



SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. MAYCOCK (Barbados)

Later: Mr. ABRASZEWSKI (Poland)

Chairman of the Advisory Committee on Administrative and
Budgetary Questions: Mr. MSELLE

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9 December 1982

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 103: PROGRAMME BUDGET FOR THE BIENNIUM 1982-1983 (continued)

Administrative and financial implications of the draft resolution contained in document A/37/L.13/Rev.1 (Third United Nations Conference on the Law of the Sea) (continued) (A/C.5/37/58/Rev.1 and A/37/7/Add.10)

1. Mrs. LOPEZ ORTEGA (Mexico) said that her delegation endorsed the comments made by the representative of Singapore at the previous meeting (A/C.5/37/SR.52). It also wished to stress the importance of the functions entrusted to the Secretary-General in respect of the Convention and the related resolutions, as set out in the Secretary-General's statement (A/C.5/37/58/Rev.1). It noted that in 1983 the Committee for Programme and Co-ordination was to examine the work programmes on marine matters, of all United Nations organizations which would cover the preparation of the reports required by article 319 of the Convention. Her delegation accordingly approved of the activities outlined in paragraphs 13 to 18 of the Secretary-General's statement and referred to in paragraph 7 of the draft resolution. It was important that the Secretary-General should have the financial and administrative resources necessary to carry out those responsibilities. The the Advisory Committee's recommendations (A/37/7/Add.10) should be understood, therefore, as giving the Secretary-General discretion to decide on the extent of the Secretariat services required for the Preparatory Commission in the light of its programme of work and the functions he would be called upon to assume. Her delegation was accordingly unable to agree with the views expressed in paragraphs 6 and 7 of the Advisory Committee's report, to which a number of delegations had already objected at the previous meeting.

2. Mr. MONTHE (United Republic of Cameroon) said that the Advisory Committee correctly noted in paragraph 4 of its report (A/37/7/Add.10) that the additional costs associated with holding the final session of the Conference of the Law of the Sea in Jamaica rather than New York would be defrayed by the Government of Jamaica in accordance with the terms of General Assembly resolution 31/140, and that extra conference-servicing costs, in an amount not exceeding \$1,007,400 for the Preparatory Commission and \$588,700 for the Working Groups, if established, would be reviewed in the context of a consolidated statement of conference-servicing requirements. The Advisory Committee went on to make a number of recommendations regarding non-conference-servicing costs which his delegation found justified.

3. The functions that the Secretary-General would assume under the Convention and related resolutions were described in paragraph 1 of his statement (A/C.5/37/58/Rev.1). If those functions were reviewed from the point of view of complexity, magnitude and urgency, it became apparent that the largest immediate burden would fall on the Secretariat in Jamaica. In paragraph 7 of its report, the Advisory Committee suggested that the immediate creation at New York of an Office for Law of the Sea Affairs would be premature. It also expressed the view that significant administrative and substantive support services could be provided by existing structures, such as the Office of Legal Affairs, the Ocean Economics and Technology Branch of the Department of International Economic and Social Affairs,

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(Mr. Monthe, United Republic of Cameroon)

the Department of Public Information and the Library Services. His delegation endorsed those comments and also the view set forth in paragraph 8, that staffing resources in 1983 should continue to be provided on a temporary basis. The Advisory Committee went on to observe, in paragraph 13, that the Conference had concluded that the Advisory Committee itself was of the opinion that, pending ratification and entry into force of the Convention, the work-load in New York would not warrant the level of staffing proposed by the Secretary-General. The Advisory Committee therefore recommended that the administrative support required in New York during the interim period should be provided by existing staff. In paragraph 15, however, it recommended approval of the Secretary-General's request for 25 temporary posts for supporting administrative services in the Jamaica Office.

4. His delegation believed that all decisions of the General Assembly should be analysed carefully with a view to making the most economical and effective use possible of the resources provided, according to the Organization's priorities and the degree of urgency. It also considered, that as a general rule, the Fifth Committee should be receptive to the Advisory Committee's recommendations and should support them.

