



# General Assembly

Seventy-sixth session

Official Records

Distr.: General  
20 January 2022

Original: English

---

## Fifth Committee

### Summary record of the 9th meeting

Held at Headquarters, New York, on Thursday, 23 December 2021, at 8 p.m.

*Chair:* Mr. Margaryan . . . . . (Armenia)  
*Chair of the Advisory Committee on Administrative  
and Budgetary Questions:* Mr. Bachar Bong

## Contents

Agenda item 135: Financial reports and audited financial statements, and reports of the Board of Auditors

Agenda item 139: Programme planning (*continued*)

Agenda item 141: Pattern of conferences

Agenda item 142: Scale of assessments for the apportionment of the expenses of the United Nations (*continued*)

Agenda item 149: Scale of assessments for the apportionment of the expenses of United Nations peacekeeping operations (*continued*)

Agenda item 145: United Nations common system (*continued*)

Agenda item 146: Report on the activities of the Office of Internal Oversight Services (*continued*)

Agenda item 136: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Agenda item 147: Administration of justice at the United Nations

Agenda item 148: Financing of the International Residual Mechanism for Criminal Tribunals

Agenda item 165: Financing of the African Union-United Nations Hybrid Operation in Darfur

---

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section ([dms@un.org](mailto:dms@un.org)), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).



Agenda item 138: Proposed programme budget for 2022 (*continued*)

*Programme budget implications relating to the proposed programme budget for 2022*

*Questions relating to the proposed programme budget for 2022*

*Draft report of the Fifth Committee*

Agenda item 136: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Agenda item 5: Election of the officers of the Main Committees

Completion of the work of the Fifth Committee at the main part of the seventy-sixth session of the General Assembly

*The meeting was called to order at 8.35 p.m.*

1. **The Chair** informed the Committee that some of the draft resolutions and decisions to be introduced had only recently been adopted informally, and were thus provisional, subject to editorial review and quality control, and available in English only. They would be issued in the six official languages as rapidly as possible. With full regard for the resolutions of the General Assembly on multilingualism, he acknowledged the Committee's flexibility in proceeding on that basis so as to conclude its work at the main part of the session.

**Agenda item 135: Financial reports and audited financial statements, and reports of the Board of Auditors (A/C.5/76/L.7)**

*Draft resolution A/C.5/76/L.7: Financial reports and audited financial statements, and reports of the Board of Auditors*

2. *Draft resolution A/C.5/76/L.7 was adopted.*

**Agenda item 139: Programme planning (continued) (A/C.5/76/L.3 and A/C.5/76/L.5)**

*Draft resolution A/C.5/76/L.5: Programme planning*

3. **Mr. Chumakov** (Russian Federation), speaking also on behalf of Belarus, China, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Iran (Islamic Republic of), Kazakhstan, Nicaragua, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Zimbabwe, introducing the draft resolution, said that, pursuant to the amendment contained in it, all narratives and references regarding the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 would be deleted from programme 6, Legal affairs, of the proposed programme budget for 2022, because the establishment of the Mechanism and its subsequent inclusion in the regular budget had been accompanied by flagrant violations of international law, including the Charter of the United Nations, the rules of procedure of the General Assembly related to financial matters, and the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2018/3), which had been adopted by the Assembly.

4. The Mechanism had adequate funding, as voluntary contributions made by a number of Member States covered its expenditure in full. Clearly then, the reason for the inclusion of the Mechanism in the proposed programme plan and the regular budget was not a lack of funding, but the desire of the Secretary-General, who had been drawn into a political adventure by a group of States, to lend that illegal body more legitimacy. Syria was just one example of an instance in which a country which had become undesirable in the eyes of a group of States was made an example of and punished, in violation of the legal foundations of the Organization. Syria had been singled out today, but tomorrow might bring the turn of any other country to be targeted by a similar mechanism, also in violation of the founding documents of the Organization, particularly its Charter. The Russian Federation considered General Assembly resolution 71/248 to be invalid, did not recognize the Mechanism, and called on all other delegations to support the amendment by voting in favour of it.

5. **Mr. Ammann** (Switzerland), speaking also on behalf of Liechtenstein, said that the two delegations regretted the submission of draft resolution A/C.5/76/L.5, which was intended to undermine the expressed will and authority of the General Assembly. The Assembly had repeatedly and by a wide margin affirmed its intention to finance the Mechanism from the regular budget, from the point at which it had established the Mechanism to the point at which it had called on the Secretary-General to include the necessary funding in the regular budget for 2020, welcoming every step along that path. Over time, the Mechanism had become an integral part of the Organization's regular budget. The two delegations regretted that a small group of countries continued to challenge the will expressed by the Member States, setting a bad precedent for the Fifth Committee. His delegation was calling for a recorded vote on draft resolution A/C.5/76/L.5, and would vote against that proposal as a mark of support for the integrity and authority of the Assembly. In addition, it intended to vote against draft resolution A/C.5/76/L.6, pertaining to the programme budget, which would be introduced later at the current meeting.

*Statements made in explanation of vote before the voting*

6. **Mr. Alshahin** (Syrian Arab Republic) said that the so-called Mechanism had been established by General Assembly resolution 71/248, a resolution that had not gathered consensus, in violation of Article 12 of the

Charter of the United Nations, which provided that while the Security Council was exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly must not make any recommendation with regard to that dispute or situation unless the Security Council so requested. The Security Council was seized of the situation in Syria, and was still exercising its authority in that regard. Consequently, for the General Assembly to interfere in the work of the Security Council would be a flagrant violation of the Charter, particularly Articles 8–12, which explicitly set out the mandate and powers of the General Assembly. The mandate and powers of the General Assembly did not include the right to set up legal entities like the so-called Mechanism. That prerogative belonged to the Security Council alone.

7. The Government of the Syrian Arab Republic had made no request for technical assistance from the United Nations to establish a body such as the Mechanism, and the United Nations had not consulted or sought the agreement of that Government on the matter. In common with any other government, the Government of the Syrian Arab Republic could not accept the collection of evidence, or what purported to be evidence, by an outside entity like the Mechanism, which had been established with no agreement or consultation of the country concerned, and failed to offer even minimum guarantees of preservation of the chain of custody as required by international criminal law.

8. The Governments which supported and promoted the Mechanism were simply trying to involve the Organization and its Member States in the funding of an illegal entity, placing the associated financial burden on the shoulders of the United Nations. The Mechanism was open-ended in terms of time and scope, and was subject to none of the norms of the Charter. The political process in Syria would proceed despite all the obstacles placed in its path, in a way and at a pace driven by the Syrians themselves, with national bodies being responsible for its integrity and for reparations. The United Nations must guarantee the impartiality and integrity of that political process, and refrain from politicization of the kind practised by Member States which were supporting the Mechanism. Particularly in the light of the disputes in the Committee for Programme and Coordination regarding the Mechanism, his delegation called on all Member States to vote in favour of the draft resolution, and to distance themselves from what was an illegal entity; to refuse to be involved with it; and to resist all attempts to finance it from the budget of the Organization.

9. **Mr. Erman** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia and, in addition, Andorra, Georgia, Monaco, the Republic of Moldova and Ukraine, said that the Fifth Committee, as the Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, should ensure that the mandates established by the Member States and other legislative forums were fully implemented. That entailed adherence to mandates, which came from resolutions and decisions, not negotiations. The Committee should refrain from discussions which belonged in other United Nations forums.

10. The General Assembly, in its resolution [71/248](#), had approved the mandate of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, and the European Union was committed to ensuring that that resolution was respected and implemented. The draft resolution before the Committee, in proposing the deletion of all narratives and references regarding the Mechanism, would be violate the decisions taken by the General Assembly and conflict with the practice of the Committee to strive for consensus-based decision-making. Accordingly, the European Union regretted the submission of the draft resolution, would vote against it, and urged other delegations to follow suit.

11. **Ms. Alya Ahmed Saif Al-Thani** (Qatar) said that the Mechanism played an important role as the main depository of evidence regarding crimes committed in Syria. The Mechanism's own reports to the General Assembly showed that it had made progress in implementing the mandate conferred on it. It deserved recognition for having adhered to the highest professional standards, thus guaranteeing efficiency in its work. If the Mechanism was to fulfil its mandate, it must be allocated resources from the regular budget, in accordance with the terms of resolution [71/248](#). Qatar would therefore vote against draft resolution [A/C.5/76/L.5](#).

12. *At the request of the representative of Switzerland, a recorded vote was taken on draft resolution [A/C.5/76/L.5](#).*

*In favour:*

Belarus, Bolivia (Plurinational State of), Cameroon, China, Cuba, Democratic People's

Republic of Korea, Equatorial Guinea, Eritrea, Ethiopia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Namibia, Nicaragua, Russian Federation, Sri Lanka, Syrian Arab Republic, Tajikistan, Togo, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Abstaining:*

Algeria, Angola, Armenia, Bahrain, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Cambodia, Chad, Egypt, Fiji, Gabon, Ghana, Haiti, India, Indonesia, Iraq, Jordan, Lesotho, Libya, Mali, Mauritania, Mauritius, Mongolia, Nepal, Nigeria, Oman, Pakistan, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, Solomon Islands, Somalia, South Africa, Suriname, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

13. *The draft resolution was rejected by 88 votes to 22, with 45 abstentions.*

*Draft resolution A/C.5/76/L.3: Programme planning*

14. **Ms. Alya Ahmed Saif Al-Thani** (Qatar) said that her delegation wished to propose an oral amendment to the draft resolution, consisting of the insertion of the following:

*Further approves* the programme plan for programme 6, Legal affairs, of the proposed programme budget for 2022, as contained in the report of the Secretary-General (A/76/6 (Sect. 8));

15. **Mr. Chumakov** (Russian Federation) said that his delegation, which opposed the proposed oral amendment, wished to call for a recorded vote on it.

16. *At the request of the representative of the Russian Federation, a recorded vote was taken on the oral amendment to draft resolution A/C.5/76/L.3 proposed by the representative of Qatar.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Against:*

Belarus, Bolivia (Plurinational State of), Cameroon, China, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Iran (Islamic Republic of), Lao People's Democratic Republic, Nicaragua, Russian Federation, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Algeria, Angola, Armenia, Bahrain, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Central African Republic, Chad, Egypt, Equatorial Guinea, Fiji, Gabon, Ghana, India, Indonesia, Iraq, Kenya, Lebanon,

Libya, Mali, Mauritania, Mauritius, Mongolia, Namibia, Nepal, Oman, Pakistan, Philippines, Rwanda, Saint Vincent and the Grenadines, Serbia, Singapore, Tunisia, Uganda, United Arab Emirates, Viet Nam, Zambia.

17. *The oral amendment was adopted by 92 votes to 16, with 40 abstentions.\**

18. **Mr. Evseenko** (Belarus) said that his delegation had given its support to the amendment proposed by the Russian Federation but not given its support to the amendment proposed by Qatar because the decision to establish the Mechanism had been taken in violation of the fundamental prerogatives of the Security Council. The issue of creating such international structures fell within the remit of that principal organ of the United Nations, which had responsibility for the maintenance of international peace and security. The resolution establishing the Mechanism had been adopted by the General Assembly in the absence of a consensus, and in the presence of substantial disagreements among delegations. Belarus consequently did not support the part of the resolution on programme planning which related to the financing of the Mechanism. Making appropriations available for the Mechanism from the regular budget in the knowledge that the Organization was facing serious financial challenges and without an attempt to find alternative sources of funding appeared counterproductive.

