Nations and the international community at large to continue cooperating with the Tribunals, in accordance with their legal obligations, to ensure that the Tribunals achieve their goals. As for my country, the Government of the United Republic of Tanzania will continue not only to extend the necessary support to the ICTR, but also to the ICTY, in whatever way we can.

As the host country of ICTR and as we mark the conclusion of the mandates of the ad hoc Tribunals, Tanzania believes that the role of ICTR in the development of international law is a great legacy to the world at large. The Tribunal has inevitably enriched the practice of law in the regions concerned, but it has also added great value to international judicial practice as a whole. Furthermore, the ICTR has served as a research, learning and educational hub for universities, colleges and high schools and local and international courts in the area of international criminal law, human rights law and international humanitarian law. Many professors and their students have spent time at the Tribunal doing research and internships, respectively. Again, over the years in which these two ad hoc Tribunals have been in existence, volumes of seminal works have been written that enrich legal theory and practice.

The presence of the ICTR in Arusha has amplified the recognition of Tanzania and the memory of the late President Julius Nyerere's efforts to search for peace and reconciliation in the Great Lakes region. Furthermore, the ICTR has also generated employment opportunities for a variety of individuals, including judges, prosecutors at different levels, defence attorneys, archivists, security personnel, secretaries and support staff. The Government of the United Republic of Tanzania has appreciated the interaction of the international community with the Tribunal as an intrinsic asset. Individuals who have acquired international knowledge and exposure at the ICTR can contribute enormously in terms of knowledge when absorbed back in their Governments.

The Government of the United Republic of Tanzania followed with great interest the process that culminated in Security Council resolution 1966 (2010), which established the International Residual Mechanism for Criminal Tribunals to complete the remaining tasks of the ICTR and ICTY, and to maintain their respective legacies. The Mechanism's branch for the ICTR will commence its operations on 1 July 2012. Among other objectives, the Residual Mechanism will seek to transfer to national courts some of the cases currently pending before the Tribunals, in order to bring to try those high-level accused who are still at large, as well as to preserve and ensure access to the archived materials and to guarantee the continued protection of victims and witnesses. The Mechanism is poised to play an important role in ensuring that the completion strategies of the Tribunals do not result in impunity for fugitives.

On behalf of the Government of the United Republic of Tanzania and its people, I wish to sincerely thank the international community for having entrusted Tanzania to serve as a suitable location for the Residual Mechanism. We remain ready and willing to assume the obligations attached to our role as a host country. We will dedicate our support to the Mechanism in terms both of administrative and operational needs, as we have done with the ICTR during the whole period of its existence.

In conclusion, allow me to underline again the fact that the two Tribunals have commendably implemented their mandates. The United Republic of Tanzania pays tribute to the ICTR and ICTY for their significant role in fighting impunity and in promoting accountability for those responsible for committing the

most serious crimes of international concern, namely, genocide, crimes against humanity and war crimes. The jurisprudence of the Tribunals forms a significant part of the legacy of ad hoc Tribunals. There is no doubt in my mind that the two Tribunals have left a permanent mark on the development of public international law and related disciplines in the present epoch. Let me once again reiterate our total commitment to supporting the work of the Tribunals, as well as to our future engagement with the Mechanism.

**Mrs. Smith** (Norway): Let me begin by extending our sincere thanks and appreciation to the Presidents of the International Criminal Tribunals for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judges Khan and Robinson. Their extensive briefings today, together with the annual reports before us (see A/66/209 and A/66/210), reflect the tireless efforts of the two Tribunals to contribute to our overall goal of fighting impunity for the most serious crimes of concern us all.

Norway has always been a staunch supporter of the two ad hoc United Nations international criminal tribunals, as well as of the permanent International Criminal Court. We strongly believe that justice is a prerequisite for national reconciliation and lasting peace.