5. Mr. OKEYO (Kenya) said that his delegation shared the opinion of the delegation of the United Republic of Cameroon and would therefore support the Advisory Committee's recommendations. He had a question, however, regarding the manning table recommended by the Advisory Committee for the substantive Secretariat. In the foot-note on page 5 of the report, there was a reference to the assignment of nine substantive staff at the Professional and higher levels to the Jamaica Office. It would appear from the table that the highest official in that Office would be a P-4. That was not commensurate with his delegation's view of the responsibility and authority that could be expected to be exercised from the Jamaica Office. His delegation was in principle ready to accept the staffing recommendations in paragraphs 14, 15 and 16 of the report, but felt that there should be a more balanced distribution in terms of senior levels between New York and Jamaica, which would be the headquarters for law of the sea matters.

6. Mr. ZULETA (Special Representative of the Secretary-General) said that the footnote on page 5 of the report indicated that four or more Professional and higher level posts which were yet to be identified would also be assigned to the Secretariat services for the Preparatory Commission in Jamaica as the needs of the service required. He did not think it was appropriate to go into more detail for the time being, particularly in the light of the remarks of the representative of Singapore at the previous meeting.

7. Mr. QUINLAN (Australia) said that, as a sponsor of draft resolution A/37/L.13/Rev.1, Australia had been intimately associated with the discussions leading up to it and had been concerned about some of the proposals put forward with respect to the cost and extent of the meetings of the Preparatory Commission and the associated Secretariat requirements. Those concerns had been largely met by the draft resolution, which was the result of compromises made by many delegations. It was still anxious, however, to ensure that the frequency and cost of the meetings to be held under the Law of the Sea Convention and the cost of the bureaucratic institutions to be established were kept to a minimum. In that

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(Mr. Quinlan, Australia)

connection, he thanked the President of the Third United Nations Conference on the Law of the Sea, the representative of Singapore, for his clear and helpful explanations at the previous meeting. The understandings underlying the draft resolution defined clearly the parameters within which its financial and administrative implications should be addressed.

8. The size of the Secretariat and its disposition between New York and Jamaica was the key issue. The Advisory Committee had made the crucial point that, wherever they were situated, the Secretariat structures must be determined on the basis of clearly defined functional requirements. Those requirements would be a reflection of the Preparatory Commission's own experience and of the nature of its work programme which would not be decided until 1983.

9. His delegation agreed with the representative of Singapore that there was room for reasonable differences of opinion on the precise nature of the Secretary-General's functions and responsibilities under the Convention, and on the time-frame within which he would need to assume those functions and therefore make the necessary administrative provisions. Such differences need not, however, prevent the Committee from reaching a decision at the current meeting. The Secretary-General's Special Representative had assured the Committee that he would use the resources made available as flexibly as possible. His delegation interpreted that as being in accord with the understandings behind the resolution, and was sure that those understandings would be respected in the disposition of the Secretariat resources in question.

10. It did not believe that the essence of the Advisory Committee's recommendations would impede the Secretary-General in assuming his responsibilities either in the short term or in the longer term. Moreover, the report did not recommend anything not in the essential interest of the Convention itself. There could well be scope for fine-tuning by the Secretary-General in defining the functions and requirements of the Secretariat, and in that respect his delegation took the reservations expressed in that connection by a number of other delegations fully into account. It would, however, support the essential thrust of the Advisory Committee's report and hoped that other delegations could do likewise.

11. Mr. FONSEKA (Sri Lanka) said that his delegation too was a sponsor of draft resolution A/37/L.13/Rev.1. Certain understandings had been reached during the formulation of that resolution and, at the previous meeting, the representative of Singapore, who was also the President of the Conference on the Law of the Sea, had rightly urged representatives to refrain from anything that would fuel controversy rather than produce harmony. Controversy over the Advisory Committee's report (A/37/7/Add.10) would only hamper the work of the Preparatory Commission and the functions of the Secretary-General under the Convention.

12. His delegation would, therefore, simply observe that paragraphs 7 and 8 of the report seemed to overlook some of the more important functions and responsibilities, including the reporting function, to be assumed by the Secretary-General. Those functions might not be urgent for the time being, but they were nevertheless of interest to those delegations which were not immediately

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(Mr. Fonseka, Sri Lanka)

involved in the work of the Preparatory Commission. His delegation would accept the Advisory Committee's recommendations, but he hoped that the long-term interests of the many States that might in future be signatories to the Convention would not be overlooked.