19. **Mr. Tur de la Concepción** (Cuba) said that his delegation supported the draft resolution contained in document [A/C.5/76/L.3](#), but wished to make clear that it was against the resolution's inclusion of the Mechanism, an illegal entity which violated the sovereignty of, and lacked the consent of, the Syrian Arab Republic. Cuba opposed as a matter of principle all mechanisms which were not backed by the consent of the country concerned, and which sought politicization and interference in the internal affairs of States.

20. **Mr. Erman** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia and, in addition, Andorra, Georgia, Monaco, the Republic of Moldova and Ukraine, said that the European Union wished to ensure full respect for, and implementation of, the General Assembly's resolutions

and decisions, including those relating to the Mechanism. It reiterated its unwavering support for the Mechanism, believing strongly that the Mechanism's robust mandate, and its actions, as described in the programme plan, were key to achieving accountability for the most serious international crimes committed in the Syrian Arab Republic since March 2011. For those reasons, it had supported the amendment proposed by Qatar.

21. **Mr. Alshahin** (Syrian Arab Republic) said that he wished to reiterate the firm position of his country, which was to refuse to recognize the Mechanism, for the reasons already explained. Did any member of the United Nations expect the Syrian Arab Republic to agree to the collection of evidence by an entity thousands of kilometres from its borders and established without consulting it or obtaining its consent? Despite the circumstances brought by a terrorist war against it, the Syrian Arab Republic was proud of its judicial and security institutions. It had the capability and the will to bring about justice, accountability, reconciliation and reparation, not through a Geneva-based Mechanism which gathered evidence without adhering to United Nations or international or national procedural or legal standards.

22. *Draft resolution [A/C.5/76/L.3](#), as orally amended, was adopted.*

23. **Mr. Alshahin** (Syrian Arab Republic) said that his delegation firmly disassociated itself from the decision to include provision for the financing of the Mechanism in the programme plan. That entity was not connected in any way with the Syrian Arab Republic, but rather with the proponents of the Mechanism, who wished to rid themselves of the financial burden associated with it and transfer that burden to the other Member States.

24. **Mr. Chumakov** (Russian Federation), **Ms. Llano** (Nicaragua), **Mr. Cheng Lie** (China), **Mr. Tur de la Concepción** (Cuba), **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea), **Mr. Tavoli** (Islamic Republic of Iran), **Mr. Bayley Angeleri** (Bolivarian Republic of Venezuela), **Mr. Evseenko** (Belarus) and **Ms. Muñoz Ponce** (Plurinational State of Bolivia) said that their delegations wished to disassociate themselves from the consensus on the draft resolution in connection with the wording relating to the Mechanism.

\* The delegations of Jordan, Lesotho and Senegal subsequently informed the Committee that they had intended to abstain; and the delegation of Lebanon that it had intended not to participate in the vote.

**Agenda item 141: Pattern of conferences**  
(A/C.5/76/L.4)

*Draft resolution A/C.5/76/L.4: Pattern of conferences*

25. *Draft resolution A/C.5/76/L.4 was adopted.*

**Agenda item 142: Scale of assessments for the apportionment of the expenses of the United Nations** (continued) (A/C.5/76/L.8)

*Draft resolution A/C.5/76/L.8: Scale of assessments for the apportionment of the expenses of the United Nations*

26. *Draft resolution A/C.5/76/L.8 was adopted.*

**Agenda item 149: Scale of assessments for the apportionment of the expenses of United Nations peacekeeping operations** (continued) (A/C.5/76/L.9)

*Draft resolution A/C.5/76/L.9: Scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations*

27. **The Chair** said that he wished to confirm the understanding that, on an exceptional basis for the 2022–2024 scale period only, three countries in Level B – the Bahamas, Bahrain and Saudi Arabia – would be afforded discounts of 7.5 per cent to their assessment rates, and that those discounts would be borne on a pro rata basis by the permanent members of the Security Council.

28. *Draft resolution A/C.5/76/L.9 was adopted.*

**Agenda item 145: United Nations common system** (continued) (A/C.5/76/L.14)

*Draft resolution A/C.5/76/L.14: United Nations common system*

29. *Draft resolution A/C.5/76/L.14 was adopted.*

**Agenda item 146: Report on the activities of the Office of Internal Oversight Services** (continued) (A/C.5/76/L.15)

**Agenda item 136: Review of the efficiency of the administrative and financial functioning of the United Nations** (continued) (A/C.5/76/L.15)

*Draft resolution A/C.5/76/L.15: Report on the activities of the Office of Internal Oversight Services*

30. *Draft resolution A/C.5/76/L.15 was adopted.*

**Agenda item 147: Administration of justice at the United Nations** (A/C.5/76/L.12)

*Draft resolution A/C.5/76/L.12: Administration of justice at the United Nations*

31. *Draft resolution A/C.5/76/L.12 was adopted.*

**Agenda item 148: Financing of the International Residual Mechanism for Criminal Tribunals** (A/C.5/76/L.16)

*Draft resolution A/C.5/76/L.16: Financing of the International Residual Mechanism for Criminal Tribunals*

32. *Draft resolution A/C.5/76/L.16 was adopted.*

33. **Mr. Eboa Ebongue** (Cameroon), speaking on behalf of the Group of African States, said that the Group was a strong advocate of the mandate of the International Residual Mechanism, as set out in Security Council resolution 1966 (2010). The Group believed that perpetrators of genocide, war crimes and crimes against humanity, no matter who they might be, must face justice, and for that reason wished to see the International Residual Mechanism pursue its work despite the COVID-19 pandemic and have access to sufficient human and financial resources, in a manner commensurate with its mandate and responsibilities. Genocide and other war crimes must never go unpunished; the Group would therefore continue to request the Secretary-General to support the work of the International Residual Mechanism so that victims and survivors who were waiting for justice had the opportunity to see justice served.

34. The Group had noticed a trend towards abolition, assignment, reassignment and reclassification of posts at the branches of the International Residual Mechanism in Arusha and The Hague, and had questions in that connection. The current budget proposal, as just adopted through the draft resolution, called for the same kind of post abolition, assignment, reassignment and reclassification, and was a cause of concern to the Group, which called on the Secretary-General to conduct an independent investigation of human resources management under the International Residual Mechanism.

35. **Mr. Tona** (Rwanda) said that Rwanda attached great importance to the International Residual Mechanism as a means of seeking justice for the 1994 genocide against the Tutsi, and to ensure that those responsible for the genocide were brought to justice and

held accountable. The Member States must ensure that the International Residual Mechanism had the resources needed for it to implement its mandate, especially in the light of the upcoming trial of Félicien Kabuga, one of the masterminds of the 1994 genocide against the Tutsi. Similarly, the Member States must ensure that the International Residual Mechanism had the resources necessary for it to bring to justice the remaining fugitives still at large, so that they accounted for their crimes. What was at stake was justice for the survivors.

36. **Mr. Shilla** (United Republic of Tanzania) said that his delegation wished to echo the call made for a special investigation of personnel practices of the International Residual Mechanism.

**Agenda item 165: Financing of the African Union-United Nations Hybrid Operation in Darfur**  
(A/C.5/76/L.11)

*Draft resolution A/C.5/76/L.11: Financing of the African Union-United Nations Hybrid Operation in Darfur*

37. *Draft resolution A/C.5/76/L.11 was adopted.*

**Agenda item 138: Proposed programme budget for 2022** (continued)

*Programme budget implications relating to the proposed programme budget for 2022*  
(A/C.5/76/L.13)

*Draft decisions contained in document A/C.5/76/L.13: Programme budget implications relating to the programme budget for 2022*

38. *The draft decisions contained in document A/C.5/76/L.13 were adopted.*

39. **Mr. Alshahin** (Syrian Arab Republic) said that although his delegation had joined the consensus regarding the draft decisions contained in document A/C.5/76/L.13, it had reservations regarding draft decision H, which related to programme budget implications of draft resolution A/C.3/76/L.31/Rev.1, adopted in the Third Committee following a request for a recorded vote made by his country, a request motivated in particular by concern over hostile political agendas and unfounded and unsubstantiated lies and misinformation which sought to exploit the Organization and the issue of protecting human rights in order to target the Syrian Arab Republic. That exploitation of the protection of human rights mirrored the tactics used for the resolution in previous years, and

rested on certain mechanisms established in violation of the Charter of the United Nations and in violation of the principles of international law. Moreover, the adoption of the draft decision in question violated the prerogatives of other committees, including the Third Committee, whose working methods had not been respected.

*Questions relating to the proposed programme budget for 2022* (A/C.5/76/L.6)

*Draft resolution A/C.5/76/L.6: Proposed programme budget for 2022: Section 8, Legal affairs*

40. **Mr. Chumakov** (Russian Federation), speaking also on behalf of Belarus, China, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Iran (Islamic Republic of), Kazakhstan, Nicaragua, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Zimbabwe, introducing the draft resolution, said that, pursuant to the amendment contained in it, all narratives and references regarding the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 would be deleted from the proposed programme budget for 2022, and financing for the Mechanism would therefore be denied. There were a number of reasons for the proposed amendment. The Mechanism had no mandate, as General Assembly resolution 71/248 was null and void. The General Assembly had unlawfully exercised the role of the Security Council, in continued violation of the Charter of the United Nations, in particular its provisions regarding non-interference in the internal affairs of States. The Government of the Syrian Arab Republic had not consented to that experiment.

41. The Mechanism was undertaking a politically-motivated investigation outside the framework of international law and the Charter of the United Nations. The investigation's results, or rather purported results, bore no relationship to justice. The Russian Federation did not recognize the Mechanism. Accordingly, he counted on all other delegations to support the proposed amendment.

42. **Mr. Erman** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia and, in addition, Andorra, Georgia, Monaco, the Republic of Moldova and Ukraine, said that the European Union regretted the submission of draft

resolution [A/C.5/76/L.6](#) and wished it to be put to a recorded vote. The Fifth Committee, as the Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, should ensure that the mandates established by the Member States and other legislative forums were fully implemented and, to that end, ensure adequate resources for those mandates. The European Union and its member States strongly believed that the requirement to fund the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 from the regular budget was unequivocal.

43. The General Assembly had established the mandate of the Mechanism in its resolution [71/248](#). In paragraph 35 of its resolution [72/191](#), the Assembly had called on the Secretary-General to include the funding necessary for the Mechanism in his budget proposal for 2020. Should draft resolution [A/C.5/76/L.6](#) be adopted, the Mechanism would be deprived of all funding and would be unable to deliver on its important mandate. That would violate the decisions of the General Assembly. Accordingly, the European Union called on all delegations to vote against that draft resolution.

*Statements made in explanation of vote before the voting*

44. **Ms. Alya Ahmed Saif Al-Thani** (Qatar) said that the programme of work of the Committee had been established in order to ensure funding through the regular budget. Her delegation intended to vote in favour of the budget for Section 8 as it stood.