Eighteen years after the creation of the Tribunal for the Former Yugoslavia, the first international criminal tribunal since Nuremberg and Tokyo, and the first to be established by the United Nations, we are very pleased that there are now no indicted persons who have succeeded in evading the ICTY's judicial process. We would like to echo the words of the Prosecutor Serge Brammertz on the arrest of that Tribunal's last remaining fugitive, this past July: "This is a precedent of enduring significance, not only for this particular tribunal, but also for international criminal justice more generally". The ICTY has demonstrated that international criminal justice can indeed be delivered.

This year's arrest and transfer to the ICTY of the two remaining fugitives would not have been possible without the commitment of Serbian authorities to effectively cooperate with the Court. Norway appreciates the efforts made by Serbia in that regard and trusts that the Serbian authorities will continue to assist the Court during the ongoing trials.

With regard to the International Criminal Tribunal for Rwanda, it is also positive that the number of remaining fugitives decreased by one during the reporting period. However, it is far from satisfactory that as many as nine accused still remain at large. As is the case for the ICTY, the Tribunal for Rwanda can only successfully complete its work if it receives effective assistance from States. We urge all States, especially those of the Great Lakes region, to intensify their cooperation with the ICTR and give it all the necessary assistance. We urge, in particular, that States contribute to the arrest and transfer to the Tribunal of the remaining fugitives.

Both Tribunals are working hard to fulfil their mandates. We commend them for their commitment to implementing their completion strategies while ensuring that standards of due process and fundamental legal principles are fully respected. We are concerned about reports from both tribunals that the continuing loss of highly experienced and essential staff could undermine their ability to meet their completion strategy targets. There may be a need for further measures to assist the Tribunals in reversing that negative trend, so that they can fulfil their mandates in due time.

Norway welcomes Security Council resolution 1966 (2010), on the establishment of the International Residual Mechanism for International Tribunals. We are pleased to note that the two Tribunals are working closely together to ensure a smooth transition to the Residual Mechanism. As the mandates of these two ad hoc Tribunals draw to a close, the Residual Mechanism will have an important role to play in ensuring their long-term legacies. We are confident that their work will lead the way in the continued fight against impunity.

**Mr. Barbačić** (Bosnia and Herzegovina): For almost two decades, both the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have been led by the demand for justice for all those who were killed, tortured or raped in the conflicts that ravaged their two respective regions. They have become beacons of the international justice system and guardians of our own consciences, as their work brought, and still brings, justice for those who lost their fathers, brothers and sons, or their entire families. As the Secretary-General stated in 2008, "These courts pioneered the emergence of international criminal

justice and the enforcement of international humanitarian law". Bosnia and Herzegovina has continuously supported the activities of these institutions, in particular the International Tribunal for the Former Yugoslavia (ICTY).

In that context, I am pleased to welcome the Presidents of the ICTY and the International Criminal Tribunal for Rwanda (ICTR), Judges Patrick Robinson and Khalida Khan, respectively, as we once again consider the reports of the Tribunals for the previous year. I wish to thank them for their detailed briefings, as they provide us with additional facts and accounts of the activities undertaken. Their dedication to the cause of justice, with the valuable support of all the staff of the Tribunals, is highly commendable. As this is the last appearance of Judge Robinson before us in his capacity as President of the ICTY, I would like to take this opportunity to extend our gratitude to him for all his efforts and hard work he has deployed in the fight against impunity.

We also noted with deep regret the news of the death of Judge Antonio Cassese, of the Special Tribunal for Lebanon. He was the first President of the International Tribunal for the former Yugoslavia, serving in that capacity from 1993 to 1997. His contribution to the advancement of international criminal and humanitarian law was very significant.

