

11 December 2006

Draft decision

Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory

“The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General¹ and the related report of the Advisory Committee on Administrative and Budgetary Questions², decides to inform the General Assembly that should the General Assembly adopt draft resolution A/ES-10/L.20, an additional appropriation of up to \$3,098,700 would be required under section 3, Political affairs (\$2,812,000), and section 35, Staff assessment (\$286,700), to be offset by the same amount under Income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007, for the establishment and maintenance of the Register of Damage.”

¹ A/C.5/61/13

² A/61/614

11 December 2006
12.20pm

Draft decision

Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory

“The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General¹ arising from the draft resolution on the Establishment of the United Nations Register of Damage caused by the Construction of the Wall in Occupied Palestinian Territory² and the related report of the Advisory Committee on Administrative and Budgetary Questions³:

- a) Decides to endorse the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;
- b) Reaffirms Rule 153 of the Rules of Procedure of the General Assembly;
- c) Decides to appropriate up to \$3,098,700 under section 3, Political affairs (\$2,812,000), and section 35, Staff assessment (\$286,700), to be offset by the same amount under Income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007, for the establishment and maintenance of the Register of Damage.”

¹ A/C.5/61/13

² A/ES-10/L.20

³ A/61/614

Programme budget implications of draft resolution A-ES-10/L.20

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

Statement of the Chairman of the Advisory Committee on Administrative and Budgetary Questions

1. Additional estimated requirements under the programme budget for 2006-2007 for the establishment of the Register of Damage amount to some \$3.1 million. The Committee was informed that these cost estimates reflect the application of a 50 per cent vacancy factor for 2007 and that the estimated annual requirements at full cost are currently estimated at some \$3.9 million.
2. The Advisory Committee requested additional information as outlined in paragraph 5 of its report A/61/614. Since this information could not be provided to the Committee in time for the issuance of its report, it requested that it be provided to the Fifth Committee at the time of its consideration of the statement of the Secretary-General.
3. The Advisory Committee recommends that the Fifth Committee report to the General Assembly that, should it adopt the draft resolution an additional appropriation of up to \$3,098,700 would be required for the programme budget for the biennium 2006-2007, including \$2,812,000 under section 3, Political affairs, and \$286,700 under section 35, Staff assessment, to be offset by the same amount under Income section 1, Income from staff assessment.

GENERAL ASSEMBLY

SER. NO: 87

61ST

DATE: 11 DEC 06

FIFTH COMMITTEE

MEETING #29

TIME: 3:21 PM

ITEM: 117

RECORDED VOTE

ADOPTED

VOTE: 1

SYMBOL:

ORAL DRAFT DECISION

YES: 116

NO: 6

ABSTAIN: 1

SUBJECT: PBI ON THE ESTABLISHMENT OF THE UN REGISTER ...