13. Mr. ZINIEL (Ghana) reaffirmed his delegation's well-known position that, in considering the financial implications of draft resolutions emanating from the Main Committees of the General Assembly, the Fifth Committee should ensure that sufficient resources were made available to the Secretary-General to carry out more decisions effectively. At the same time, it believed strongly that in implementing those resolutions the Secretary-General should exercise the greatest possible economy.

14. His delegation had examined the Secretary-General's statement of the administrative and financial implications of the draft resolution and the related report of the Advisory Committee with care. On the basis of the information available and of the comprehensive statement made by the representative of Singapore at the previous meeting, it agreed with the Advisory Committee that the immediate establishment of an Office for Law of the Sea Affairs would be premature, while noting the legitimate reservations that had been expressed in that regard. Accordingly, it endorsed the recommendation in paragraph 8 of document A/37/7/Add.10 that the question of setting up an Office for Law of the Sea Affairs on an established basis should be considered by the General Assembly at its thirty-eighth session on the basis of a report by the Secretary-General.

15. It also noted that the Secretary-General's estimate for staff costs for the proposed Office referred to 64 posts, more than half of which would be on an established basis. His delegation's views on the creation of posts were well known and consistent with the careful approach taken by the Advisory Committee in its recommendations in paragraphs 13, 14 and 15. At the same time, his delegation reaffirmed its respect for articles 98 and 101 of the Charter and its faith in the Secretary-General's judgement. It therefore shared the hope expressed by the representative of Singapore that, in administering the resources to be provided, the Secretary-General would exercise his judgement equitably.

16. Mr. CAPPAGLI (Argentina) said that his delegation would be unable to sign the Convention on the Law of the Sea or the Final Act of the Third United Nations Conference as long as a link was maintained between the text of the Convention and the declaration in Annex 1, Resolution III, paragraph 1 (b). It would therefore not take part in the voting on draft resolution A/37/L.13/Rev.1 or in the decision on its administrative and financial implications. That did not imply any negative position in regard to the Convention itself, which was the fruit of many years of effort to regulate the law of the sea in which Argentina had participated.

17. The CHAIRMAN suggested that in the light of the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/37/L.13/Rev.1, additional appropriations totalling \$2,728,500 would be required under section 2 of the programme budget for the biennium 1982-1983. An additional appropriation of \$428,400 would also be required under section 31, and would be offset by an increase of the same amount under income section 1. Conference-servicing requirements had been estimated, on a

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(The Chairman)

full-cost basis, at \$1,596,100. The actual additional appropriations that might be required in that respect would be considered in the context of the consolidated statement of conference servicing requirements. He invited the Committee to vote on the recommendations.

18. Mr. GRODSKY (Union of Soviet Socialist Republics), speaking in explanation of vote before the vote, said that the need for efficiency in using the resources of the United Nations regular budget was the key factor in his delegation's approach to any new activities. Any new programmes should be accompanied by a review of priorities and the reallocation of resources. Unfortunately, that had not taken place in the case under consideration.

19. His delegation supported the majority of the recommendations and comments of the Advisory Committee, and agreed, in particular, that the Secretary-General had failed to provide a clear distinction between those functions and activities which could and should be carried out immediately and those which must await the ratification and entry into force of the Convention. Insufficient consideration had been given to the possibility of using existing departments of the Secretariat. The Secretary-General's request for a substantial number of new posts was not justified, nor could his delegation agree with the Advisory Committee's recommendation that 25 temporary posts should be approved for supporting administrative services in the Jamaica Office. His delegation could not support the requests for additional appropriations.

20. Mr. GODFREY (New Zealand) said that his delegation had reservations concerning paragraphs 6 and 7 of the Advisory Committee's report (A/37/7/Add.10) but, as a result of prior informal consultations, which had related in part to the need for economy, it was prepared to vote in favour of the recommendations contained in that report.