As we consider the reports before us (see A/66/209 and A/66/210), we take note of the efforts made by the Tribunals to successfully complete their work, mindful of the highest standards of a fair trial, requiring in return our full and necessary support. We further commend their steadfast determination to fulfil the remaining judicial functions, given in particular the unforeseen challenges they are facing, which are beyond their control. In addition, it is important to mention the late arrests that took place during the reporting period and the impact that those arrests will unavoidably have on the completion of their work and preparations for the transition to the residual mechanism. For my country, the arrests of Ratko Mladić and Goran Hadžić, despite being long overdue, are of great importance, as they will finally face justice. There will never be punishment or consolation enough for crimes such as the genocide in Srebrenica and Rwanda, but the delivery of the rulings also serves as a promise and notice to the perpetrators of mass atrocities that justice will be served.

For those reasons, the commitment and dedication of my country to the strengthening of international criminal justice has remained strong and unwavering throughout the years. We have reaffirmed our support for the Tribunals, especially for the ICTY, numerous times, as we do today. The report before us, as did previous ones, reflects that commitment through the record of close cooperation between Bosnia and Herzegovina and the Tribunal. That cooperation has been particularly constructive in regard to the 11 bis cases transferred by the Office of the Prosecutor to the War Crimes Chamber of the State Court of Bosnia and Herzegovina, as was confirmed recently by the Head of the Organization for Security and Cooperation in Europe mission, Mr. Fletcher Burton. He emphasized that the mechanism has been a great success in terms of both assisting the ICTY completion strategy and demonstrating that the Bosnia and Herzegovina Court and Prosecutor's Office have the necessary independence, professionalism and capacity to handle complex war crimes proceedings.

Finally, we encourage the Tribunals to continue their work in an expedited and efficient manner, without affecting due process and the interests of justice. The final successful completion of their mandates will close one chapter of groundbreaking contributions to international jurisprudence and the international justice system. Their contribution to the advancement of the rule of law, peace and reconciliation is significant, as there can be no meaningful peace without justice and no joint future until the past is put to rest.

**Mr. Mikec** (Croatia): Let me start by expressing our appreciation to the Presidents of the two Tribunals, Judges Khalida Rachid Khan and Patrick Robinson, for their comprehensive and informative reports (see A/66/209 and A/66/210) on the actions taken and the progress made during the periods from 1 July 2010 to 30 June 2011, and from 1 August 2010 to 31 July 2011, respectively.

Croatia has aligned itself with the statement made on behalf of the European Union and its member States delivered earlier during this meeting. I should like, however, to share with the Assembly some additional remarks in my national capacity.

The Tribunals' efforts to prosecute persons suspected of bearing the greatest responsibility for atrocities committed on the territory of the former

Yugoslavia and Rwanda have led to important breakthroughs in the field of international criminal law, conflict resolution and conflict prevention. We are also glad that the present reports have validated Croatia's general responsiveness to requests made by the Office of the Prosecutor. Croatia is strongly committed to continuing its full cooperation with the Tribunals.

Furthermore, Croatia welcomes the fact that during the reporting period, Serbia located, arrested and transferred Ratko Mladić to The Hague, indicted for the worst atrocities committed since the Second World War on the territory of the former Yugoslavia. At the same time, Croatia regrets that due to time constraints, Mladić will not be prosecuted for the crimes committed against the civilian population in Croatia, in particular in Škabrnja, Zadar, Šibenik, Kijevo, Vrljika, Sinj and other towns attacked by the Yugoslav People's Army under his command, nor would he be prosecuted for launching indiscriminate attacks against civilian targets in our country, in particular the attack against the Peruća Dam.

Croatia particularly welcomes the arrest, during the reporting period, of Goran Hadžić, indicted for heinous crimes committed in eastern Croatia in the early 1990s, including crimes against humanity and war crimes. The arrest of the last remaining fugitive indicted by the ICTY sends a powerful message to all that those who are alleged to have committed serious crimes cannot await justice and will be eventually held accountable.

There is no doubt that the most important development in the reporting period as far as my country is concerned was the rendering of the first-instance judgement in the Gotovina et al. case. While refraining from commenting on that judgement in this important case, we would like to underline the fact that the judgement was received in Croatia with grave consternation and provoked strong disagreement with some of the legal, historical and political qualifications contained in the explanation of the judgement. Let me also stress here that, as was stated by the Croatian authorities immediately after the judgement, Croatia is a democratic State based on the rule of law where judicial institutions are respected and their verdicts adhered to. Croatia will continue to carefully follow the ongoing appeal proceedings in this significant case.