45. **Mr. Alshahin** (Syrian Arab Republic) said that those behind the establishment of the Mechanism wanted the United Nations to create a dangerous precedent which undermined international law and had its basis in controversial principles. That negative precedent – the setting-up of the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 – could be exploited by States to interfere in the internal affairs of any other State, in violation of that State's sovereignty. His delegation called on others to support the amendment introduced by the Russian Federation, to disassociate themselves from, and to refuse to cooperate with, the Mechanism, which was an

illegal entity, and to deny it funding from the regular budget of the Organization, particularly in the light of the lack of consensus on that matter in the Committee.

46. *At the request of the representative of Slovenia on behalf of the European Union member States, a recorded vote was taken on draft resolution [A/C.5/76/L.6](#).*

*In favour:*

Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Ethiopia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Nicaragua, Russian Federation, Sri Lanka, Syrian Arab Republic, Tajikistan, Togo, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Tonga, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Abstaining:*

Algeria, Angola, Armenia, Bahrain, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Egypt, Fiji, Gabon, Ghana, India, Indonesia, Iraq, Jordan, Kenya, Lesotho, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Namibia, Nepal, Nigeria, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, South Africa,

Suriname, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

47. *The draft resolution was rejected by 86 votes to 20, with 49 abstentions.*

*Draft report of the Fifth Committee*  
(A/C.5/76/L.10, A/C.5/76/L.17, A/C.5/76/L.18, A/C.5/76/L.19, A/C.5/76/L.20 and A/C.5/76/L.21)

48. **The Chair** said that he wished to draw the attention of the Committee to the draft report, contained in document A/C.5/76/L.21, and to invite the Committee to take action on the recommendations in section II thereof.

*Draft resolution I: Questions relating to the proposed programme budget for 2022 (A/C.5/76/L.10)*

49. **Mr. Erman** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia and, in addition, Andorra, Georgia, Monaco, the Republic of Moldova and Ukraine, said that he wished to propose an oral amendment to draft resolution I, in order to ensure full funding of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, and consisting of the insertion of the following paragraphs:

*Takes note* of paragraphs III.60, III.61 and III.62 of the report of the Advisory Committee;

*Decides* that regular budget resources for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 under section 8, Legal affairs, for 2022, amount to 17,159,700 dollars before recosting.

With those resources, the Mechanism would be able to deliver on its mandates fully. He called on all delegations to support the proposed amendment.

50. **Mr. Chumakov** (Russian Federation) said that his delegation, which opposed the proposed oral amendment, wished to call for a recorded vote on it.

*Statement made in explanation of vote before the voting*

51. **Mr. Alshahin** (Syrian Arab Republic) said that the position of his delegation on the Mechanism remained unchanged, and it could therefore not accept the oral amendment proposed. It supported the request for a recorded vote made by the representative of the Russian Federation.

52. *At the request of the representative of the Russian Federation, a recorded vote was taken on the oral amendment to draft resolution A/C.5/76/L.10 proposed by the representative of Slovenia on behalf of the European Union member States.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Tonga, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Against:*

Belarus, Bolivia (Plurinational State of), Central African Republic, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Ethiopia, Iran (Islamic Republic of), Lao People's Democratic Republic, Namibia, Nicaragua, Russian Federation, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining:*

Algeria, Angola, Armenia, Bahrain, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Cameroon, Chad, Egypt,

Fiji, Ghana, India, Indonesia, Iraq, Jordan, Kenya, Lesotho, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Nepal, Oman, Pakistan, Paraguay, Philippines, Rwanda, Saint Vincent and the Grenadines, Serbia, Singapore, Somalia, Suriname, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

53. *The oral amendment was adopted by 90 votes to 18, with 44 abstentions.\**

54. **Mr. Tavoli** (Islamic Republic of Iran) said that the Secretary-General had previously proposed the conversion of 16 general temporary assistance positions to regular budget posts. That proposal had included five general temporary assistance positions supporting country-specific experts and special rapporteurs. If the draft resolution were to be adopted, the recommendations of the Advisory Committee would lead to four out of those five general temporary assistance positions not being converted to regular budget posts, leaving conversion to apply only to the position attached to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. That step was not only discriminatory; it was completely unacceptable. The conversion of the 16 positions under Section 24, Human rights, had been considered as part of a package agreed among the groups of Member States. During the process of seeking agreement, his delegation had participated actively and with the utmost goodwill and flexibility, wishing to achieve a compromise that addressed its concerns, but those efforts had been hampered by time constraints. His delegation was not in a position to join consensus on the draft resolution as it stood. In the interests of promoting consensus, his delegation wished to propose an oral amendment to the draft resolution, consisting of the insertion of the following paragraph:

*Decides* not to approve the conversion of the general temporary assistance positions related to Iran;

If that oral amendment was adopted, as he hoped, there would be no need for his delegation to request a vote on the resolution as a whole.

55. **Mr. Erman** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia

and, in addition, Georgia, Monaco, the Republic of Moldova and Ukraine, said that the European Union regretted the submission of the proposed oral amendment to draft resolution [A/C.5/76/L.10](#) and wished it to be put to a recorded vote. The European Union reaffirmed its commitment to consensus-based decision-making, and recalled that the Fifth Committee had repeatedly proved its ability to reach agreement on technical matters with important political ramifications. Consensus, which should remain the fundamental creed of the Committee, required all participants to engage in discussions in a spirit of good faith, collegiality and constructive cooperation to find a middle ground, leading to positions that all could support even if those positions were not the participants' preferred choices. The Committee should avoid arbitrary decisions, further politicization, and fragmentation of the budget. He urged all delegations to vote against the proposed oral amendment.

56. *At the request of the representative of Slovenia on behalf of the European Union member States, a recorded vote was taken on the oral amendment to draft resolution [A/C.5/76/L.10](#) proposed by the representative of the Islamic Republic of Iran.*

*In favour:*

Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Eritrea, Iran (Islamic Republic of), Namibia, Nicaragua, Pakistan, Philippines, Russian Federation, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Myanmar, Nauru, Netherlands, New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

\* The delegations of Nigeria, Senegal and South Africa subsequently informed the Committee that they had intended to abstain.

*Abstaining:*

Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Cameroon, Central African Republic, Chad, Colombia, Djibouti, Egypt, Equatorial Guinea, Fiji, Gabon, Ghana, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Nigeria, Oman, Paraguay, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, South Africa, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, United Arab Emirates, Viet Nam, Zambia.

57. *The oral amendment was rejected by 70 votes to 16, with 64 abstentions.*

58. **Mr. Tavoli** (Islamic Republic of Iran) said that his delegation, reluctantly and for the reasons he had explained, wished to request a recorded vote on the draft resolution as a whole.

59. *At the request of the representative of the Islamic Republic of Iran, a recorded vote was taken on draft resolution A/C.5/76/L.10, as orally amended, as a whole.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco,

Mongolia, Montenegro, Morocco, Myanmar, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

None.

*Abstaining:*

Bosnia and Herzegovina, Burundi, Central African Republic, Democratic People's Republic of Korea, Iran (Islamic Republic of), Madagascar, Namibia, Syrian Arab Republic.

60. *The draft resolution, as orally amended, as a whole, was adopted by 159 votes to none, with 8 abstentions.\**

61. **Mr. Tavoli** (Islamic Republic of Iran) said that his delegation had abstained in the vote regarding what was a vital resolution not just for the Fifth Committee but for the Organization as a whole. The practice of decision-making by consensus in the Fifth Committee was one which his delegation adhered to as long as doing so did not harm the national interest of the Islamic Republic of Iran. However, the draft resolution just adopted led to discriminatory treatment of his country, and was therefore not acceptable to it in any way, shape or form. Time constraints should not lead any Member State or group of Member States or any entity to disrespect and neglect the national interests of other Member States. He trusted that his country's experience would not be repeated in the future.

62. **Mr. Chumakov** (Russian Federation) said that, while his delegation had supported the adoption of the draft resolution on the proposed programme budget for

\* The delegation of Bosnia and Herzegovina subsequently informed the Committee that it had intended to vote in favour.

2022, it wished to disassociate itself from the provisions regarding the financing of what was termed the International, Impartial and Independent Mechanism and the provisions connected with the amendment proposed by Iran.

63. **Mr. Tur de la Concepción** (Cuba) said that, for the reasons he had explained earlier, his delegation wished to disassociate itself from the provisions relating to the financing of what was termed the International, Impartial and Independent Mechanism. It also wished to disassociate itself from the provisions connected with the amendment proposed by Iran, on the grounds that those provisions discriminated against, and harmed the interests of, that country. Special procedures of the Human Rights Council which were motivated by a desire to politicize and destabilize must not be used against countries which did not consent to their establishment.

64. **Mr. Alshahin** (Syrian Arab Republic) said that his delegation had voted in favour of the amendment proposed by the representative of Iran on the grounds of his country's principled rejection of the politicization of human rights, using various pretexts to seek to interfere in the internal affairs of States in a manner which contravened the Charter of the United Nations. His delegation regretted the selective way in which human rights situations were addressed, ignoring the concerns of certain Member States and serving the interests of others. His delegation had abstained in the vote on the draft resolution on the proposed programme budget for 2022 because of its many concerns, chief among which was the financing from the regular budget of the Organization of what was termed the International, Impartial and Independent Mechanism. His delegation disassociated itself fully from the consensus with respect to the funding of the Mechanism from the regular budget of the Organization. The Syrian Arab Republic would fulfil its financial obligations to the United Nations in 2022 accordingly. As he had indicated earlier, that entity was not connected in any way with the Syrian Arab Republic, but rather with the proponents of the Mechanism, who wished to rid themselves of the financial burden associated with it and transfer that burden to the other Member States.

65. **Mr. Cheng Lie** (China) said that his delegation had supported the adoption of the draft resolution on the proposed programme budget for 2022, but wished to express its concern regarding what was termed the International, Impartial and Independent Mechanism, and the desire to force through the adoption of the draft

resolution. It wished to disassociate itself from the provisions connected with the Mechanism. In addition, his delegation had supported, and regretted the rejection of, the amendment proposed by the representative of Iran, as it understood that country's concerns.

66. **Mr. Evseenko** (Belarus) that said that his delegation had supported the adoption of the draft resolution on the proposed programme budget for 2022. It had also voted in favour of the amendment proposed by the representative of Iran, as Belarus opposed country-specific resolutions and supported Iran's view that it was unacceptable to exploit the conversion of general temporary assistance positions connected with experts and special rapporteurs. Belarus wished to disassociate itself from the references in the draft resolution to what was termed the International, Impartial and Independent Mechanism and from the provisions relating to Iran.

67. **Ms. Llano** (Nicaragua) said that her delegation wished to disassociate itself from the references in the draft resolution to what was termed the International, Impartial and Independent Mechanism. It also wished to disassociate itself from the provisions relating to Iran, as it opposed steps which harmed that country and considered the politicization of human rights to be inappropriate.

68. **Mr. Tavoli** (Islamic Republic of Iran) said that his delegation also wished to disassociate itself from the references in the draft resolution to the financing of what was termed the International, Impartial and Independent Mechanism.

69. **Mr. Bayley Angeleri** (Bolivarian Republic of Venezuela) said that, while his delegation had supported the adoption of the draft resolution on the proposed programme budget for 2022, it wished to disassociate itself from the references in that resolution to what was termed the International, Impartial and Independent Mechanism. Similarly, having supported the amendment proposed by Iran, on the grounds of Iran's right to oppose measures which caused it harm, and to express its views on its internal affairs, his delegation wished to disassociate itself from the provisions relating to that country.

