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Financing 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

Report of the Fifth Committee

Rapporteur: Mr. Justin **Kisoka** (United Republic of Tanzania)

I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh session the item entitled “Financing 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” and to allocate it to the Fifth Committee.
2. The Fifth Committee considered the item at its 20th and 22nd meetings, on 17 and 24 December 2012. Statements and observations made in the course of the Committee’s consideration of the item are reflected in the relevant summary records (A/C.5/67/SR.20 and 22).
3. For its consideration of the item, the Committee had before it the following documents:
 - (a) First performance report of the Secretary-General on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2012-2013 (A/67/595);
 - (b) Report of the Board of Auditors on the International Tribunal for the Former Yugoslavia (A/67/5/Add.12, chap. II);
 - (c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/67/646).



II. Consideration of draft resolution A/C.5/67/L.16

4. At its 22nd meeting, on 24 December, the Committee had before it a draft resolution entitled “Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991” (A/C.5/67/L.16), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Ecuador.

5. At the same meeting, the representative of the Russian Federation orally proposed an amendment to the draft resolution by which the phrase “subject to the provisions of the present resolution” in operative paragraph 2 would be deleted and the following four new operative paragraphs would be inserted:

“*Recalls* its resolution 55/225 of 12 April 2001, and requests the Secretary-General, with the objective to ensure timely downsizing of the workforce and transition to the International Residual Mechanism for Criminal Tribunals, to submit proposals for an independent expert evaluation of the efficiency of the functioning of the Tribunal;

“*Decides* not to take note of the base for the proposed programme budget for the biennium 2014-2015, as it had been requested to do in paragraph 19 of the relevant report of the Secretary-General;

“*Requests* the Secretary-General to ensure that the Tribunal transition from a biennial to an annual budget cycle in connection with upcoming completion of its work and transition to the Residual Mechanism;

“*Also requests* the Secretary-General to submit his next budget proposals for the Tribunal only for 2014, on the basis of the approved appropriations for 2012.”

6. Also at the 22nd meeting, the representative of Sweden requested a recorded vote on the amendment proposed by the representative of the Russian Federation.

7. At the same meeting, the proposed amendment was rejected by a recorded vote of 59 to 17, with 58 abstentions. The voting was as follows:

In favour:

Belarus, Bolivia (Plurinational State of), China, Cuba, Eritrea, Lao People's Democratic Republic, Nicaragua, Russian Federation, Serbia, Sierra Leone, Syrian Arab Republic, Tajikistan, Trinidad and Tobago,¹ Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines,¹ San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the

¹ The delegations of Trinidad and Tobago and Saint Vincent and the Grenadines subsequently indicated that they had intended to abstain.

former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:*¹

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Botswana, Brazil, Brunei Darussalam, Cameroon, Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Jamaica, Japan, Kenya, Kuwait, Kyrgyzstan, Liberia, Libya, Madagascar, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saint Lucia, Samoa, Saudi Arabia, Singapore, South Africa, South Sudan, Sri Lanka, Thailand, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania.

8. Also at the 22nd meeting, the representative of the Russian Federation requested that a recorded vote be taken on the draft resolution as a whole.

9. At the same meeting, the Committee adopted the draft resolution as a whole by a recorded vote of 135 to none, with 12 abstentions (see para. 10). The voting was as follows:

*In favour:*²

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen, Zambia.

Against:

None.

Abstaining:

Belarus, Bolivia (Plurinational State of), China, Cuba, Ecuador, Lao People's Democratic Republic, Nicaragua, Russian Federation, Serbia, Sierra Leone, Syrian Arab Republic, Venezuela (Bolivarian Republic of).

² The delegation of Viet Nam subsequently indicated that it had intended to vote in favour.

III. Recommendation of the Fifth Committee

10. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing 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

The General Assembly,

Having considered the first performance report of the Secretary-General on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2012-2013,¹ the report of the Board of Auditors on the Tribunal and the recommendations contained therein² and the related report of the Advisory Committee on Administrative and Budgetary Questions,³

Recalling its resolution 47/235 of 14 September 1993 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which was resolution 66/239 of 24 December 2011,

1. *Takes note* of the first performance report of the Secretary-General on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2012-2013;¹

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,³ subject to the provisions of the present resolution;

3. *Notes* the recommendations of the Board of Auditors contained in its report,² and in this regard emphasizes the need for their timely implementation as a matter of priority;

4. *Requests* the Secretary-General to ensure that the Tribunal prepares and presents, as appropriate, by 15 April 2013, a consolidated action plan to manage the completion of its work and transition to the International Residual Mechanism for Criminal Tribunals by the end of 2014;

5. *Reiterates* its requests to the Secretary-General contained in paragraphs 7 and 8 of section II of its resolution 66/239 on matters relating to the recruitment and administration of human resources;

6. *Recalls* paragraph 17 of the report of the Advisory Committee on Administrative and Budgetary Questions,³ and in this regard requests the Secretary-General to ensure effective implementation of the completion strategy for the Tribunal;

¹ A/67/595.

² *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 5L* (A/67/5/Add.12), chap. II.

³ A/67/646.

7. *Welcomes* the continued efforts of the Secretary-General to facilitate the selection of staff of the Tribunal who are subject to downsizing, in compliance with the existing staff rules and regulations;

8. *Reiterates* paragraph 7 of its resolution 65/252 of 24 December 2010;

9. *Decides* to defer further consideration of post-related recosting for inflation and exchange rate projections, as well as of adjustments to standard costs relating to payroll, common staff costs and vacancy rates for 2013, to the time of its consideration of the second performance report on the programme budget for the biennium 2012-2013, in order to ensure that appropriation is in line with actual post-related expenditure;

10. *Also decides* on a revised appropriation to the Special Account for 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 of a total amount of 283,067,700 United States dollars gross (252,036,400 dollars net) for the biennium 2012-2013, as detailed in the annex to the present resolution;

11. *Further decides*, for the year 2013, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 71,274,825 dollars gross (63,314,625 dollars net), including 1,090,675 dollars gross (685,925 dollars net), being the increase in assessments;

12. *Decides*, for the year 2013, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for the year, the amount of 71,274,825 dollars gross (63,314,625 dollars net), including 1,090,675 dollars gross (685,925 dollars net), being the increase in assessments;

13. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund in the amount of 15,920,400 dollars, including 809,500 dollars, being the increase in the estimated staff assessment income approved for the Tribunal for the biennium 2012-2013.

Annex

Financing for the biennium 2012-2013 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

	<i>Gross</i>	<i>Net</i>
	<i>(United States dollars)</i>	
Initial appropriation for the biennium 2012-2013 (resolution 66/239)	281 036 100	250 814 300
First performance report for the biennium 2012-2013 (A/67/595)		
Revised estimates based on post-related actual expenditure experience and updated projected rates	290 133 200	258 103 100
Revised estimates based on post-related actual expenditure experience	283 067 700	252 036 400
Appropriation recommended by the Advisory Committee on Administrative and Budgetary Questions (A/67/646)	281 036 100	250 814 300
Revised appropriation for the biennium 2012-2013 recommended by the Fifth Committee	283 067 700	252 036 400
Estimated income for the biennium 2012-2013	(299 500)	(299 500)
Assessment for 2012	(140 368 300)	(125 257 400)
Balance to be assessed for 2013	142 549 650	126 629 250
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2013	71 274 825	63 314 625
Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2013	71 274 825	63 314 625