In that regard, as a committed Member of the United Nations, with troops deployed in several United

Nations- and NATO-led operations, Croatia also pays particular attention to the development of new jurisprudence and new parameters for legitimate military action that could be established by the ICTY. While international academia is already debating the possible effect of such jurisprudence, we would like to stress the importance of a thorough analysis of this complex matter based on our common goal of strengthening international security.

However, fully committed to its cooperation with the ICTY, Croatia will strive to ensure that any new parameters for legitimate military action derived from ICTY judgements are fully observed in making decisions at the national level as well as in collective defence and security bodies.

Croatia strongly supports further cooperation and interaction between the Tribunal and the Prosecutor's Office and the competent national authorities responsible for the prosecution of war crimes. In that context, we welcome the liaison prosecutors project funded by the European Union as a key mechanism for strengthening the working relationship between prosecutors from the region and the Office of the Prosecutor. Building that relationship will create a propitious base for further prosecutions of perpetrators of war crimes by national judiciaries, leaving no crime unpunished and no victim without consolation.

Let me conclude by stating that Croatia welcomes the ICTY's continued commitment to its completion strategy and final conclusion of the Tribunal's work in accordance with its mandate and without sacrificing due process. In that context, Croatia supports ongoing work on the practical arrangements necessary for the commencement of the International Residual Mechanism for Criminal Tribunals.

**Mr. Panin** (Russian Federation) (*spoke in Russian*): We wish to express our gratitude to the Presidents of the Tribunals for their respective reports. We consider those reports important, especially now, after the Security Council's adoption of resolution 1966 (2010), which set out a time frame and parameters for launching the International Residual Mechanism for Criminal Tribunals and time limits for the work of the Tribunal for Yugoslavia and the Tribunal for Rwanda.

In considering the Tribunals' reports from the standpoint of the requirements set out in that resolution, we see, above all, the progress achieved in

their work over the past year. A number of important legal proceedings have been completed. The process of preparing cases for transfer to the Residual Mechanism is moving forward. High points of the past period include the arrest by Serbian authorities of Ratko Mladić and his transfer to The Hague, and the arrest in the Democratic Republic of the Congo of the accused Bernard Munyagishari and his transfer to the Tribunal for Rwanda. According to current plans, the latter's case will be referred to the relevant national court.

On the whole, we believe that cooperation by States in both regions with the Tribunals over the past year has been positive. Now as never before, it is important to maintain, and if possible accelerate, the pace of consideration of cases in the Tribunals in order to meet the deadlines established in resolution 1966 (2010) for the completion of their tasks. We believe that is entirely possible. A high level of cooperation by States with both judicial organs will be of great help in reaching that goal. Russia, for its part, stands ready to provide all possible assistance to the Tribunals as they conclude their activities.

We recognize, however, that there are problems of inadequate space in the penitentiary systems of States that have agreements with the Tribunal for the former Yugoslavia to carry out the prison sentences of persons sentenced by that Tribunal. Member States should give that matter close attention.

We are now at a critical juncture in the history of both Tribunals, that is, the start of the Residual Mechanism for the Tribunals. In December, the Assembly will elect the judges who will form the benches of the two branches of the Mechanism. We attach great importance to those elections. In our view, those judges must be of the finest calibre and capable of effectively conducting the work of the Mechanism and completing their work within the allocated time frames.

**The Acting President:** We have heard the last speaker in the debate on the two agenda items. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 73 and 74?

*It was so decided.*

## Reports of the Fifth Committee

**The Acting President:** The General Assembly will now consider the reports of the Fifth Committee

on sub-items (a) to (e) and (k) of agenda item 115 and agenda item 135.