70. **Ms. Muñoz Ponce** (Plurinational State of Bolivia) said that her delegation had supported the adoption of the draft resolution on the proposed programme budget for 2022 but, as it opposed any mandate which undermined State sovereignty and any mechanism which lacked the consent of the country concerned.

Bolivia disassociated itself from the provisions regarding the financing of what was termed the International, Impartial and Independent Mechanism and, because it rejected the politicization of human rights, also disassociated itself from the provisions regarding Iran.

71. **Ms. Zilbergeld** (Israel) said that her delegation wished to disassociate itself from the consensus on the draft resolution in respect of paragraph 53; to disassociate itself from the recommendations of the Advisory Committee regarding Section 26, Palestine refugees, as contained in paragraphs VI.43 and VI.56 of the Advisory Committee's first report on the proposed programme budget for 2022 (A/76/7); from the recommendation for a review contained in paragraph VI.55 of the same report; and from the budget proposal for Section 26, as contained in paragraphs 26.136, 26.137, 26.138 and 26.139 of the proposed programme budget for 2022 (A/76/6 (Sect. 26)).

72. Over the previous ten years, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had upgraded the grade levels and functional titles of 36 of the 158 posts funded from the regular budget of the Organization, while maintaining a high vacancy rate at the Agency in order to offset the financial impact of those upgraded posts. Those unauthorized grade alterations, and the Agency's fixing of its books, had been undertaken for a decade unchecked, and without the requisite approval of the General Assembly, something which the relevant financial rules and regulations of the Organization required. That ongoing unauthorized use of United Nations funds in essence constituted a mishandling of taxpayer money from around the world. The Agency had knowingly and intentionally upgraded the salaries of dozens of its employees, taking advantage of the fact that the Agency's computer system was a standalone system not connected to the United Nations enterprise resource planning system, Umoja. That situation had enabled the Agency to undertake unapproved action for years, operating under the radar of the General Assembly. The Agency's flawed operating methods were in clear need of oversight and reform, as recognized by other members of the Fifth Committee and as reflected in paragraph 52 of the resolution on the proposed programme budget.

73. The need for serious reform at the Agency went beyond its highly problematic accounting methods. For example, the Agency had taken upon itself political activities including advocacy and outreach that far

exceeded its mandate, which was limited to providing humanitarian aid and services. The United Nations must be proactive and diligent, in order to ensure that none of its regular budget funds were devoted to financing such unauthorized, ultra vires, activities. Israel would follow reforms undertaken at the Agency closely, in order to ensure that it improved and strengthened its internal governance and oversight mechanisms, and in order to ensure transparency and accountability. Israel would also be vigilant to ensure that the Agency undertook other necessary reforms, including reforms to overhaul its education system. Israel called on other Member States to join in monitoring those important and much-needed reforms.

*Draft resolution II: Special subjects relating to the proposed programme budget for 2022 (A/C.5/76/L.17)*

74. **Mr. Tur de la Concepción** (Cuba) said that, in connection with section X of the draft resolution, relating to estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council, his delegation had been pointing out for over a decade that there was no legal basis for activities relating to the responsibility to protect, because there was no intergovernmental agreement, negotiated by the Member States, to define the scope and implementation of that concept. As his delegation had pointed out in the past, it was unacceptable for the position of the Special Advisor to the Secretary-General on the Responsibility to Protect not to be backed by a legislative mandate from the Member States, and for that position to be funded from the regular budget of the Organization. Consequently, a considerable number of Member States voiced their reservations every year on the subject of that position.

75. There were serious irregularities in the financing of the position, as the expenditure concerned was not justified in the requisite manner by the Special Adviser's duties. The programme of work of the office of the Special Adviser to the Secretary-General on the Prevention of Genocide made not one single reference to, and failed to describe the responsibilities conferred on, the Special Advisor to the Secretary-General on the Responsibility to Protect. In proposing an oral amendment to the draft resolution, his delegation was not in any way seeking to undermine the functions or funding of the office of the Special Adviser to the Secretary-General on the Prevention of Genocide; that office was fully supported by the Government of Cuba, in line with its principled stand against genocide. The

budget estimates and related narrative for the Special Adviser on the Responsibility to Protect should be removed from the budget document until the General Assembly took decisions on the concept, its implementation and scope, and other related matters.

76. He proposed that two new preambular paragraphs and two new operative paragraphs be inserted in section X of draft resolution [A/C.5/76/L.17](#). The first new preambular paragraph would read, “*Recalling* that the General Assembly has not decided on the concept of responsibility to protect, its scope, implications and possible ways of implementation”; the second new preambular paragraph would read, “*Noting* that the estimates for thematic cluster I comprise narratives, functions, strategy and external factors, results, performance measures, deliverables and other information related to the Special Adviser to the Secretary-General on the Responsibility to Protect”. The first new operative paragraph would read, “*Decides* to delete the narratives, functions, strategy and external factors, results, performance measures, deliverables and other information related to the Special Adviser to the Secretary-General on the Responsibility to Protect, as contained in the strategic framework and the related narratives of the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, which is contained in the report [A/76/6 \(Sect. 3\)/Add.2](#)”; the second new operative paragraph would read, “*Requests* the Secretary-General to issue a corrigendum to his report [A/76/6 \(Sect. 3\)/Add.2](#)”. He asked delegations to consider, and vote in favour of, the proposed oral amendment, with a view to ensuring that appropriate funding was provided for mandates that were the subject of intergovernmental consensus, given the Organization’s acute lack of liquidity.

77. **Mr. Erman** (Slovenia), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and North Macedonia and, in addition, Georgia, Monaco, the Republic of Moldova and Ukraine, said that the European Union regretted the submission of the proposed oral amendment to draft resolution [A/C.5/76/L.17](#), and wished it to be put to a recorded vote. The Fifth Committee, as the Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, should ensure that the mandates established by the Member States and other legislative forums were fully implemented and, to that end, should ensure the provision of adequate resources.

78. The mandate of the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide had been approved in Security Council resolution [1366 \(2001\)](#). It was the responsibility of the Committee to ensure that that Office was able to implement effectively its mandate and all of the functions related to the Office. The proposed oral amendments would greatly reduce the capacity of the Office to do so, and would in particular hamper the performance of that mandate by the Office in close collaboration with other United Nations entities, particularly the Special Adviser on the Responsibility to Protect, who focused on developing the conceptual, political and operational aspects of the responsibility to protect. The European Union would vote against the proposed amendments, and called on other delegations to do likewise.

*Statements made in explanation of vote before the voting*

79. **Mr. Tan** (Canada) said that his delegation shared the concerns expressed by the representative of Slovenia on behalf of the European Union, and called on all delegations to vote against the oral amendment proposed by the representative of Cuba.

80. **Ms. Llano** (Nicaragua) said that her delegation fully supported the amendment proposed by the representative of Cuba, being firmly opposed to the provision of resources for the Special Adviser to the Secretary-General on the Responsibility to Protect, whose appointment had not been backed by an intergovernmental decision. Nicaragua stood alongside the international community and the United Nations in its principled opposition to genocide, war crimes, ethnic cleansing and crimes against humanity. However, it continued to maintain that the responsibility to protect came with a genuine risk of manipulation by interventionists in disguise seeking to justify by various means the use of interference and force to destabilize and replace legitimate governments. She called on all delegations to vote in favour of the proposed oral amendment.

81. **Mr. Tavoli** (Islamic Republic of Iran) said that although supporting any lawful action against the crime of genocide was a principled position of the Islamic Republic of Iran, his country believed that the appointment of the Special Adviser to the Secretary-General on the Responsibility to Protect had been discussed only by the Secretary-General and the Security Council, and that it lacked the backing of any intergovernmental agreement. Accordingly his

delegation supported the proposal of Cuba to delete the budget estimates and related narrative for the Special Adviser on the Responsibility to Protect.

82. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that his delegation supported the amendment proposed by the representative of Cuba, and would vote in favour of it. As members of the Committee were aware, there was still no consensus among the Member States on the concept of the responsibility to protect, and there was therefore no legal basis for activities in that connection. The responsibility to protect was a variant of humanitarian intervention that had been rejected by the international community in the past. His delegation requested the deletion from the regular budget of the estimates allocated for the Special Adviser on the Responsibility to Protect. They should only be considered once the General Assembly had reached a decision on the concept by consensus.

83. **Mr. Bayley Angeleri** (Bolivarian Republic of Venezuela) said that his delegation supported the oral amendment proposed by the representative of Cuba. Venezuela had frequently expressed its view that the concept of the responsibility to protect, although originally motivated by altruistic considerations, had in practice degenerated into colonial intervention. It had been selectively applied on the ground, favouring the interests of those who exercised military superiority and abused humanitarian arguments, using them as a pretext to launch wars of dominance. The concrete outcome of the responsibility to protect had mirrored that of colonial invasions, causing suffering and destruction in countries subjected to a protection that was false. Those peoples never received protection. They only served as an excuse to impose regime change from the outside that provided an opportunity to pillage natural resources. As a result, the originally well-intentioned idea of the responsibility to protect now lacked legitimacy. The General Assembly had not adopted any decision on the concept, scope, application, implications or method of implementation of the responsibility to protect. His delegation would consequently vote in favour of the proposed amendment.

84. **Mr. Evseenko** (Belarus) said that his delegation was in favour of the oral amendment proposed by the representative of Cuba, believing that the controversial concept of the responsibility to protect did not have universal support, and had been adopted without consensus. There were many questions regarding its implementation, its lack of a legal basis, and its

operation, and suspicion that it might be used for political ends. For those reasons, his delegation could not support the portion of the proposed programme budget devoted to the responsibility to protect.

85. **Mr. Alshahin** (Syrian Arab Republic) said that his delegation supported the oral amendment proposed by the representative of Cuba. The concept of the responsibility to protect was a controversial one, and it had not gathered any intergovernmental consensus. The General Assembly had yet to adopt a resolution to define the principle, context and method of implementation of the responsibility to protect, and there was therefore still no legal agreement on it. Some States were exploiting the responsibility to protect to interfere in the internal affairs of other States, in blatant violation of the principles of the Charter of the United Nations, in particular national sovereignty and of respect for the territorial integrity of the Member States.

86. **Ms. Muñoz Ponce** (Plurinational State of Bolivia) said that her delegation supported the oral amendment proposed by the representative of Cuba, as Bolivia believed that no mandate could be established without intergovernmental agreement. While her delegation recognized the importance of the responsibility to protect, the fact that it lacked a definition and had not gathered a consensus left it open to being used by certain governments for political ends.

87. *At the request of the representative of Slovenia on behalf of the European Union member States, a recorded vote was taken on the oral amendment to section X of draft resolution A/C.5/76/L.17 proposed by the representative of Cuba.*

*In favour:*

Belarus, Bolivia (Plurinational State of), Cambodia, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Iran (Islamic Republic of), Namibia, Nicaragua, Russian Federation, Saint Vincent and the Grenadines, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras,

Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Myanmar, Nauru, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:*

Algeria, Angola, Bahamas, Bahrain, Barbados, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Central African Republic, Chad, Dominican Republic, Fiji, Guyana, Haiti, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, Oman, Pakistan, Paraguay, Philippines, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Serbia, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Yemen, Zambia.