21. Mr. SIBAY (Turkey) said that his Government had no intention whatsoever of signing and becoming a party to the United Nations Convention on the Law of the Sea. Any costs incurred under the Convention should be borne by its signatories, in accordance with customary international law. His delegation, together with that of the United States, had submitted an amendment (A/37/L.15/Rev.1) to draft resolution A/37/L.13/Rev.1 for that reason. His Government would not contribute to any expenditure resulting from implementation of the Convention. His delegation wished a recorded vote to be taken on the administrative and financial implications of the draft resolution.

22. Mrs. ESPINOSA de LOPEZ (Colombia) said that her delegation would vote in favour of the Advisory Committee's recommendations, although it had reservations concerning paragraphs 5, 6, 7 and 13 of the report.

23. Mr. PULLEIRO (Uruguay) said that his delegation would vote in favour of the Advisory Committee's recommendations, although it had reservations concerning paragraphs 6, 7, 8 and 13, since additional staff would be required under the Convention, which was extremely important to developing countries.

24. Mrs. INCERA (Costa Rica) said that her delegation would vote in favour of the Advisory Committee's recommendations. There was a need for the Office for Law of the Sea Affairs to be established on a permanent basis.

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25. Mr. MERIEUX (France) said that his Government had decided to sign the Convention, since it represented a step in the establishment of the new international economic order. It was regrettable that the report of the Advisory Committee did not reflect the spirit of compromise which had led to the Convention. There was a need for permanent services in New York, although the proposed staffing for the Preparatory Commission seemed excessive, since it would only be meeting for three to four weeks in 1983. It was, in any event, for the Secretary-General to decide on the allocation of resources between New York and Jamaica, in accordance with real needs. The Advisory Committee had stated that an additional appropriation would be required if the four Working Groups met in Kingston rather than New York. That decision was for the Preparatory Commission to take, but his delegation felt that New York was more appropriate on the ground of efficiency. France would abstain from voting, since the resources requested were excessive and poorly distributed.

26. Mr. MURRAY (United Kingdom) said that his delegation had reservations concerning the matter before the Committee, in view of the hasty manner in which it was being asked to take a decision and the lack of information on the programme implications.

27. His delegation was not opposed to new activities per se, but felt that they should not place any burden on the regular budget. As a compromise, the United Kingdom had proposed that the United Nations should make a loan to finance the costs which would be incurred under the Convention, but that proposal had not been accepted. His delegation did not consider that those costs should be charged to the regular budget, unless they were offset by savings elsewhere, in view of which it would abstain from voting.

28. Mr. HAKIM (Afghanistan) said that his delegation was in favour of the signing of the Convention in Jamaica since it established a legal régime governing the use of the sea and its resources, which represented a major step towards securing access to those resources for land-locked countries like Afghanistan. His delegation supported the draft resolution and would vote in favour of the Advisory Committee's recommendations.

29. Mr. MONTHE (United Republic of Cameroon) said that his delegation would vote in favour of the Advisory Committee's recommendations, on the understanding that the Secretary-General would allocate posts in accordance with his statement to the Fifth Committee. It was important for proposals submitted by the Secretary-General to be clear.

30. Mr. FONTAINE ORTIZ (Cuba) said that his delegation would vote in favour of the Advisory Committee's recommendations, although it had reservations concerning paragraphs 5, 6, 7, 8 and 13, if they were intended to be interpreted as limiting the functions of the Secretary-General with regard to the operation of the International Sea-Bed Authority and the implementation of the Convention.

31. Mr. PAPENDORP (United States of America) said that the expenditure referred to in the report of the Advisory Committee should not be charged to the regular budget of the United Nations, but should be borne by the States signatory to the Convention. His delegation would thus vote against the recommendations. Member

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(Mr. Papendorp, United States)

States should not, however, consider a positive vote on those recommendations in the Fifth Committee and a positive vote in the Plenary Assembly on the amendment submitted by the United States and Turkey as mutually exclusive.

32. Mr. ST. AIMEE (Saint Lucia) said that his delegation would vote in favour of the recommendations.

33. Mr. TONEY (Saint Vincent and the Grenadines) said that his delegation would vote in favour of the Advisory Committee's recommendations, since they met the criterion of functional efficiency.