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee which are before the Assembly today.

*It was so decided.*

**The Acting President:** Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

“When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation’s vote in plenary meeting is different from its vote in the Committee.”

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee, unless notified otherwise in advance.

#### **Agenda item 115 (*continued*)**

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

##### **(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions**

##### **Report of the Fifth Committee (A/66/539)**

**The Acting President:** In paragraph 4 of the report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2012: Mr. Bruno Nunes Brant

(Brazil), Mr. Pavel Chernikov (Russian Federation), Mr. Dietrich Lingenthal (Germany), Mr. Jean Christian Obame (Gabon) and Mr. David Traystman (United States of America).

May I take it that it is the wish of the Assembly to appoint those persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2012?

*It was so decided.*

##### **(b) Appointment of members of the Committee on Contributions**

##### **Report of the Fifth Committee (A/66/540)**

**The Acting President:** In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2012: Ms. NneNne Iwuji-Eme (United Kingdom of Great Britain and Northern Ireland), Mr. Nikolay Lozinskiy (Russian Federation), Mr. Hae-yun Park (Republic of Korea), Ms. Gönke Roscher (Germany), Mr. Henrique da Silveira Sardinha Pinto (Brazil) and Mr. Sun Xudong (China).

May I take it that it is the wish of the Assembly to appoint those persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2012?

*It was so decided.*

##### **(c) Confirmation of the appointment of members of the of the Investments Committee**

##### **Report of the Fifth Committee (A/66/541)**

**The Acting President:** The Fifth Committee recommends, in paragraph 5 of its report, that the General Assembly confirm the reappointment by the Secretary-General of Mr. Masakazu Arikawa (Japan), Mr. Madhav Dhar (India) and Mr. Nemir Kirdar (Iraq), as well as the appointment of Ms. Dominique Senequier (France), as regular members of the Investments Committee for a three-year term of office beginning on 1 January 2012.

May I take it that it is the wish of the Assembly to confirm the reappointment by the Secretary-General of Mr. Masakazu Arikawa, Mr. Madhav Dhar and

Mr. Nemir Kirdar, as well as the appointment of Ms. Dominique Senequier, as regular members of the Investments Committee for a three-year term of office beginning on 1 January 2012?

*It was so decided.*

**The Acting President:** In paragraph 6 of the same report, the Fifth Committee also recommends that the General Assembly reappoint Ms. Hilda Ochoa-Brillembourg (Bolivarian Republic of Venezuela) and Mr. Ivan Pictet (Switzerland) as ad hoc members of the Investments Committee for a one-year term beginning on 1 January 2012.

May I take it that it is the wish of the Assembly to reappoint Ms. Hilda Ochoa-Brillembourg and Mr. Ivan Pictet as ad hoc members of the Investments Committee for a one-year term beginning on 1 January 2012?

*It was so decided.*

**(d) Appointment of a member of the Board of Auditors**

**Report of the Fifth Committee (A/66/542)**

**The Acting President:** In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the Controller and Auditor-General of the United Republic of Tanzania as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2012.

May I take it that it is the wish of the Assembly to appoint the Controller and Auditor-General of the United Republic of Tanzania as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2012?

*It was so decided.*

**(e) Appointment of members of the Independent Audit Advisory Committee**

**Report of the Fifth Committee (A/66/543)**

**The Acting President:** In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the Independent Audit Advisory Committee for a three-year term of office beginning on 1 January 2012: Mr. Christopher Mihm (United States of America) and Mr. John Muwanga (Uganda).

May I take it that it is the wish of the Assembly to appoint Mr. Christopher Mihm and Mr. John Muwanga as members of the Independent Audit Advisory Committee for a three-year term of office beginning on 1 January 2012?

*It was so decided.*

**(k) Appointment of members and alternate members of the United Nations Staff Pension Committee**

**Report of the Fifth Committee (A/66/544)**

**The Acting President:** In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint Mr. Dmitry Chumakov (Russian Federation) as a member of the United Nations Staff Pension Committee for a term of office beginning today, 11 November 2011, and ending on 31 December 2012.