88. *The oral amendment was rejected by 82 votes to 22, with 54 abstentions.*

89. **Ms. Zilbergeld** (Israel) said that her delegation wished to propose an oral amendment to section IX of the draft resolution, relating to revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its forty-sixth, forty-seventh and forty-eighth regular sessions and thirtieth, thirty-first and thirty-second special sessions, as Israel strongly opposed the establishment and funding of the latest commission of inquiry against Israel established by the Human Rights Council. That was a further example of action by an extremely discriminatory and flawed United Nations body that the General Assembly should be working to abolish, rather than support.

90. In May 2021, following the most recent escalation of the situation, initiated by a barrage of Hamas rocket attacks from Gaza on most major Israeli cities and towns, the Human Rights Council had established that commission of inquiry to investigate Israel. It should be noted that half of the members of the Human Rights

Council had voted against, or abstained in the vote, in connection with the commission of inquiry, and that no commission of inquiry had been established to investigate Hamas. The reasons for the opposition of so many to the establishment of the commission of inquiry were clear.

91. The creation of the associated mandate was a further manifestation of the blatant anti-Israel bias in the Human Rights Council, which once again had established what purported to be an investigative body on the basis of a mandate which assumed in advance the existence of Israeli violations of international law, rather than presuming innocence as investigative bodies would be expected to do. The investigation was to focus solely on Israel, with no mention at all of Hamas, a group designated internationally as a terrorist group, and whose barrage of rocket attacks on towns and cities including Jerusalem and Tel Aviv was the event that had sparked the last round of fighting. That focus existed despite the fact that Hamas regularly committed double war crimes, purposely targeting Israeli civilians and civilian infrastructure on the one hand, while using and abusing Palestinian civilians as human shields, on the other. Moreover, all three of the experts appointed to head the most recent commission of inquiry were on record as having made clear statements supporting Palestinian claims, while condemning Israel. The appointment of experts with well-documented, partial, views on the matters which they were tasked with reviewing flew in the face of the Human Rights Council's own rules regarding neutrality and impartiality, while further underlining the serious inherent flaws of the commission of inquiry.

92. The latest commission of inquiry was also problematic in having an open-ended mandate with no clear end date. All other commissions of inquiry established by the Human Rights Council in the past had had a well-defined timeframe and clear contours. Examined from the budgetary perspective of the Fifth Committee, that open-ended mandate had substantial and onerous budgetary implications. The Committee must take into consideration not only the proposed programme budget for 2022, but the budget for many years to come. Establishing a novel, permanent, standing committee rather than a temporary, limited and well-defined commission of inquiry was unprecedented and dangerous from the standpoint of long-term budgetary implications for the Organization as a whole. Countries that had opposed the establishment of the commission of inquiry would be asked to fund that body

indefinitely, obliging them to pay for it in one, ten and one hundred years.

93. Since its establishment in 2006, the Human Rights Council had set up 32 investigative bodies, with nine of them focused exclusively on Israel, with disproportionate funding repeatedly allocated to investigate that country. She hoped that the Fifth Committee would not once again play a role in wasting precious and limited resources to finance yet another mock court, one with an unprecedented, open-ended, unlimited and inflated budget and redundant staff. For that reason, she urged the Committee to reject the allocation of the resources requested for what was a flawed and biased investigative body of the Human Rights Council. The oral amendment to section IX of the draft resolution proposed by her delegation would consist of the addition of the following paragraph:

*Decides* not to approve resources related to resolution S-30/1;

She urged all delegations to vote in favour of that amendment.

94. **Mr. Diallo** (Guinea), speaking on behalf of the Group of 77 and China, said that the Group wished to call for a recorded vote on the oral amendment proposed by the representative of Israel, and urged all delegations to vote against it.

*Statements made in explanation of vote before the voting*

95. **Mr. Al Assiri** (Saudi Arabia), speaking on behalf of the Organization of Islamic Cooperation (OIC), said that the Organization supported respect for human rights and international law, and therefore called on all delegations to vote against the proposed amendment

96. **Mr. Al Omoush** (Jordan) said that his delegation wished to emphasize that both international humanitarian law and international human rights law applied concurrently in the Occupied Palestinian Territory, a situation confirmed by the International Court of Justice in its 2004 advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. Israel was therefore under an obligation to respect both bodies of law in the territories occupied since June 1967, including East Jerusalem, and not to discriminate against the Palestinians as a protected people in the application of both international humanitarian law and international human rights law. The pursuit of non-discrimination was a normative obligation which Israel could not abrogate.

Israeli human rights were not superior to Palestinian human rights.

97. *At the request of the representative of Guinea on behalf of the Group of 77 and China, a recorded vote was taken on the oral amendment to section IX of draft resolution A/C.5/76/L.17 proposed by the representative of Israel.*

*In favour:*

Hungary, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Papua New Guinea, United States of America.

*Against:*

Afghanistan, Algeria, Andorra, Angola, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Chad, Chile, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Gambia, Ghana, Greece, Grenada, Guinea, Guyana, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

*Abstaining:*

Albania, Australia, Austria, Brazil, Bulgaria, Burundi, Canada, Central African Republic, Colombia, Croatia, Czechia, Ecuador, Fiji, Germany, Guatemala, Haiti, Honduras, India, Italy, Lithuania, Madagascar, Montenegro,

Netherlands, North Macedonia, Republic of Korea, Rwanda, Slovakia, Slovenia, Solomon Islands, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

98. *The oral amendment was rejected by 125 votes to 8, with 34 abstentions.*

99. **Mr. Fifield** (Australia) said that Australia had abstained in the vote on the oral amendment proposed by the representative of Israel, as its principled, consistent and long-standing position at the United Nations and other international forums was one of opposing anti-Israel bias. As Australia was not currently a member of the Human Rights Council, it had not voted on that body's resolution [S-30/1](#). In its view, the mandate of the commission of inquiry was excessively broad, one-sided, open-ended and over-resourced. Australia reaffirmed Israel's right to self-defence in accordance with international law, and the need for Palestinians to be able to live in peace, and with dignity. It consistently backed the provision of resources for human rights-related matters, even in connection with mandates that it did not support. As always, it had sought consensus in the Fifth Committee, and it had noted the Committee's decision to endorse the recommendation of the Advisory Committee that the overall level of resources for implementation of the mandate under discussion should be reduced. Australia was committed to advancing human rights throughout the world, and to a strong multilateral human rights system. That commitment reflected its national values and was a fundamental principle of the country's engagement with the international community.

100. **Mr. Kennedy** (United States of America) said that the United States had voted in favour of the proposed amendment, as it stood with Israel in rejecting the unprecedented, open-ended mandate of the commission of inquiry, which had been established by the Human Rights Council earlier in 2021, perpetuating a practice of unfairly singling out Israel in the United Nations. As it had done under previous administrations, the United States strongly opposed such treatment. It would continue to oppose the commission of inquiry, and would seek opportunities to review its mandate, which had been adopted at a time when the United States had not been a member of the Human Rights Council. His delegation welcomed the good-faith efforts, particularly those of the Advisory Committee, to reduce the inflated budget and staffing levels of the commission of inquiry. In the future, the United States would work within the Human Rights Council, which was the appropriate

forum for debate on the commission of inquiry, to persuade other Member States that the commission of inquiry was inherently biased and was an obstacle to the cause of true peace. In the meantime, Israel could count on the United States to make every effort to shield it from discriminatory and unbalanced criticism, whether at the Human Rights Council or elsewhere in the United Nations system.

101. **Mr. Nežaj** (Albania) said that Albania had closely followed developments in May 2021 in the situation in Gaza, around Gaza and in Israel. It had always welcomed any effort to halt the violence, and had always considered that the only way to encourage a solution to it was to adopt the path of dialogue leading to a political process. Albania firmly supported a two-state solution with a functioning Palestinian State and a safe State of Israel, in compliance with all the relevant resolutions of the Security Council and General Assembly, and in compliance with the existing agreements between the parties.

102. Albania was not calling into question the practice of the Fifth Committee not to revisit mandates already approved in other forums, and to supply the resources needed for the implementation of those mandates. However, fully in keeping with the position it had adopted in Geneva, Albania wished to point out that it remained unconvinced by the mandate of the independent, international commission of inquiry from the standpoint of its geographical coverage, its duration of operation and its composition, and had abstained in the vote on the proposed amendment.

103. *Draft resolution [A/C.5/76/L.17](#) was adopted.*

104. **Ms. Zilbergeld** (Israel) said that her delegation would like to disassociate itself from the consensus on draft resolution [A/C.5/76/L.17](#) in connection with revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its forty-sixth, forty-seventh and forty-eighth regular sessions and thirtieth, thirty-first and thirty-second special sessions, as Israel strongly opposed the establishment of, and the allocation of any resources to fund, the latest commission of inquiry against it.

105. **Mr. Tan** (Canada) said that his delegation was taking the floor in the wake of the Fifth Committee's important decision to fulfil its role within the United Nations system by ensuring appropriate financing of all mandates passed to it by relevant governing bodies of the Organization. Canada strongly supported the provision of funding to cover expenditure arising from

resolutions and decisions of the Human Rights Council, the principal body tasked with upholding and overseeing a central pillar of the work of the United Nations. The fact that the Chair had been forced to propose a text in the current instance testified to the level of politicization of discussions in the Fifth Committee of human rights-related budget allocations, including those connected with mandates of the Human Rights Council, with a very small number of large Member States customarily seeking to de-fund mandates, and thus to deny the Office of the High Commissioner for Human Rights the stable and reliable resources needed for its work. When the Fifth Committee considered mandates established by the Human Rights Council, it did so not with the aim of evaluating them further, but with the desire to set the level of human and other resources needed to undertake tasks already approved. Canada supported the allocation originally proposed by the Secretary-General, and welcomed the eventual adoption by consensus of the draft resolution.

106. Canada did however have significant concerns regarding the commission of inquiry, particularly its method of establishment and the methods by which it was being funded. The commission of inquiry was an unacceptable outlier. Its scope, unprecedented open-ended nature, budget and proposed allocation of posts were significantly wider than in the case of the other investigative bodies whose resources had just been approved by the Committee. It was the most recent in a long line of such investigations of the same conflict, for which there was a large volume of reporting and analysis by the United Nations and other independent sources, negating the need for investigators to retrace the origins, initial principles or root causes of the conflict. Canada shared the concerns expressed by others that the broad mandate of the commission of inquiry risked making positions more intransigent and risked moving the international community further away from a just and lasting resolution of the Israeli-Palestinian conflict. For those reasons, and in keeping with Canada's long-standing opposition to the disproportionate focus on Israel, his delegation had abstained in the vote on the proposed amendment.