34. Mr. OULD MAALOU (Mauritania) said that the recommendations of the Advisory Committee were prudent and well-founded, and that his delegation would vote in favour of them.

35. At the request of the representative of Turkey, a recorded vote was taken on the recommendations of the Advisory Committee.

In favour: Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Benin, Bhutan, Botswana, Brazil, Burundi, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, Turkey, United States of America.

Abstaining: Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Italy, Japan, Luxembourg, Mongolia, Poland, Portugal, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

36. The recommendations of the Advisory Committee concerning the administrative and financial implications of draft resolution A/37/L.13/Rev.1 were approved by 92 votes to 3, with 19 abstentions.

37. Mr. LADOR (Israel) said that his delegation had voted against the Advisory Committee's recommendations, since it was opposed to the adoption of the Convention.

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38. Mr. P. WILDER (Canada) said that his delegation had voted in favour of the recommendations, since it supported the Convention. That vote should not, however, be interpreted as implying approval of the way in which the Secretariat had allocated the relevant resources.

39. Mr. YOACHAM (Chile) said that his delegation had voted in favour of the recommendations, on the understanding that their adoption would not prejudice the functions and responsibilities of the Secretary-General. The Office for Law of the Sea Affairs should be established on a permanent basis.

40. Mr. HOLBORN (Federal Republic of Germany) said that his delegation had abstained. It appreciated the efforts of the Advisory Committee to restrain expenditure. The costs incurred in establishing the machinery provided for by the Convention should be met from existing resources.

41. Mr. HAMZA (Sudan) said that his delegation had voted in favour of the recommendations. The Secretary-General should be objective in allocating resources, and should take account of the need to strengthen the Jamaica Office so that the Preparatory Commission could carry out its work effectively.

Report of the Committee of Governmental Experts to Evaluate the Present Structure of the Secretariat in the Administrative, Finance and Personnel Areas (continued)
(A/37/44; A/C.5/37/L.33)

42. Mr. AMNEUS (Sweden), introducing draft decision A/C.5/37/L.33, said that the delegations of Denmark, the Sudan and the United States of America had joined the sponsors. In the third paragraph, the words "which he has assigned to the Under-Secretary-General for Special Assignments" should be replaced with "referred to in paragraph 25 and in annex 1, paragraph 15, of the Committee's report". In addition, the word "present" should be inserted before the words "review on decentralizing the decision-making". The Committee of Governmental Experts had performed its task well under difficult circumstances. The report referred to in the final paragraph of the draft decision would be an appropriate follow-up to that Committee's observations.

43. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) asked whether the sponsors would be prepared to accept an amendment consisting of the deletion of the final phrase, "including changes in the administrative structure that he considers appropriate", from the final paragraph of the draft. His purpose in submitting that amendment was to avoid committing the Secretary-General to the notion that changes in the administrative structure might be needed. He would not press his amendment if the sponsors could not agree to it.

44. The CHAIRMAN subsequently announced that, after consultations with the sponsors, the Soviet representative had agreed not to press his amendment. He also announced that Ghana had joined the sponsors of the draft.

45. Draft decision A/C.5/37/L.33, as orally revised, was adopted without a vote.

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AGENDA ITEM 114: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST (continued)

(b) UNITED NATIONS INTERIM FORCE IN LEBANON: REPORT OF THE SECRETARY-GENERAL (continued) (A/37/535, A/37/649; A/C.5/37/L.32)

46. Ms. MUSTONEN (Finland), introducing draft resolution A/C.5/37/L.32, emphasized the role of United Nations peace-keeping operations, which were an essential implement in efforts by the Organization to discharge its responsibilities under the Charter. Despite the very difficult political setting in which almost all peace-keeping forces performed their duties, that part of the United Nations machinery had made a most valuable contribution to the maintenance of international peace and security.

47. The Secretary-General consistently stressed the need to strengthen the existing machinery for peace-keeping operations, and expressed concern at the financial difficulties which peace-keeping forces continued to face. Member States bore a collective responsibility to enable the United Nations to carry out its obligations under the Charter. The sponsors of the draft regretted that not all Member States were fulfilling their responsibilities where peace-keeping operations were concerned, since the result was a disproportionate burden on the Governments that provided troops and other forms of support. The current situation not only undermined the efficiency of peace-keeping operations, but might also make it increasingly difficult to find additional Member States to take part in such operations. In that connection, she noted with appreciation that the People's Republic of China had, in the past year, begun to pay its assessed contribution to UNIFIL.