AFGHANISTAN	Y DJIBOUTI	Y LIBYAN AJ	ST VINCENT-GREN
Y ALBANIA	DOMINICA	Y LIECHTENSTEIN	SAMOA
Y ALGERIA	Y DOMINICAN REP	Y LITHUANIA	Y SAN MARINO
Y ANDORRA	Y ECUADOR	Y LUXEMBOURG	SAO TOME PRINCIP
Y ANGOLA	Y EGYPT	MADAGASCAR	Y SAUDI ARABIA
ANTIGUA-BARBUDA	Y EL SALVADOR	Y MALAWI	SENEGAL
Y ARGENTINA	EQUAT GUINEA	Y MALAYSIA	Y SERBIA
ARMENIA	ERITREA	MALDIVES	SEYCHELLES
N AUSTRALIA	Y ESTONIA	Y MALI	SIERRA LEONE
Y AUSTRIA	ETHIOPIA	MALTA	Y SINGAPORE
AZERBAIJAN	FIJI	MARSHALL ISLANDS	Y SLOVAKIA
Y BAHAMAS	Y FINLAND	Y MAURITANIA	Y SLOVENIA
Y BAHRAIN	Y FRANCE	Y MAURITIUS	SOLOMON ISLANDS
Y BANGLADESH	GABON	Y MEXICO	SOMALIA
Y BARBADOS	GAMBIA	MICRONESIA (FS)	Y SOUTH AFRICA
BELARUS	Y GEORGIA	A MOLDOVA	Y SPAIN
Y BELGIUM	Y GERMANY	MONACO	Y SRI LANKA
Y BELIZE	Y GHANA	MONGOLIA	Y SUDAN
BENIN	Y GREECE	MONTENEGRO	SURINAME
BHUTAN	GRENADA	Y MOROCCO	SWAZILAND
BOLIVIA	Y GUATEMALA	MOZAMBIQUE	Y SWEDEN
Y BOSNIA/HERZEG	GUINEA	Y MYANMAR	Y SWITZERLAND
Y BOTSWANA	GUINEA-BISSAU	Y NAMIBIA	Y SYRIAN AR
Y BRAZIL	GUYANA	N NAURU	TAJIKISTAN
Y BRUNEI DAR-SALAM	Y HAITI	NEPAL	Y THAILAND
Y BULGARIA	Y HONDURAS	Y NETHERLANDS	Y THEFYR MACEDONIA
BURKINA FASO	Y HUNGARY	Y NEW ZEALAND	TIMOR-LESTE
BURUNDI	Y ICELAND	NICARAGUA	Y TOGO
Y CAMBODIA	Y INDIA	NIGER	TONGA
CAMEROON	Y INDONESIA	Y NIGERIA	TRINIDAD-TOBAGO
N CANADA	Y IRAN (ISLAMIC R)	Y NORWAY	Y TUNISIA
CAPE VERDE	Y IRAQ	Y OMAN	Y TURKEY
CENTRAL AFR REP	Y IRELAND	Y PAKISTAN	TURKMENISTAN
CHAD	N ISRAEL	N PALAU	TUVALU
Y CHILE	Y ITALY	Y PANAMA	UGANDA
Y CHINA	Y JAMAICA	PAPUA N GUINEA	Y UKRAINE
Y COLOMBIA	Y JAPAN	Y PARAGUAY	Y U A EMIRATES
Y COMOROS	Y JORDAN	Y PERU	Y UNITED KINGDOM
CONGO	KAZAKHSTAN	Y PHILIPPINES	Y U R TANZANIA
Y COSTA RICA	Y KENYA	Y POLAND	N UNITED STATES
COTE D'IVOIRE	KIRIBATI	Y PORTUGAL	Y URUGUAY
Y CROATIA	Y KUWAIT	Y QATAR	UZBEKISTAN
Y CUBA	Y KYRGYZSTAN	Y REP OF KOREA	VANUATU
Y CYPRUS	Y LAO PDR	Y ROMANIA	Y VENEZUELA
Y CZECH REPUBLIC	LATVIA	Y RUSSIAN FED	Y VIET NAM
DEM PR OF KOREA	Y LEBANON	RWANDA	Y YEMEN
DEM REP OF CONGO	LESOTHO	ST KITTS-NEVIS	Y ZAMBIA
Y DENMARK	LIBERIA	SAINT LUCIA	Y ZIMBABWE

M. Alalou

AGENDA ITEM 117
PROGRAMME BUDGET
FOR THE BIENNIUM 2006-2007

GENERAL ASSEMBLY
61ST SESSION

SUPPLEMENTARY INFORMATION

PBI ON THE ESTABLISHMENT OF THE
UNITED NATIONS REGISTER OF DAMAGE
(A/C.5/61/13)

DISTRIBUTED: 11 DECEMBER 2006

1. Definition of the verification and assessment functions and the conditions required for their implementation¹

1.1 Verification is understood by the Secretariat (DPA and OLA) as a number of actions aimed at confirming the fact of the damage caused by the construction of the security wall to all natural or legal persons as this damage is defined in paragraphs 152 and 153 of the advisory opinion of the International Court of Justice, issued on 9 July 2004. The verification steps include, but are not limited to a) designing and filling out claim forms with detailed and specific information that in itself would constitute an important step of verification of damage; b) collection and review of available documents (or requests for such documents) from relevant Palestinian and/or Israeli institutions and officials; c) on-site visits by members of the Office of the Register of Damage in some specific cases. At present, the Secretariat assumes that some of the claims would contain enough relevant information and would not require verification for their inclusion into the Register of Damage. Some of the cases may nonetheless require verification at the site of the damage described in the claims.

1.2 The assessment of damage, as understood by the Secretariat, includes a review of registered claims with a view to establishing the monetary value of the loss, including the depreciation in value. The assessment would require the study (including on site) of the land and the real estate market in order to assess the financial cost of the loss and/or damage.

1.3 In the Secretariat's opinion, successful verification and assessment of damage requires the cooperation of Palestinian authorities and the Government of Israel. Given that verification and assessment are sequential steps, the specific conditions for their implementation differ. It is assumed that verification would be undertaken during and immediately after the filling out of the claim forms, but before the Board's decision on their inclusion in the Register of Damage. The assessment of damage with respect to the filed cases would be conducted as soon as circumstances permit (cooperation of the parties, study of the land and real estate markets, etc.).