May I take it that it is the wish of the Assembly to appoint Mr. Dmitry Chumakov as a member of the United Nations Staff Pension Committee for a term of office beginning on 11 November 2011 and ending on 31 December 2012?

*It was so decided.*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a) to (e) and (k) of agenda item 115?

*It was so decided.*

**Agenda item 135**

**Programme planning**

**Report of the Fifth Committee (A/66/525)**

**The Acting President:** The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution. The Fifth Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted (resolution 66/8).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item

135 and all the reports of the Fifth Committee before it today.

## Agenda item 70

### **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**

##### **Draft resolution (A/66/L.7)**

**The Acting President:** I now give the floor to the representative of El Salvador to introduce draft resolution A/66/L.7.

**Mr. Maza Martelli** (El Salvador) (*spoke in Spanish*): In its capacity as current President of the Central American Integration System, and on behalf of the countries of the isthmus, El Salvador expresses its gratitude for the opportunity to introduce to the General Assembly draft resolution A/66/L.7, entitled "Emergency humanitarian assistance for the rehabilitation and reconstruction of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama." The draft resolution has been distributed among all Member States. Based on suggestions offered by various friendly countries, I should like to amend it as follows.

The first preambular paragraph should read as follows:

"Recalling all relevant resolutions of the General Assembly on emergency humanitarian assistance and reaffirming the principles of humanity, neutrality, impartiality and independence for the provision of humanitarian assistance".

Paragraph 2, should read as follows:

"Extends its thanks to the members of the international community that have already provided timely assistance for rescue and aid efforts targeted to the stricken populations, especially the Office for the Coordination of Humanitarian Affairs of the Secretariat and the United Nations Development Programme, and commends the efforts of the Emergency Relief Coordinator to strengthen the coordination of emergency assistance".

Paragraph 3 should be a new paragraph, as follows:

"Acknowledges the efforts and progress made by Central American countries in strengthening their disaster-preparedness capacity, emphasizes the importance of investing in disaster risk reduction, and encourages the international community to continue to cooperate with the affected Governments towards this end".

Paragraph 4 should read as follows:

"Appeals to all Member States and all organs and agencies of the United Nations system, as well as the international financial and development institutions, to continue to cooperate with Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama in their relief, rehabilitation and humanitarian assistance efforts and in rebuilding the region".

Paragraph 5 should read as follows:

"Requests the relevant organizations and organs of the United Nations system and other multilateral organizations to support and assist national and regional capacity-building in the areas of natural disaster preparedness, prevention and mitigation and risk management in the countries concerned according to needs and in the specialized institution of the Central American Integration System, the Coordination Centre for Natural Disaster Prevention in Central America".

Paragraph 6 should read as follows:

"Requests the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of this resolution and progress made in the aid, rehabilitation and reconstruction efforts in the stricken countries."

Tropical Depression 12-E, which affected our region from 10 to 19 October, is considered one of the most devastating natural phenomena to have struck Central America in the past decade. It left at least 100 people dead and thousands wounded and caused the overflow of rivers, extensive flooding in many areas, landslides and damage to highways, bridges and homes, resulting in numerous losses both in human terms and with respect to damaging basic infrastructure and crops, thereby becoming a serious threat to food



security and a grave blow to the region's economic and commercial activity.

Because of their geographical characteristics, the countries of Central America are particularly vulnerable to the adverse meteorological effects associated with climate change, which over the past few years have created new risk scenarios, increasing the poverty of our most vulnerable populations and undermining our efforts to achieve the Millennium Development Goals and a more sustainable development that would benefit the peoples Central America. Climate change is no longer a threat for the countries of the region; it is a sad reality we face.