48. The draft before the Committee was broadly similar to resolutions on the subject adopted by the General Assembly in previous years. The first five parts provided for the financing of UNIFIL up to the end of its current mandate, while part VI authorized the Secretary-General to enter into commitments at the same rate as currently authorized for the period from 19 January to 18 December 1983, should the Security Council decide to extend UNIFIL's mandate. In a departure from previous resolutions, the draft also reflected the recommendation by the Advisory Committee on Administrative and Budgetary Questions that the Secretary-General's authority to enter into such commitments should be subject to the prior concurrence of that Committee on the actual level of commitments to be entered into for each mandate period approved after 19 January 1983 (A/37/649, para. 13).

49. She drew attention to part VII of the draft, renewing the appeal for voluntary contributions to UNIFIL, and in that context referred members to paragraphs 7 to 11 and 19 of the Secretary-General's report (A/37/535). In conclusion, she explained that the purpose of suspending financial regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 and holding the "surplus" in the UNIFIL Special Account in suspense, as proposed in section B of the draft, was to prevent the "surplus" - which, as indicated in paragraph 7 of the Advisory Committee's report, existed on paper only - from being used as a credit to reduce the assessments of Member States, including those withholding their assessed contributions.

50. Mr. SAGHIYYAH (Lebanon) expressed concern at the growing deficit of UNIFIL, which included large sums apportioned among Member States that had made plain their

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(Mr. Saghiyyah, Lebanon)

intention not to pay. His country had always accepted as incontrovertible the principle of collective financial responsibility for the activities of the United Nations. The refusal of some States to pay their share was unfair both to the developing countries which did contribute and to the troop-contributing countries. If the practice continued, rich countries would soon be the only ones to contribute and that would upset the geographical balance of contributions to UNIFIL. The problem in Lebanon was not of the Lebanese people's making, and they should not have to bear the consequences. If a peace-keeping force was needed in the south of the country, that force should be supported.

51. He expressed his Government's appreciation to the Secretary-General, the staff of UNIFIL and, especially, the soldiers and troop-contributing countries, whose belief in the principles of the Charter had made the establishment and continued existence of UNIFIL possible.

52. Ms. CONWAY (Ireland) said that peace-keeping operations were fundamental to the implementation of the purposes and principles of the Charter. The responsibility for contributing to peace-keeping forces was, under the Charter, to be shared collectively by all Member States. In her delegation's view, that meant that the costs of peace-keeping operations authorized under the Charter should also be shared equitably by all Member States.

53. The withholding of contributions to peace-keeping operations by some Member States placed an undue burden on others, especially countries supplying troops, and disrupted the balance of contributions to and the composition of peace-keeping forces. The Secretary-General's report indicated that over 22 per cent of the assessed contributions to UNIFIL since the inception of the force had to be regarded as uncollectable, but no organization could be expected to continue to function efficiently on only three-quarters of its permitted resources, especially when great stringency had been applied in calculating the Force's requirements in the first place.

54. In view of the importance attached by the Security Council to peace-keeping operations in general and UNIFIL in particular, she urged the States concerned to reconsider their positions on the withholding of contributions, and welcomed the fact that China had recently begun to contribute to UNDOF and UNIFIL.

55. The CHAIRMAN announced that the Soviet delegation had requested a vote on the draft resolution.

56. Mr. YAKOVENKO (Union of Soviet Socialist Republics), speaking in explanation of vote before the vote, reaffirmed his delegation's position that the costs of putting down Israel's aggression against Lebanon should be borne by the aggressor. He would vote against the draft resolution, and his Government would bear no part of the costs of UNIFIL.

57. Mr. PAPENDORF (United States of America) said that the explanation his delegation had given of its vote on the funding of UNDOF applied equally to the funding of UNIFIL.