2. Have the standard procedures for the establishment of new posts been followed and has OHRM classified the functions of the posts to be established?¹

2.1 Basic job descriptions have been prepared for the positions. To the extent possible, standardized job descriptions will be used and as such no classification is required. For posts that are specialized, and do not fit any of the Generic Job Profiles available through OHRM, job descriptions would be prepared for appropriate classification action, in accordance with established procedures.

¹ A preliminary version of information under question 1 and the information under question 2 was provided to ACABQ on 6 December 2006 but owing to timing was unable to be included in the Report of ACABQ prior to finalization of its report (A/61/614)

3. Justification for each Professional post requested to be established

Office of the Executive Director

3.1 The position of the Executive Director is essential for the success of the implementation of the tasks assigned by the operative paragraphs of the draft resolution as the incumbent would oversee all the functions of the Secretariat of the Register of Damage. The Executive Director would carry out diplomatic contacts with the relevant governments needed for the successful implementation of the mandate entrusted by the General Assembly. He/she would be responsible for regular reporting (through the Secretary-General) to the General Assembly about the progress in the implementation of the General Assembly resolution. The Executive Director would serve as an ex-officio member of the Board. The Executive Director would provide his/her advice and support on the substantive and operational aspects of the functioning of the Register of Damage. He/she would develop, monitor and provide day-to-day policy guidance on the implementation of the office of the Register of Damage's mandate outlined in the relevant General Assembly resolutions and the Rules and Regulations of the Register of Damage to be defined by the Board. He/she would also maintain a comprehensive strategic and operational overview with respect to the progress of the mandate's implementation. He/she would prepare short and medium-term benchmarks and objectives for each phase of the implementation of the Register of Damage's mandate. He/she would direct Unit Chiefs aiming at the establishment of effective strategic planning. The Executive Director would supervise all staff members of the Office of the Register of Damage and evaluate their performance.

3.2 In performing the above functions, the Executive Director would oversee the following functions to be performed by the Secretariat of the Register of Damage:

- (i) The administration of a public awareness programme to inform the Palestinian public about the possibility of and requirements for filling out a damage claim for registration;
- (ii) The design of the format of the damage claims as well as the set up of the Register of Damage;
- (iii) The processing of all damage claims including, inter alia, documentation of the fact and type of damage or loss caused, verification, and an assessment of value of the damage or loss caused;
- (iv) The legal advice regarding various aspects of the operations of the Office of the Register of Damage and the submitted claims;
- (v) The administration of the Office of the Register of Damage.

3.3 Taking into consideration the political sensitivity and complexity of the tasks assigned to the Executive Director, the impact of error can have serious implications for the whole Organization. Also bearing in mind that all members of the Board would be appointed at the D-2 level, the post of Executive Director of the Office of the Register of Damage is proposed for establishment at the D-2 level.

3.4 The Legal Adviser would provide advice and assistance to the Executive Director and the Board on issues related to international, public, private and administrative law, including liaison with legal authorities of relevant governments and institutions. He/she would also provide legal advice on complex substantive and procedural questions to the Board and the Executive Director. In so doing, he/she would perform extensive legal research and analysis and prepare legal opinions, studies, briefs, reports, and correspondence. He/she would review, advise on and draft contracts, agreements, institutional and operational modalities and other legal documents. Taking into account the legal complexity of the tasks assigned to the Executive Director, including an in-depth expertise in international and local laws, this position at the Office of the Register of Damage is essential and it is proposed that post of the Legal Adviser be created at the P-5 level.

3.5 Given that the three members of the Board would meet at least four times a year for two weeks at the Office of the Register of Damage, but that the work of the Office of the Register of Damage would continue throughout the year, the Coordination Officer would maintain constant contact with members of the Board to deal with all operational and substantive issues and, thus, ensure continuity of function of the Office of the Register of Damage. He/she would also be charged with the task of identifying and liaising with consultants. In addition, he/she would assist the Executive Director in maintaining contact with Palestinian and Israeli authorities as may be required. He/she would be responsible for maintaining contacts with relevant services of UNOV (administration, finance, travel, etc.) with a view to ensuring a common framework for action of the Office. Finally, he/she would assist the Executive Director and the Board with the preparation of reports to the Secretary-General and the General Assembly. It is thus recommended that a post at the P-4 level be established for the Coordination Officer.

