



FIFTH COMMITTEE
55th meeting
held on
Monday, 5 December 1983
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. KUYAMA (Japan)

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

CONTENTS

AGENDA ITEM 110: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1984-1985 (continued)

Administrative and financial implications of the draft resolution submitted in document A/38/L.16 concerning agenda item 12

Revised estimates under section 26 (Legal activities), section 29A (Department of Conference Services, Headquarters), section 28D (Office of General Services, Headquarters), section 31 (staff assessment) and income section 1 (Income from staff assessment)

United Nations Conference on Trade and Development. Convention on a Code of Conduct for Liner Conferences: appointment of a Registrar for the settlement of disputes

Interim arrangements for the International Tropical Timber Council

Administrative and financial implications of the draft resolution submitted by the Second Committee in document A/C.2/38/L.82 concerning agenda item 78(b)

Administrative and financial implications of draft decision submitted by the Second Committee in document A/C.2/38/L.77 concerning agenda item 12

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8 December 1983

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 110: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1984-1985 (continued) (A/38/3 (Part II) and Corr.1 (English only), A/38/6, 7, 38)

Administrative and financial implications of the draft resolution submitted in document A/38/L.16 concerning agenda item 12 (A/C.5/38/60)

1. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) noted that the travel and subsistence costs for the three senior academic experts mentioned in document A/C.5/38/60, paragraph 8 (f), would be charged to section 2A (Political and Security Council affairs) of the proposed programme budget, and that some travel funds were already included in that section. The Advisory Committee accordingly recommended that a total of \$70,000 be approved to cover travel and subsistence of substantive Secretariat staff and experts. The conference-servicing costs would be included in the consolidated statement of conference-servicing requirements to be submitted by the Secretary-General (A/C.5/38/60, para. 9).

2. Mr. MICHALSKI (United States of America) said that, in accordance with the guidelines for international years set out in the annex to Economic and Social Council resolution 1980/67, there should be an interval of at least two years between international years; however, 1985 had been designated as International Youth Year (General Assembly resolution 34/151) and 1986 as International Year of Peace. Neither the Secretary-General's report on the International Year of Peace (A/38/413) nor his statement of financial implications (A/C.5/38/60) contained any explanation of why the guidelines set forth in the Economic and Social Council resolution, which had been adopted without a vote, were to be thus violated, thereby establishing an unwelcome precedent. The purpose of peace would be better served by general compliance with and support for the peace-keeping provisions of the Charter. Therefore, although his delegation had no objection to the spirit of the International Year of Peace, it could not support the financial implications thereof.

3. Mrs. CASTRO de BARISH (Costa Rica) said that the draft resolution on the designation of the International Year of Peace (A/38/L.16) had been sponsored by a wide range of Member States, while Bangladesh, Bolivia, Colombia, Chile, Nepal, Nigeria, Pakistan, Peru, Saint Lucia, Senegal, Singapore, Swaziland and Zaire had subsequently become sponsors. The designation of 1986 as the International Year of Peace had been supported by the Economic and Social Council and General Assembly in a number of resolutions; it was to be proclaimed on 24 October 1985, the fortieth anniversary of the founding of the United Nations.

4. The regional seminars referred to in draft resolution A/38/L.16, paragraph 4, were an important part of the observance of the Year; they would be prepared on the same lines as those of previous international years and would undoubtedly increase public awareness of the significance of the Year and encourage support for it. The holding of seminars at the headquarters of each regional economic commission had been found to combine the maximum logistic efficiency with the minimum of cost. In any case, the total cost of the proposed regional seminars was much less than that

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(Mrs. Castro de Barish, Costa Rica)

for similar United Nations meetings (for example, regional meetings under the International Youth Year were costed at \$850,000). Moreover, the Secretariat would make fullest use of available resources and co-ordinate with other relevant programmes such as those for the World Disarmament Campaign, the United Nations Decade for Women and the International Youth Year. The governing bodies of UNESCO and the United Nations University had already budgeted for preparatory programmes for the Year, and it was hoped that other United Nations bodies would follow suit. The voluntary fund proposed in paragraph 3 of draft resolution A/38/L.16 would take care of all future costs for preparing the Year except the cost of regional seminars, in accordance with the guidelines for international years adopted by the Economic and Social Council. She therefore trusted that there would be no objection to the statement of financial implications of the draft resolution.

5. Mr. TOMASZEWSKI (Poland) said that the proclamation of the International Year of Peace would coincide with the fortieth anniversary of the ending of the Second World War and the inception of a long period of peace in Europe; however, peace still had to be fought for, throughout the world, and that was one of the considerations which the General Assembly had no doubt had in mind in designating 1986 as the International Year of Peace. Poland would give its full support to the activities of the Year and intended to host an international seminar on peace and security and organize an international poster contest. He supported the estimates in the statement submitted by the Secretary-General.