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58. Mr. YOUNIS (Iraq) said that the Zionist entity alone, as the aggressor, should bear the consequences of its aggression. His delegation would vote against the Advisory Committee's recommendation; his Government would not consider itself bound to make any outlay in connection with the draft resolution.

59. Mr. BENZEITUM (Libyan Arab Jamahiriya) said that, on principle, his Government would not share the costs of peace-keeping operations of any description. It did not recognize the resolutions under which peace-keeping forces were set up, and would not take part in the voting.

60. Mr. MANSOURI (Syrian Arab Republic) said that he had already made known his country's position on the financing of peace-keeping forces. The aggressor alone should shoulder the costs of its aggression. His Government could not participate in the financing of UNIFIL.

61. Mr. HOUNGAVOU (Benin) reaffirmed his Government's position on the matter, and announced that he would not take part in the voting.

62. Mr. OKLESTEK (Czechoslovakia) said that his country's position was well known. He would vote against the draft resolution, believing that the costs of UNIFIL should be borne by the aggressor, even though he recognized the difficulties faced by troop-contributing countries, and the fact that the UNIFIL deficit added to the overall financial difficulties of the United Nations. The costs of an unlawful act should not be met by an unlawful apportionment of financial responsibility.

63. Mr. LADOR (Israel) said that peace-keeping forces were no substitute for a permanent solution to a dispute. The fact that some peace-keeping forces were assuming a permanent character was a sign of the enmity borne by a number of States towards his country since its creation.

64. The Security Council resolutions establishing United Nations peace-keeping forces had been adopted with the concurrence of all the countries concerned. The General Assembly should accordingly allow the Secretary-General all the resources necessary to carry out the tasks assigned to him. Most countries paid their share but a small number of countries, including one super-Power that professed itself to be a peace-loving State, refused to bear their part of the burden. Those which did so were clearly in violation of their responsibilities under the Charter.

65. He expressed his delegation's appreciation to the countries contributing troops to the peace-keeping forces, and said that he would vote in favour of the draft resolution.

66. Mr. ALHUNIDI (Democratic Yemen) confirmed his country's position and announced that he would not take part in the voting: Israel should bear the responsibility for its aggression.

67. Mr. GUECSI (Hungary) reaffirmed his Government's position. He would vote against the draft resolution, and his Government would not participate in the financing of UNIFIL.

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68. A recorded vote was taken.

In favour: Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Bhutan, Botswana, Brazil, Burundi, Canada, Central African Republic, Chile, China, Colombia, Congo, Cyprus, Denmark, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guyana, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Kuwait, Lebanon, Lesotho, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Netherlands, New Zealand, Norway, Oman, Philippines, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Iraq, Mongolia, Poland, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Cuba, Maldives.

69. Draft resolution A/C.5/37/L.32 was adopted by 74 votes to 12, with 2 abstentions.

70. Mr. EL SAFTY (Egypt), Mr. HAMZA (Sudan) and Mr. INCERA (Costa Rica) said that, had their delegations been present during the voting on draft resolution A/C.5/37/L.32, they would have voted in favour.

71. Mr. LAHLOU (Morocco) said that, although he had been present in the conference room during the voting, he had been unable to reach his desk in time to vote. He had intended to vote in favour of the draft resolution.

72. Mr. TOMASZEWSKI (Poland) said that his delegation's well-known position with regard to the financing of UNIFIL remained unchanged. He had therefore voted against the draft resolution and his Government would not contribute to the financing of the Force. His delegation maintained that Articles 17 and 19 of the Charter did not apply to the expenses of peace-keeping operations.

73. Mr. Abraszewski (Poland) took the Chair.

AGENDA ITEM 111: PERSONNEL QUESTIONS (continued)

(c) OTHER PERSONNEL QUESTIONS (continued)

Repatriation grant (continued) (A/37/675; A/C.5/37/26)

74. Mr. PAPENDORP (United States of America) said that, as the Advisory Committee had correctly noted, the past practice of the Secretariat with regard to the

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(Mr. Papendorp, United States)

payment of the repatriation grant had not been in keeping with the intent of the General Assembly and had finally led the Assembly to make its intentions crystal clear in the resolution it had adopted at the thirty-fourth session. As a result, an appeal had been brought before the Administrative Tribunal, and there was no need to restate what his delegation's position on the matter was. The episode illustrated the kinds of problems which could arise when practices were adopted by the Secretariat without the close scrutiny of the General Assembly. His delegation therefore welcomed the corrective measures recommended by the Advisory Committee and trusted that they would be adopted.