Community Outreach Unit

3.6 The function of the Community Outreach Officer is crucial as he/she would ensure that the affected Palestinian public is duly informed about the possibility and requirements for filling out damage claims and their submission to the Office of the Register of Damage. As the Office of the Register of Damage would be established in Vienna, an extensive information and education campaign would have to be carefully planned and launched under the direct supervision of the Community Outreach Officer in local media to explain the purpose of the Register of Damage, and to provide guidance on how to fill in the claim forms and submit them to the Office of the Register of Damage. In this connection, he/she would interact with various international interlocutors and partners as may be necessary for implementing the mandate of the Register of Damage. In addition, the Community Outreach Officer would plan and provide overall guidance for the training experts' mission in the region aimed at delivering and/or coordinating training and capacity development on the ground of local focal points charged with informing affected communities and individuals. Taking into account the strong leadership and the in-depth knowledge not only of relevant communication technologies, but also of key political trends and public attitudes in the region required to appropriately

assist the Executive Director to build an effective community outreach strategy, it is suggested that the post of Community Outreach Officer be established at the P-4 level.

Information Management Unit

3.7 The Information Management and Technology Officer would be responsible for designing a format of the claim forms at the early stage of the process and maintaining the electronic data base. He/she would plan and direct all major communication and IT systems projects, monitor the progress of the design, installation and commissioning of the various networks and systems. He/she would also develop and disseminate best practices and procedures and ensure the development of standards and procedures so as to provide a stable and effective environment for the utilisation, exploitation and management of the database. In addition, in close cooperation with the Claims Processing Unit, he/she would coach and mentor staff in the capabilities and usage of the database. He/she would also research, analyze and evaluate new applications of information technology to archives and records claims and make relevant recommendations. In performing these tasks, the Information Management and Technology Officer would have to demonstrate conceptual, analytical and evaluative skills and the ability to conduct independent research and analysis. In addition, he/she should demonstrate an in-depth knowledge of information management and/or technology, including experience in archival or information technology. He/she should also have the ability to establish priorities and to plan, coordinate and monitor his/her own work plan and those under his/her supervision. It is thus proposed that the Information Management and Technology Officer's post be at the P-4 level.

3.8 Under the overall supervision of the Information Management and Technology Officer, the System Analyst/Programmer would be charged with designing, setting up and maintaining the protected electronic database of the Register of Damage. Taking into consideration the knowledge and experience of the relevant technology required, and its application to archives and recordkeeping, it is recommended that the post of System Analyst/Programmer be set up at the P-2 level.

Claims Processing Unit

3.9 The Claims Processing Officer at the P-4 level would be responsible for the core function of the Office of the Register of Damage as he/she would oversee the processing of all the damage claims with the view to submitting them through the Executive Director to the Board for approval. He/she would also be responsible for reviewing all incoming claims and pre-screening them against the established criteria for their inclusion into the Register of Damage. He/she would formulate recommendations to that effect to the Executive Director and will also be responsible for keeping the records of damage claims approved by the Board. He/she would organize the work of the Unit and provide operational and technical guidance to all members of the team. He/she would ensure that proper policies, procedures and guidelines for the processing of claims are applied as well as for the maintenance of the database. This would distinguish him/her from the Claims

Processing Officer at the P-3 level who would process claims under the guidance of the P-4 Officer and would not perform any leadership function.

3.10 In addition to the processing of claims, and within delegated authority, the Claims Processing Officer at the P-3 level would be responsible for keeping an accurate record of claims brought before the Register of Damage. He/she would also prepare case summaries, case presentations and reports and would maintain the database.

Verification and Assessment Unit

3.11 The Verification and Assessment Unit would be headed by a Chief of Unit, who would oversee all functions pertaining to the verification and assessment of damage claimed. In so doing, the Chief of Unit would supervise the review of claims, in compliance with formal requirements to be defined by the Board in the Rules and Regulations. He/she would determine whether the loss or damage claimed directly resulted from the construction of the Wall and would make every effort to certify the accuracy of the information contained in damage claims prior to their inclusion into the Register of Damage. He/she would undertake the necessary steps for the assessment of the value of the loss or damage. He/she would formulate strategies, directives and action plans to the Executive Director and the Board, for immediate and long-term solutions to questions related to the verification and assessment of damages and/or losses claimed. He/she would identify emerging issues pertaining to the mandates of the Unit, analyze implications and make recommendations on possible strategies and measures. As delegated by the Executive Director, he/she would engage Palestinian and Israeli officials as may be needed for carrying out verifications and assessment. He/she would manage, guide and train staff under his/her supervision as well as plan and allocate work assignments, foster teamwork, coach, mentor and evaluate performance of staff. He/she would also be tasked with providing assistance to the Executive Director in all operational activities of the Office of the Register of Damage and act as Officer-in-Charge during the absence of the Executive Director. Taking into account the proven supervisory ability and technical leadership required to efficiently perform the above mentioned tasks, it is proposed that the post of Chief of the Verification and Assessment Unit be appointed at the D-1 level.