107. **Ms. Hettiwelige** (Sri Lanka) said that, with reference to the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its forty-sixth, forty-seventh and forty-eighth regular sessions and thirtieth, thirty-first and thirty-second special sessions, as set out in the report of the Secretary-General contained in document [A/76/524](#), her delegation wished to reiterate its rejection of resolution

[46/1](#) of the Human Rights Council on promoting reconciliation, accountability and human rights in Sri Lanka. That resolution had been presented in the Human Rights Council by a core group of Member States without the consent of the Government of Sri Lanka, as the country concerned, and had been adopted by a divided vote. Consequently, the decision to allocate resources to implement that resolution was misconceived, *inter alia* for the reasons set out in paragraphs 11–18 of the wording originally submitted by Sri Lanka for incorporation into a revised version of the draft resolution, particularly that a domestic commission pursuing the same objectives as contemplated by the Human Rights Council discussions was currently conducting its work. The allocation of resources would therefore be an unwarranted appropriation of United Nations resources.

108. While Sri Lanka had nevertheless joined the consensus and had withdrawn its proposed wording, without prejudice to its position, for the sake of comity and in order to promote the timely completion of the work of the Fifth Committee, it wished to disassociate itself from the references to allocating resources for the implementation of Human Rights Council resolution [46/1](#). Sri Lanka maintained its undertaking to fulfil its commitments under the human rights treaties to which it was a party, and to fulfil the voluntary undertakings in connection with which it had engaged actively. It would also continue to engage actively with the Human Rights Council.

109. **Mr. Alshahin** (Syrian Arab Republic) said that his delegation had joined the consensus on the draft resolution. However, the Government of the Syrian Arab Republic had reservations regarding the allocation of resources for the implementation of Human Rights Council resolution [46/22](#) on the situation of human rights in the Syrian Arab Republic, given that it rejected the instrumentalization of human rights for political ends, as well as the use of United Nations mechanisms to target States, notably in order to serve the interests of States which wielded influence in the Organization and to meddle in the domestic affairs of particular States, in violation of the Charter of the United Nations.

110. **Mr. Evseenko** (Belarus) said that his delegation wished to reiterate its opposition to Human Rights Council resolution [46/20](#) on the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath. Belarus could not contemplate, and regarded as unproductive, any collaboration with the Human Rights Council in

connection with the mandates contained in the resolution. In connection with Human Rights Council resolution 47/19 on the situation of human rights in Belarus, his delegation wished to point out that it did not recognize the mandate of the Special Rapporteur on the situation of human rights in Belarus and had consistently opposed the practice of selective establishment of country-specific special procedures mandates. As in the past, it disagreed with reports regarding systematic violations of human rights in Belarus, and did not consider that the human rights situation in that country should be regarded as special or exceptional.

111. The appropriation, year after year, of resources for the implementation of country-specific resolutions of negligible practical value had a negative effect at a time when the Organization was facing serious financial challenges, and was, to say the least, perplexing. It was his delegation's hope that the drafters of those resolutions would reconcile the approach to budgeting with the genuine issues of the moment, and finally recognize that those resolutions were inappropriate and served no purpose. His delegation disassociated itself from references to Belarus in the portion of the draft resolution relating to revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its forty-sixth, forty-seventh and forty-eighth regular sessions and thirtieth, thirty-first and thirty-second special sessions.

112. **Mr. Tavoli** (Islamic Republic of Iran) said that his delegation did not recognize, and therefore wished to disassociate itself from, the references to the Islamic Republic of Iran in the portion of the draft resolution relating to revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its forty-sixth, forty-seventh and forty-eighth regular sessions and thirtieth, thirty-first and thirty-second special sessions. In addition, it did not support the allocation of frequently excessive resources to fund the mandates established by the resolutions focusing on that country.

*Draft resolution III: Proposed programme budget for 2022 (A/C.5/76/L.18)*

113. **Ms. Pollard** (Under-Secretary-General for Management Strategy, Policy and Compliance) said that she wished to inform the Committee of technical updates to draft resolution A/C.5/76/L.18 consequent on the adoption of the oral amendment to draft resolution A/C.5/76/L.6. The latter would lead to an increase of

\$513,200 under Section 8, Legal affairs, of the proposed programme budget. Accordingly, the total programme budget for 2022 would amount to \$3,121,651,000.

114. *Draft resolution A/C.5/76/L.18, as technically updated, was adopted.*

*Draft resolution IV: Unforeseen and extraordinary expenses for 2022 (A/C.5/76/L.19)*

115. *Draft resolution A/C.5/76/L.19 was adopted.*

*Draft resolution V: Working Capital Fund for 2022 (A/C.5/76/L.20)*

116. *Draft resolution A/C.5/76/L.20 was adopted.*

*Draft report of the Fifth Committee on the proposed programme budget for 2022 (A/C.5/76/L.21)*

117. *The draft report of the Fifth Committee on the proposed programme budget for 2022, as technically updated, was adopted.*

#### **Agenda item 136: Review of the efficiency of the administrative and financial functioning of the United Nations (continued) (A/C.5/76/L.22)**

*Draft decision A/C.5/76/L.22: Questions deferred for future consideration*

118. *Draft decision A/C.5/76/L.22 was adopted.*

#### **Agenda item 5: Election of the officers of the Main Committees**

119. **The Chair** said he had been informed that Ms. Austin (Guyana) was leaving New York and relinquishing her post as Rapporteur of the Committee for the seventy-sixth session. Pursuant to rules 103 and 105 of the rules of procedure of the General Assembly, the Group of Latin American and Caribbean States had endorsed the candidacy of Mr. Ashley (Jamaica) to complete the remaining term of office of Ms. Austin, from 1 January 2022 until the end of the seventy-sixth session. In the absence of any other candidates for election to the post of Rapporteur, he took it that the Committee wished to elect Mr. Ashley by acclamation.

120. *Mr. Ashley (Jamaica) was elected Rapporteur of the Committee by acclamation.*

**Completion of the work of the Fifth Committee at the main part of the seventy-sixth session of the General Assembly**

121. **Mr. Diallo** (Guinea), speaking on behalf of the Group of 77 and China, said that, at the end of another difficult year for the world as a whole, the Group commended the Organization and its staff for ensuring that the important work of the United Nations continued. Despite the use of virtual meeting platforms for the second successive year, the members of the Committee had been able to fulfil their responsibilities without interruption. However, mutual engagement could not replace in-person consultations or coordination among groups of countries. The Group continued to believe that the lack of in-person connections and relationships had had an impact on the proper, effective and efficient running of the Fifth Committee. Those difficulties notwithstanding, the Group welcomed the outcome of the session, with the Committee having completed consideration of complex agenda items – including the scales of assessments, programme planning, the programme budget itself, the expenses of the joint Staff Pension Fund, pattern of conferences, the United Nations common system and the administration of justice – earlier than in the previous two years. The Group welcomed the allocation of the resources requested by the Secretary-General for UNRWA, to the benefit of the Palestinian refugees who depended on the Agency. It looked forward to the 2022 assessment exercises, and hoped to ensure that the Agency received the resources it required in the future.

122. The Group had held to its commitment to engage constructively in order to bring consideration of all items to a successful and timely conclusion, and thanked other groups and Member States for doing likewise. As it had in the past, the Group had focused particularly on protecting the development pillar of the Organization, so that the United Nations could perform its role as an enabler of the development agenda. As before, the Group took the view that the scale of assessments should continue to be based on the principle of capacity to pay. While that principle remained affected by a fundamental distortion, the Group considered that maintaining the elements of the current methodology for preparation of the scales of assessment was presently the best decision for the United Nations and its Member States.

123. The Group once again emphasized the value it attached to reform, as the desire for an effective and fit-for-purpose United Nations was widely shared. The Organization must be structured appropriately to enable

it to deliver fully on its intergovernmentally-agreed mandates. It also recalled that the current budget cycle was the last of the trial period for annual budgeting, meaning that discussions must take place and decisions must be made about future practice. The Group trusted that the discussion would be based on facts and lessons learned, and that the rules governing programme planning and budgeting would be adhered to, while respecting the prerogatives of the General Assembly.

124. In 2021, the Committee for Programme and Coordination had again been unable to provide the General Assembly with recommendations covering all of the programme plan, and once again valuable time had been lost deciding how those programmes should be addressed. The Group hoped that the resolution that the Member States had adopted would provide enough guidance to submit whatever open programmes remained to the consideration of the corresponding Main Committees of the General Assembly; they should allocate time for that purpose as needed. The Group also trusted that the Committee for Programme and Coordination would profit from the additional time made available for its work and would pursue consensus on most if not all of the programmes within its purview.

125. **Mr. Camelli** (Representative of the European Union, in its capacity as observer) said that, despite a heavy programme of work, which had included the triennial revision of the scales of assessment, the Committee had completed its session successfully and on time, enabling the Organization to operate without discontinuity, deliver on all its mandates, and continue to serve the people who needed it the most. Against all odds, virtual meetings had not hindered the Committee's work or negatively affected the outcome of the session, but rather had enabled its members to continue their consultations in a safer environment. While those working arrangements should not become the norm, they could provide added value, with benefits which would have been even greater if interpretation had been made available to make the proceedings more inclusive.

126. The programme budget for 2022 reflected a wide range of different priorities, and embodied the merits of cooperating to achieve greater results: the Member States worked best when they worked together. The European Union and its Member States accordingly believed that the Committee's assumptions and deliberations should always be based on resource requests made by the Secretary-General, and that efforts must be made to avoid arbitrary decisions, further

politicization, and fragmentation of the budget. The European Union and its Member States acknowledged that there were aims that remained unattained, and would continue to advocate for them. They would also continue to be vigilant to ensure adequate financing of all mandates across the pillars of the United Nations, including human rights and development, whose complementarity meant that one could not be addressed fully and successfully unless the other was also addressed fully and successfully.

127. The main part of the seventy-sixth session had also demonstrated the ability of the Committee to approve simultaneously, and by consensus, resolutions on important agenda items including the scales of assessment, programme planning and the programme budget. That proved – if proof was still needed – that during its third and last year under trial, the annual budgeting cycle was robust and fully functional. The annual budget cycle made the Organization more efficient, nimble and agile, narrowing the time gap between the establishment of mandates and the allocation of resources to implement them. The European Union looked forward to the review of the budget cycle in 2022, noting that the annual budget cycle had drastically improved the responsiveness of the United Nations to the pandemic.

128. The European Union and its Member States reiterated their strong commitment to reaching decisions by consensus, which must remain the fundamental creed of the Committee. Achieving consensus required all members to engage – in a spirit of good faith, collegiality and constructive cooperation – to find common positions all could support, even when those positions did not correspond to the individual preferred choices of the Member States. The resolutions on programme planning or on the scales of assessment, which had been approved at a timely point in the session, demonstrated that the Committee had the capacity to find agreement even on complex technical issues with important political ramifications.

129. The European Union was therefore concerned at the developing trend towards inability in the Committee to bridge gaps between divergent views. In a growing number of instances, it resorted to adopting what were known as “skeletal resolutions” or “agreed language”, and, as a result, failed to provide further political guidance to the Secretariat on the implementation of mandates. The quality of the Committee’s decisions was anchored in its members’ ability to understand each other and rally around a reasonable compromise. It was

therefore urgent that the Committee restore that ability, otherwise it would face the risk of being permanently stuck in the status quo, making the Committee merely a technical expert subsidiary organ. The Committee should also reflect on its working methods, and find ways to begin its substantive engagement earlier during the sessions.