Amendment of the Staff Regulations (continued) (A/C.5/37/54)

75. Ms. ERIKSSON (Sweden) said that the amendments to staff regulations 8.1 and 8.2 proposed by the Secretary-General merely formalized what had been the existing practice for several years. Her delegation had been assured that the proposed amendments were intended to take account of the geographical dispersion of the Secretariat over the years and were unrelated to the current difficulties in staff-management relations at Headquarters. The number of staff at the various duty stations warranted an increase in the number of staff representative bodies. Regulation 8.1 (b), as it stood, provided that the Staff Council should be composed in such a way so as to afford equitable representation to "all levels of the staff", whereas the proposed amendment would refer to "equitable representation to all staff members", which was a more democratic concept. Her delegation saw no reason why the Committee should not adopt the proposed amendments at the current session since they would help to create improved conditions for staff-management relations.

76. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that his delegation had objections to some of the views put forward by the Secretary-General in his note (A/C.5/37/54), especially those in paragraph 4 (c). In particular, it objected to the use of the term "union", which, to his knowledge, had never before appeared in official documents of the Secretariat. It was improper to give the name "union" to any staff association or grouping or to grant such groups the status of a union. That was a substantive legal question which called for serious consideration. Accordingly, his delegation proposed that the note by the Secretary-General should be referred to the International Civil Service Commission, which could consider such matters under article 15 of its Statute.

77. In order to protect the Organization against the possibility of irresponsible actions by staff members who formed associations, groupings or unions, his delegation felt that the Staff Regulations needed to be made more explicit in a number of respects. The recent disorders created by irresponsible elements in the Secretariat, which had prevented normal functioning of United Nations bodies and the Secretariat itself, lent special urgency to the matter. Accordingly, he proposed that two new provisions should be added to the Staff Regulations. The first would state clearly that strikes or other job actions were prohibited in the United Nations Secretariat. The second would provide that all financial costs relating to the activities of staff organizations, associations or other groupings should be met from contributions by their members and not from the United Nations budget or any other resources contributed by Member States. As to the prohibition against strikes, he emphasized that public employees and civil servants working in vital areas of state administration or the economy did not have the right to

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(Mr. Kudryavtsev, USSR)

strike. Obviously, the same should be true of United Nations staff members. For example, a crisis might emerge requiring immediate action by the Security Council but the latter might be prevented from discharging its duty by irresponsible actions by certain elements of the staff. Staff members must bear in mind that it was a great honour for them to work in the Secretariat, and such actions as had recently been witnessed were entirely inadmissible, not only on lofty political and moral grounds but also in accordance with the existing provisions of the Staff Regulations. In that connection, he drew attention to regulation 1.2, which stipulated, inter alia, that the whole time of staff members was at the disposal of the Secretary-General. That provision clearly implied that staff members could not engage in any activity during working hours without the permission of the Secretary-General. Strikes, "prolonged coffee breaks" and any other forms of job action not sanctioned by the Secretary-General were plainly prohibited. Apparently, however, since staff regulation 1.2 was not sufficiently grasped by some members of the staff and their organizations, the new provisions proposed by his delegation were necessary.

78. He urged members not to act hastily to adopt the amendments proposed by the Secretary-General and called for support for his delegation's proposals, which would protect the Organization against crises which might be artificially created on the premises of the Secretariat by irresponsible elements. The question was far from being secondary or as simple as some would like to present it.

79. Mr. P. WILDER (Canada) said that it went without saying that his delegation did not share the views of the previous speaker. He asked that the statement of the Soviet representative should be reproduced verbatim so that all could read and reflect on it.

80. The CHAIRMAN said that, as members were aware, the Fifth Committee was not entitled to verbatim records. That was a strict rule, but there were other ways for members to become acquainted with statements made by delegations.

The meeting rose at 6.20 p.m.