3.12 Under the direct supervision of the Chief of the Verification and Assessment Unit, and in accordance with the Rules and Regulations of the Register of Damage to be defined by the Board, the Finance Officer would develop methodologies for the financial assessment of damage and/or loss claims and carry out in-depth studies of the existing land and real estate market. He/she would also recommend an appropriate course of action, which may include the review of registered claims with the view to establishing the monetary value of the loss, including the depreciation in value. The review may require an on-site study with a view to assessing the financial cost of the loss and/or damage. The Finance Officer should demonstrate effectiveness in financial management policies and procedures as well as expert knowledge and command of financial damage

and/or loss assessment. He/she should also be abreast of available technology and its application to the work of the Office of the Register of Damage with a view to ensuring the accuracy of data and the relevance of the records maintained. Taking into consideration the required ability to use discretion and sound judgment in applying expertise to complex financial matters, it is proposed that the post of Finance Officer be created at the P-5 level.

3.13 The Survey Officer would be responsible, under the direct supervision of the Chief of the Verification and Assessment Unit, for reviewing supporting documents attached to claims to verify their accuracy, while ensuring that the Register of Damage's Rules and Regulations are complied with. More specifically, the Survey Officer would undertake field work in support of the verification process of loss and/or damage claimed, if and when required by the Board and circumstances permitting. He/she would be responsible for conducting on the ground datum surveys and site assessments. In so doing, he/she would be responsible for advice on geographic/land-engineering information. The Survey Officer should demonstrate an in-depth expertise of the equipment used on the ground for the survey. He/she would also have the ability to prioritize and provide clear guidance to any expert deployed on the ground. Taking into consideration the fact that strong leadership skills as well as full proficiency in computer skills and use of relevant software, including the use of Global Positioning Systems (GPS) both in the field and in data processing and computing are required, it is proposed that the post of Survey Officer be established at the P-4 level.

3.14. The Engineer would assist the Chief of the Verification and Assessment Unit in reviewing the technical accuracy of the loss and damage claimed. The Engineer would be responsible for evaluating and reviewing technical specifications included in claim forms for accuracy and soundness. As and if required by the Board, he/she would participate in on-site studies serving as technical adviser on engineering topics. In this role, the Engineer should demonstrate a sound ability to serve as a technically responsible specialist in the field of engineering related to verification and/or assessment of the damage and loss claimed. He/she should also be able to exercise independent judgment and make decisions on difficult and complex engineering related issues. It is thus recommended that the Engineer's position be at the P-4 level.

3.15 The Legal Officer would provide legal advice to the Chief of the Verification and Assessment Unit on complex legal issues relating to the verification and assessment process of damage claimed. The Legal Officer would review the claim forms with a view to identifying legal inconsistencies and prepare drafts of background papers and reports as required by the Chief of the Verification and Assessment Unit. The Legal Officer should demonstrate knowledge of international legal procedures and instruments, and significant experience in the practical application of legal principles, concepts and policy in a wide range of legal issues, particularly related to damage evaluation and assessment. He/she should also demonstrate sound judgment, fully proficient computer skills, and use of relevant software applications, in particular use of information databases. In view of the required experience in the field of civil law and/or common law legal systems, it is recommended that the Legal Officer's position be at the P-3 level.

Administrative Unit

3.16 The Administrative Officer would contribute to the implementation of the Register of Damage's mandate by providing the required administrative and logistical support, in such areas as budget, finance, human resources management, general services, logistics, etc. He/she would act as principal assistant to the Executive Director on all matters pertaining to administrative and technical support. He/she would liaise and coordinate with UNOV on all administrative and logistical matters. This position is essential as the Administrative Officer would initiate and coordinate actions covering the entire span of administrative activities. He/she would also lead, oversee and coordinate the preparation and implementation of the work program and budget to ensure compatibility with work priorities and objectives, taking into account the most effective use of resources. Bearing in mind that the Administrative Officer's position would be key for the smooth and effective working relationship with UNOV on all administrative and logistic matters, it is suggested that the post of Administrative Officer be established at the P-4 level.