The situation currently besetting our region would be even more difficult without the support that various members of the international community have provided us through rescue operations and help to the affected population. In that respect, we would like to express our gratitude for the timely assistance we have received from a number of friendly countries, as well as from the United Nations Office for the Coordination of Humanitarian Affairs and the United Nations Development Programme.

We are aware that only with the participation, integration and coordination of all the economic, social and political sectors of the region, and with the support and cooperation of the international community, is it possible to guarantee the success of the policies, strategies and short-, medium- and long-term measures that will permit rehabilitation and reconstruction, adaptation to climate change, integrated risk management and the establishment of a model for sustainable development.

In the name of the peoples and Governments of Central America, we call upon Member States at this plenary meeting to adopt by consensus draft resolution A/66/L.7. We have no doubt that this would constitute invaluable support by the international community for our region, as well as an everlasting gesture of friendship and solidarity imbued with the spirit of humanitarian concern.

**The Acting President:** Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Cacciaguerra Ranghieri (Italy):** On behalf of the Italian delegation, we wish to thank you, Sir, for convening this timely meeting to adopt a draft resolution on emergency humanitarian assistance for the rehabilitation and reconstruction of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama in the aftermath of tropical depression E-12 in the Pacific Ocean and the torrential rains that affected the whole Central American region between 10 and 19 October.

To those Governments and to the affected populations, I wish to convey the solidarity of the Italian Government and people. The geography of the Central American countries makes them particularly vulnerable to the adverse effects of meteorological phenomena and climate change. They have suffered loss of life and severe damage to their economies, agriculture, infrastructure and tourist industry. It is imperative that, as on similar occasions in the past, the response of the international community be prompt and generous, particularly at the level of United Nations humanitarian relief. It is for that reason that Italy supports, and has become a sponsor of, draft resolution A/66/L.7. We thank the representative of El Salvador for introducing it on behalf of the Central American Integration System.

Allow me to provide a few brief figures on the aid that the Italian Government has contributed to the region in this connection, which are as follows: to the International Federation of the Red Cross and the Red Crescent, €100,000 to support relief activities in El Salvador and Honduras; to the World Food Programme in El Salvador, €70,000 to finance the project on food and early recovery assistance to populations affected by tropical depression 12-E and ensuing rains; and to Nicaragua, €55,000 for the World Food Programme project on emergency food assistance to families affected by tropical depression 12-E.

**Mr. Nishiumi (Japan):** We appreciate the initiative taken by Central American countries, including El Salvador, to present draft resolution A/66/L.7 for the purpose of addressing the serious humanitarian situation in that region. We wish to convey the solidarity of the people of Japan to the people in the region. Today we are ready to join the consensus. However, the Government of Japan would like to make it clear that it does not agree with paragraph 7 of the Comalapa Declaration. We therefore

understand the sixth preambular paragraph of draft resolution A/66/L.7 as taking note of that Declaration.

**The Acting President:** We have heard the last speaker in explanation of vote before the vote. The Assembly will now take action on draft resolution A/66/L.7, as orally revised.

I give the floor to the representative of the Secretariat.

**Mr. Nakano** (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution, in addition to those delegations listed in document A/66/L.7, the following countries have also become sponsors of the draft resolution: Bahamas, Barbados, Brazil, Colombia, Finland, Georgia, Germany, Guyana, Haiti, India, Italy, Jordan, Luxembourg, Mexico, Portugal, San Marino, Slovenia and Spain.

**The Acting President:** May I take it that it is the wish of the General Assembly to adopt draft resolution A/66/L.7, as orally revised?

*Draft resolution A/66/L.7, as orally revised, was adopted (resolution 66/9).*

**The Acting President:** Before giving the floor to the speakers in explanation of vote after the adoption of the resolution, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Rivard** (Canada): Canada joined the consensus on resolution 66/9 as a means of expressing our solidarity with those who were affected by the tragic flooding in Central America in recent weeks. In response to the tragic floods, Canada has provided \$2 million to help the people in the most severely affected countries of El Salvador, Guatemala, Honduras and Nicaragua.