130. **Mr. Eboa Ebongue** (Cameroon), speaking on behalf of the Group of African States, said that the Group wished to thank the Chair and the Bureau for ensuring the successful conclusion of the main part of the seventy-sixth session under the very challenging circumstances of the COVID-19 restrictions, with the Committee having considered a number of important agenda items including the programme budget, the scales of assessments, the United Nations Joint Staff Pension Fund and the subvention to the Residual Special Court for Sierra Leone. The Group particularly acknowledged the increase in resources for the Development Account and the reforms seeking to align the strategic objectives of the Office of the Special Adviser on Africa more closely with the 2030 Agenda for Sustainable Development and with the African Union’s Agenda 2063: The Africa We Want.

131. Though the Group appreciated the substantive outcome regarding some agenda items, it was left with some concerns. With regard to the pattern of investments of the United Nations Joint Staff Pension Fund, it was regrettable that Africa, a continent with 54 United Nations Member States and a young and dynamic population predominantly under 30 years of age, had only seen approximately \$600 million of investment, representing only 1 per cent of the overall portfolio of the Pension Fund. Although it recognized the efforts made in the previous three years to change that situation, the Group trusted that the level of Pension Fund investment that could be directed to Africa in a mutually beneficial way would increase.

132. Believing that fair and equal treatment was a pillar of the United Nations, as a multicultural organization, the Group had been surprised and saddened by the level of concern expressed by the Committee regarding the Office of the Special Adviser on Africa, where a number of senior staff, exclusively from Africa, had been on administrative leave for five months. That occurrence was unprecedented in the long history of the Organization, and the Group could not but interpret it as a sign of discriminatory treatment. A delegation of African ambassadors mandated by the Group had met with the Secretary-General and had indicated, in the

light of the conclusions of the fact-finding panel, the belief that the African staff had been humiliated, intimidated, marginalized and publicly harassed. As those staff members had been sent home until January 2022, their administrative leave had so far totalled six months. Moreover, since the suspension of those staff members, the Office of the Special Adviser on Africa had received no additional permanent or even temporary staff, affecting its capacity to implement its mandate. The Group once again urged the Secretary-General to ensure that matters of that nature were expeditiously resolved.

133. The Group was also frustrated that, despite its best efforts, genuine engagement and full cooperation with the stakeholders, the outcome of the Committee's discussion of special political missions constituted a bare minimum, covered by a "skeletal-plus" paragraph. For the second successive occasion, the General Assembly was sending a political signal that those important mechanisms, focused on the maintenance of international peace and security, could function without any particular attention or guidance from the Member States. Once was an exception, twice was a coincidence, but perhaps a third time would point to an organized pattern. Adopting wording, regardless of the level of financial resources involved, and depriving the Member States of the ability to adopt paragraphs on policy, was an unexpected working method, particularly for such an important agenda item. The Group believed that consideration of matters other than providing resources for men and women who were sometimes the last barrier before chaos should be kept out of the Committee's discussion of the budgets of special political missions.

134. The Group wished to note that late submission of working documents continued to hinder the ability of the Committee to fulfil its functions. In addition, the Group regretted that, apart from facing time constraints, the Committee had for the third time in a row been meeting under circumstances in which multilingualism, which was part of the core of the Organization's working arrangements, had been challenged. The Group had witnessed a drastic reduction in the participation of its constituents during the critical phases of the Committee's work, including meetings devoted to questions and answers and formulation of wording, because of a lack of simultaneous interpretation. In the past, that worrying matter had been raised in vain at each part of the session. It was very difficult to observe that the Group's expressions of concern had not been accorded a high degree of importance.

135. **Mr. Kennedy** (United States of America) said that, despite the fact that the resurgence of COVID-19 in New York had continued to disrupt the work of the Committee and to impose on it hybrid working methods, the delegations had once again proved their commitment to the work of the Committee and of the United Nations at the main part of the seventy-sixth session. Thanks to the use of technology and to the commitment of all delegations, the Committee had once again been able to consider the critical items on its programme of work through in-person and virtual meetings. Being able to conclude the main part of the session before 24 December was a noteworthy accomplishment and should be applauded.

136. While welcoming the timely conclusion of the main part of the session, his delegation noted that that session had not been without challenges. The Fifth Committee continued to struggle as a result of the late introduction of documentation, including several reports of the Secretary-General and statements of programme budget implications. The related delays negatively impacted the ability of the Committee to conclude discussions in a timely manner. His delegation was also concerned about the Advisory Committee's growing workload, which further contributed to delays in the Committee's work, and it consequently advocated a review of the Advisory Committee's operational arrangements and conditions of service, to improve that body and help its critical role in assisting the Fifth Committee. His delegation looked forward to further discussions on the matter.

137. His delegation had been pleased to see the early formulation at the current session of draft resolutions on the scale of assessments, programme budget, and programme planning, and thanked all delegations for their hard work and reciprocal efforts to complete discussion of those items quickly. At the same time, it was concerned at the Committee's inability to reach an early consensus on what historically had been, and should continue to be, uncontroversial agenda items, such as the capital master plan and Umoja. His delegation believed strongly that the Fifth Committee could find common ground and make difficult decisions based on consensus, a principle that must continue to guide its work. The growing tendency to fall back on skeletal resolutions like those seen at the current session set a worrying precedent, and must not become the norm.

138. As he had explained earlier at the current meeting, his delegation stood with Israel in rejecting the

unprecedented, open-ended mandate of the commission of inquiry, and would continue to oppose it and to seek to advance a debate on its mandate. Israel could continue to count on the United States to do everything possible to shield it from discriminatory and unbalanced criticism, whether at the Human Rights Council or elsewhere in the United Nations system.

139. **Mr. Elmahs** (Egypt) said that his delegation particularly welcomed the successful provision of required resources to the Office of the Special Advisor on Africa and to the Economic Commission for Africa, believing firmly that the international community would be unable to fulfil the 2030 Agenda for Sustainable Development unless it supported the development needs of the global South, especially in Africa and especially during the current COVID-19 pandemic.

140. His delegation appreciated the achievement of adopting the draft resolution on programme planning, especially in connection with enhancing and intensifying the role of the Committee on Programme and Coordination. In the same context, Egypt looked forward to the upcoming review of the trial period of the annual budget cycle, continued to support the approach of the Secretary-General and was confident that lessons learned would be profited from to further enhance the budgeting process. His delegation welcomed the successful conclusion of discussion of the scales of assessment, and believed that they should continue to be based on the principle of capacity to pay. The consensus on maintaining the elements of the current methodology for the preparation of the scales of assessment was the best decision for the Organization and its members.

141. The early and successful conclusion of discussion of a number of agenda items had been the result of the spirit of constructiveness, hard work and extreme dedication of all delegations and the Secretariat, and the willingness to build bridges and embark on debate from a reasonable starting point, with the goal of finding an end point that was also reasonable. He was proud to be part of the Group of African States, which had, even when meetings had stretched on to a late hour with high stakes and low expectations of success, had showed exemplary leadership and had extended its hand, inviting global powers to an African Council to discuss, share ideas and find solutions. It had also demonstrated its strong belief in multilateralism by compromising on its highest priorities in the draft resolution on special political missions for the sake of enabling the Committee and the Organization to allocate required resources on time and without delay.

142. **Mr. Velázquez Castillo** (Mexico) said that, in the second year of the COVID-19 pandemic, the Fifth Committee had set an example of what could be achieved through joint effort in a spirit of teamwork. It had been able to provide the resources that the Organization needed in order to fulfil its mandates. He wished to thank the delegations of the Member States, as well as the regional groups, for their cooperation.

143. **Mr. Tomoya Yamaguchi** (Japan) said that the main part of the seventy-sixth session had been extraordinary in many ways, given that the Committee, as in the previous year, had been forced by the COVID-19 pandemic to conduct most of its deliberations online. He wished to commend all delegations for sparing no effort to thoroughly discuss and reach agreement on important agenda items including the programme budget, programme planning, special political missions and the scales of assessments. His delegation welcomed the fact that the Committee had been able to adopt a programme budget that would allow the Organization to deliver its mandates in a more effective, efficient, and nimble manner. In connection with the programme budget, Japan trusted that the transparency and predictability of future budget proposals would be improved from a number of standpoints including what were known as “add-ons”, including the revised estimates relating to the activities of the Human Rights Council, and to construction projects.

144. One of the most important outcomes of the session had been the agreement reached on the scales of assessments for the regular budget and the budgets of peacekeeping operations. While Member States’ concept of a desirable outcome in that connection varied considerably, Japan sincerely welcomed the fact that consensus had been achieved on the scales of assessments, which were the backbone of the United Nations. Japan wished to renew and reconfirm its sincere commitment to fulfilling its financial obligation in a faithful manner.

145. In connection with the United Nations Joint Staff Pension Fund, Japan welcomed the General Assembly’s backing for the governance reform plan agreed by the Pension Board, including an improved and more efficient structure, more frequent meetings, and greater discipline through the establishment of an ethics policy, and trusted that the implementation of the plan would leave the Pension Board better able to serve the best interests of the Pension Fund beneficiaries. Japan would continue to engage on the matter in 2022.

146. Also in connection with future action, his delegation wished to reiterate that the Fifth Committee must continue to review its working methods, aiming for more efficient and effective discussion. As the long-established practice of achieving agreement by consensus in the Fifth Committee was critically important, his delegation urged all Member States to proceed in a spirit of compromise and to renew their commitment to negotiating constructively and in good faith. His delegation would spare no effort to engage in the discussions to improve those working methods, taking full account of the lessons learned from previous sessions.

147. **Mr. Poggio Pádua** (Brazil) said that his delegation wished to acknowledge the efforts of the Chair, the Bureau, the Committee secretariat and the Advisory Committee, which had helped the Committee to reach a number of crucial decisions during the main part of the seventy-sixth session, improving the functioning of the Organization and, most important of all, providing it with the resources needed for the implementation of its mandates. In the process of building consensus regarding the budget, the Committee had identified areas in which resource reductions could be applied in a rational manner, ensuring that the Organization could deliver mandates more efficiently, and avoiding the unsound practice of implementing cuts for the sake of cuts. The increase in Development Account resources for the second year in a row was an important achievement that would benefit developing countries.

148. In connection with programme planning, the Committee had greatly improved the framework through which relevant bodies of the General Assembly participated in all the phases of the budgetary process. The members of the Committee had made clear the need for all of the Main Committees to participate actively in the discussions pertaining to their areas of expertise, particularly when the Committee for Programme and Coordination was unable reach consensus. The Committee had also given the Committee for Programme and Coordination more opportunity for constructive action by making provision for it to hold an additional week of deliberations in 2022.

149. Brazil particularly welcomed the decision of the Committee to maintain the methodology for the scales of assessment, and the fact that that decision had been reached by consensus and early in the session. It believed that the methodology was robust, based on objective criteria, and resulted in a fair and balanced system of apportionment of the expenses of the United

Nations. His delegation wished to stress that the scale of assessments for peacekeeping operations should not be used as a financial mechanism to impede the participation of developing countries as elected members of the Security Council.

150. Brazil looked forward to discussing at the main part of the next session the review of the changes to the budgetary cycle, including those relating to the sequence of budgetary procedures and practices. It hoped that any decision made would be the result of thorough analysis, pursuing the best interests of the Organization.