However, we have a significant concern about the process, which did not allow for any meaningful consultation on the text of the resolution. The Canadian suggestion to strengthen the text, and those of other Governments, were not taken on board. The process does not reflect the spirit of solidarity and consensus that we have come to expect on humanitarian resolutions.

**Mr. Sammis** (United States of America): The United States stands in solidarity with the people of

Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The United States recognizes the devastating impact of the disastrous flooding in the region. We empathize with the hardships that those countries face. We stand with all those affected, and encourage Governments, regional and international organizations and civil society to work hand in hand in the provision of emergency assistance, as well as towards longer-term rebuilding and prevention solutions.

More than 600,000 people lost their homes and businesses to the recent devastating rains and landslides caused by the tropical depression. More than 100 people lost their lives. Such people are not simply numbers and locations that we can chart on a map. They are individuals who have seen their lives and livelihoods literally swept away. We must continue to remind ourselves of the victims of such disasters. This forum is one of the best places to do just that.

The United States has not stood by idly. Through the Office of Foreign Disaster Assistance of the United States Agency for International Development, the United States had pre-positioned emergency relief supplies in Miami for immediate transport to Central America. Our Office of Foreign Disaster Assistance also has staff throughout the region, including more than 20 disaster risk management specialists and more than 300 expert consultants. Such experts not only provide technical assistance to national Governments to enable them to assess impacts and provide rapid assistance immediately following a disaster, but also work closely with national organizations and first responders to prepare for, and respond to, future emergencies.

In the hours following the storm in Central America, the United States Government distributed mattresses, blankets and drinking water to evacuees in temporary shelters, and we assisted in fuel purchases that made possible emergency airlifts of relief supplies. The United States has provided hundreds of thousands of dollars in multilateral and bilateral assistance. We encourage other donors to contribute as well.

The United States also provides assistance through our voluntary contributions to United Nations organizations, such as UNICEF, the United Nations Population Fund and the United Nations Development Programme. We support the efforts of the United Nations Office for the Coordination of Humanitarian

Affairs under the leadership of Under-Secretary-General and Emergency Relief Coordinator Ms. Valerie Amos. We will work to assist with coordination efforts where appropriate and helpful.

More than 17 main storms have swept through Latin America and the Caribbean this year alone. While we focus on assisting the victims of the recent storms, we must also be proactive in our risk reduction and preparedness efforts. The United States calls on the affected States and relevant regional organizations to strengthen disaster risk reduction and preparedness mechanisms, including through forums such as the Summit of the Americas.

While we continue to encourage the international community to be generous in assistance efforts, we must also recognize the resilience, resourcefulness and ingenuity of the people of Central America. Having seen the impact of recent disasters within our own borders, including Hurricane Irene in August, the United States has learned that the contributions of civil society are of unparalleled importance in reviving the local economy and in boosting morale. We therefore encourage sustained and open dialogue with all stakeholders, large and small.

The United States agrees that all over the world people face real challenges from the effects of climate change. We will continue to work together with our partners in Central America and elsewhere to reduce

vulnerability to the impacts of natural hazards and to make progress towards achieving development goals in a sustainable fashion.

However, we disagree with the specific and direct causal link made by resolution 66/9 between the impacts of climate change and the attainment of the Millennium Development Goals (MDGs), which are not borne out by scientific-backed relevant data, given, in particular, the short time frame in which the MDGs are set. Climate change is a global problem, and global problems require global solutions. We will work to continue to make progress in addressing that problem in a manner that reflects science and evolving global economic circumstances.

Before concluding, I would also like to note that the United States shares the procedural concerns raised earlier by the representative of Canada.

**The Acting President:** We have heard the last speaker in explanation of vote after the adoption of the resolution.

The General Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 70. I should like to inform members that we will continue our consideration of agenda item 70 on 14 December, as announced in document A/INF/66/3/Rev.1.

*The meeting rose at 12.10 p.m.*