151. **Mr. Neymour** (Bahamas) said that his delegation wished particularly to express its support for the Committee's consensus on the scale of assessments for peacekeeping operations. While it welcomed the Committee's achievements in that connection during the main part of the seventy-sixth session, it wished to highlight some concerns. The members of the Committee were doubtless aware that the Bahamas and the wider Caribbean region remained among the most economically impacted by the health situation and related structural adjustments brought by the COVID-19 pandemic. Not only was the region exceptionally exposed to vulnerabilities of external origin, it was heavily affected by the pandemic, and would be one of the regions which lagged behind the most in recovery or return to normality. As a consequence, his delegation wished to express alarm at the proposals made by some for the budgetary burden to be shifted onto less-developed countries, including his own. Nonetheless, his delegation was pleased at the decision to maintain the status quo, leaving in place the existing scale of assessments, and it hoped that in the future the members of the Committee would take a more reflective and balanced approach towards each Member State's commitments and responsibilities.

152. The Bahamas wished to reiterate its belief in the underlying principle of common but differentiated responsibility to finance peacekeeping operations, in light of the special capabilities and privileges of the permanent members of the Security Council. His delegation therefore held fast to the principle that no developing country that was not a permanent member of the Council should be classified above Level C. By way of illustration, the Bahamas had seen a more-than-fivefold increase in its peacekeeping assessments over the previous two decades. It was committed to the peacekeeping role of the Organization and to the Member States' collective responsibility to protect.

Peacekeeping must, however, continue to accommodate the realities and needs within the Caribbean region and, in that connection, the Bahamas emphasized its support for extending the mandate from the Security Council for the United Nations Integrated Office in Haiti (BINUH).

153. The way in which capacity to pay and differentiated responsibility were addressed within the Organization also set the tone for how the Organization addressed the broader framework of development financing. His delegation continued to reiterate its firm position that gross national income (GNI) as the central metric for assessing development should not be the main component in determining the level of assessments for peacekeeping operations. His delegation therefore advocated a review exercise, which should serve as an opportunity for the Member States to devise a scale of contributions with relativity and relevance, and able to accommodate Member-States' respective circumstances, going beyond the usual inequitable financial/economic metrics: gross domestic product (GDP) and GNI. His delegation invited the United Nations to take the lead in revolutionizing and/or modernizing how progress was measured, and to devise a context-related index or indices.

154. Development was the overriding lens or category distinction characterizing the Member States, which were defined as either developed or undeveloped/less-developed. His delegation was proposing the use of a Multidimensional Vulnerability Index (MVI) as a fairer and more comprehensive indicator of development level and need. That Index could be used within the methodology for determining scales and contributions. The Bahamas pledged its commitment to establishing and implementing the MVI within the next 12 months, in line with the commitment made by the Secretary-General.

155. Although his delegation had supported the draft resolution, it believed that certain technical considerations should be addressed as the Committee continued to work on refining the process and outcomes in connection with the scale of assessments. It wished to remind fellow members of the Committee that the budgetary ceiling and floor were political constructs and, therefore, brought subjectivity into the Committee's technical analysis. The current methodology co-mingled offsetting progressive (ability to pay) and regressive (debt discount) components. The ability to pay or capacity to pay concept had proved rather difficult to quantify, being based on wealth and income, not on economic well-being and affordability.

Moreover, the gradient of 3 to 6 years imposed a time-lag which did not offer the required relativity and flexibility to account sufficiently for the corrosive impact of COVID-19 on the economies of countries like the Bahamas, open economies which depended on tourism, imports and foreign direct investment over the immediate to medium term.

156. Because the United Nations methodology was replicated in, and used by, other multilateral agencies, greater care must be exercised. Any formulation or alternative must be translatable, transferable and based on qualified economic realities. If the Committee was to make substantive and meaningful adjustments to the scales of assessments, it was only appropriate that all elements were subject to review. He urged the members of the Committee never to lose sight of the fact that its deliberations and decisions were not academic; but had real impact on citizens, on the functioning of the Organization and on the perception in the Member States of the legitimacy and added value of the United Nations.

157. **Mr. Abdurrohman** (Indonesia) said that the main part of the seventy-sixth session had been especially challenging for the Committee. Despite the decisions required of the Committee, it had successfully navigated the Member States' differences and aimed to achieve the most reasonable result throughout its deliberations. That success had been driven by the Committee members' strong commitment to the spirit of multilateralism. Indonesia was and had always been committed to engaging constructively to reach successful and timely conclusions.

158. To enhance the work of the Committee, the Member States must recognize the lessons and challenges resulting from the main part of the session. It was unfortunate that the Committee for Programme and Coordination had been unable to deliver recommendations for all programme plans. Indonesia believed that there was much room for improvement, and that the Committee for Programme and Coordination could enhance its capacities. A better-functioning Committee for Programme and Coordination would contribute significantly to making the work of the Fifth Committee more efficient and effective.

159. On matters related to the scales of assessment for the regular budget and peacekeeping operations, Indonesia affirmed its support for a collective effort to maintain the principle of capacity to pay in formulating the related methodology. Using that principle would

enable all Member States, regardless of their national circumstances, to take full part in the decision-making process within the United Nations. Therefore, the agreement to maintain the current methodology of the scale of assessments was an achievement which brought gains for all parties to the Committee's deliberations.

160. Another achievement which Indonesia welcomed was the firm agreement to grant UNRWA the resourced requested by the Secretary-General. Indonesia would remain in the forefront of every international discussion that supported the people of Palestine, and it hoped that UNRWA would be able to optimize its resources to provide relief for the Palestinian refugees who relied on its support.

161. His delegation believed that the timely conclusion of the Committee's business was a product of the flexibility of the Member States, and less politicization in the Committee's deliberations. It hoped that that practice could be replicated in the Committee in the future.

162. **Mr. Mmalane** (Botswana) said that his delegation welcomed the achievements of the Committee at the current session. His delegation regarded as most important the adoption of a budget which was commensurate with the mandate of the Organization, especially in connection with the development pillar, given the interest of Botswana, as a member of the Group of 77 and China and the Group of African States, in protecting the Development Account, the Regular Programme of Technical Cooperation, the budgets of the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States; UN-Habitat; the Office of the Special Adviser on Africa; the Office for the Coordination of Humanitarian Affairs; UNRWA; the Economic Commission for Africa; the Department of Global Communications; and the Office of Information and Communications Technology.

163. His delegation was also pleased to note the agreement by the General Assembly to see the United Nations and Africa's regional and sub-regional organisations engage in partnerships on the most pressing development-related, humanitarian and peace and security issues on the continent, as it was sensible to work together as one and avoid duplication of effort, in order to maximize gains.

164. **Mr. Cheng Lie** (China) said that his delegation welcomed the timely completion of the work of the Fifth Committee at the main part of the seventy-sixth session,

and the spirit of cooperation that had prevailed even when individual expectations in connection with many agenda items were not realized. The members of the Committee had approved the regular budget and the scales of assessment while accommodating each other's concerns during the consultations. The gains had been hard-won, and China hoped that in the Committee's future work there would be less politicization and a continued professional spirit and constructive attitude.

165. As the COVID-19 pandemic continued its surge, the Organization should support the economic development of the Member States, implement the 2030 Agenda for Sustainable Development, respond positively to the concerns of developing countries and ensure the provision of sufficient development-related resources. His delegation hoped that the Secretariat would make greater efforts to pursue the rational and reasonable allocation and use of resources, strengthen performance management and monitoring and make good use of all the funding provided by the Member States.

166. **Mr. Croker** (United Kingdom) said that despite challenges, including the continued risks presented by the COVID19 pandemic, the Committee had completed its session in good time, in contrast to the previous year's anomalous late finish, which had hindered the Organization's operations. The Committee had also overcome difficulties created by the lateness of reports from both the Secretary-General and Advisory Committee. Those reports underpinned the Committee's discussions, so it was crucial that high quality, evidence-based reports were provided in a timely manner.

167. While his delegation welcomed the timely conclusion of the session, it was disappointed at the Committee's inability, when considering the scales of assessment, to address technical flaws in the regular budget methodology. Doing so would have brought the methodology up to date. Instead, the scale of assessments for peacekeeping operations had retained a Level C discount despite the absence of a justifiable evidence base for it. His delegation continued to call on those who benefited from it to relinquish it.

168. His delegation also regretted that the Committee had once again not fully endorsed all the proposed programme plans for 2022 proposed by the Secretary-General. However, it was positive that the Committee recognised the need to address the challenges faced by the Committee on Programme and Coordination in carrying out its work. His delegation looked forward to hearing the Secretary-General's proposals in that regard.

169. Welcoming the fact that the Committee had adopted an annual programme budget providing the Organization with the resources to deliver its important mandates fully, effectively and efficiently, his delegation looked forward to seeing in future budget proposals ever-more-realistic, adaptable resource estimates and a greater focus on results. It encouraged the Secretariat to be ambitious, to build on lessons learned and to use the new ways of working arising from the COVID-19 pandemic to achieve better, more cost-effective mandate delivery. In that regard, his delegation was pleased that the Committee had been able to move beyond the global service delivery model proposals and enable the Secretariat to begin developing new and innovative ways to deliver administrative support functions. It also welcomed the Committee's call for UNWRA to improve internal governance and oversight, and enhance transparency and accountability, and looked forward to receiving an update on progress in the next UNRWA budget proposal.

170. It was unfortunate that the Committee had not reached a negotiated outcome on special political missions, although the United Kingdom had worked hard with like-minded partners to put forward many compromises. It welcomed the efforts of those partners who had engaged constructively. While disappointed, his delegation recognized that under the circumstances the intervention of the Chair had been necessary.

171. The United Kingdom was pleased that the Committee had agreed on the provision of resources for the important work of the Human Rights Council. However, it should be of great concern to all that there had been attempts to defund entirely a number of agreed mandates. That not only undermined the importance of human rights but the decisions of an elected United Nations body. The Fifth Committee was responsible for administrative and budgetary matters, not for renegotiating mandates, or seeking to undermine them through completely cutting budget allocations. He wished to note that although concerns about the scope of the mandate of the commission of inquiry connected with the Occupied Palestinian Territory had led the United Kingdom to vote against its establishment in the Human Rights Council, his country had agreed funding for that commission, despite still having concerns. The United Kingdom also once again regretted that funding for the important mandate of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law

Committed in the Syrian Arab Republic since March 2011 had had to be agreed by a vote.

172. His delegation had hoped that more of the session might have been conducted in person. The Chair and the Bureau had taken the correct, but difficult, decision not to do so, because of health concerns. That was a reminder of the difficulties everyone faced in carrying on their work.

173. **Ms. Pollard** (Under-Secretary-General for Management Strategy, Policy and Compliance) said that she wished to thank the Chair, the Bureau and all delegations for concluding discussion of the budget in a timely manner, an achievement made possible by the hard work, commendable flexibility and strong collaboration of the members of the Committee. Reaching an agreement before Christmas was immensely helpful to the Secretariat as it planned activities for the following year, and meant that the Secretariat could also complete its year-end tasks unimpeded and in an efficient manner.

174. **The Chair** declared that the Fifth Committee had completed its work at the main part of the seventy-sixth session of the General Assembly.

*The meeting rose at 12.40 a.m.*