6. The CHAIRMAN proposed that the Fifth Committee inform the General Assembly that, should it adopt the draft resolution contained in document A/38/L.16, an additional appropriation of \$70,000 would be required under section 2A of the proposed programme budget for the biennium 1984-1985. Conference-servicing requirements were estimated at a maximum of \$445,400 but the actual additional appropriation would be considered in the context of the Secretary-General's consolidated statement of conference-servicing requirements to be submitted at a later date.

7. The proposal was adopted by 63 votes to 4, with 6 abstentions.

8. Mr. MURRAY (United Kingdom) said that the maintenance of peace was undoubtedly an objective which would receive the widest support; nevertheless, the task of the Fifth Committee was to distinguish between desirable objectives and the means proposed to achieve them. The guidelines for financing international years said that such financing should in principle be based on voluntary contributions, whereas the present proposal had substantial financial implications, which he had been unable to support.

9. Mr. HOLBORN (Federal Republic of Germany) associated himself with the observations of the United Kingdom representative.

10. Mr. BROCHARD (France) said that his delegation supported the spirit underlying the International Year of Peace but was opposed to the appropriations for the organization of regional seminars, and had therefore voted against the proposal.

11. Mr. CHUA (Singapore) said that he had been absent when the vote was taken, but would have voted in favour.

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12. Mrs. COSTA de BARISH (Costa Rica) expressed appreciation to all delegations which had supported the estimates. Costa Rica had offered to host one of the regional seminars, which would result in a considerable saving, since the seminar would otherwise have been held at the headquarters of the Economic Commission for Latin America in Santiago, Chile.

Revised estimates under section 26 (Legal activities) section 29A (Department of Conference Services, Headquarters), section 28D (Office of General Services, Headquarters), section 31 (staff assessment) and income section 1 (Income from staff assessment) (A/C.5/38/46; A/38/7/Add.12)

13. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) pointed out that the depositary function of the Secretary-General with respect to treaties was a responsibility entrusted to him by Article 102 of the Charter. He recalled that the General Assembly had taken note of a 10-year plan from 1980 to the end of 1989 for the elimination of the backlog in the publication of the United Nations Treaty Series. The report before the Committee (A/C.5/38/46) was one of the biennial reports submitted in accordance with a previous recommendation of the Advisory Committee, made at the thirty-sixth session. The Secretary-General's report had been analysed by the Advisory Committee in its report (A/38/7/Add.12), which recommended that the General Assembly should appropriate in the proposed programme budget for the biennium 1984-1985 an additional amount of \$826,400 under section 26B and \$112,000 under section 29A, making a total of \$938,400.

14. Mr. KHALEVINSKY (Union of Soviet Socialist Republics) said that the Advisory Committee had doubtless had considerations of economy in mind, but had agreed to a large additional appropriation, whereas he thought that savings could be made in several areas, as they had been in the past when it had been possible through greater efficiency and co-ordination to reduce costs considerably. In the light of those considerations he would be unable to support the appropriation requested.

15. Mr. KELLER (United States of America) said that he fully supported the work of the Secretary-General in publishing the Treaty Series, and in his efforts to eliminate the backlog; however, the Committee had already been faced with requests for additional appropriations to eliminate other backlogs, in the verbatim records of the Security Council and in the publication of the Yearbook of the United Nations. In view of such recurrent requests, he proposed that the Fifth Committee should recommend to the General Assembly that it invite the Committee on Conferences to examine the whole question of backlogs in documentation at its next substantive session. Meanwhile, he could not support the present request for an additional appropriation.

16. Mr. SOKOLOVSKY (Byelorussian Soviet Socialist Republic) noted with appreciation that some progress had been made in the elimination of the backlog, though much still remained to be done. His delegation had participated in the working group of the Sixth Committee dealing with the registration and publication of treaties, and in the light of that experience he thought that it should be possible, by using new methods and improving the general quality of work, to lessen the backlog without the need for additional resources. He noted that there had been delay in filling temporary posts and trusted that that problem could be solved

(Mr. Sokolovsky, Byelorussian SSR)

without difficulty. Other measures might be taken to speed up the publication of the Treaty Series; for example, some Member States might provide the Secretary-General with English and French translations of treaties in other languages, thus freeing resources for other purposes. Again, he saw no need to publish in the Treaty Series treaties which had already been published in other United Nations documents. However, instead of working along those lines to improve the efficiency of the treaty publication process, the Secretary-General was asking for a large additional sum, which the Advisory Committee had accepted virtually unchanged. His delegation could not agree to the appropriation requested.

17. Mr. TAKASU (Japan) said that, as long as the Secretary-General's requests were in conformity with the revised 10-year plan approved by the General Assembly, his delegation was prepared to consider them favourably. He had difficulty, however, in understanding why the requests had been submitted in the form of revised estimates rather than in the original budget submission. He would also welcome information regarding the phasing of staffing requirements.

18. Mr. TRUSCOTT (Australia) said that, whenever there was a backlog in documentation, the solution proposed by the Secretariat was to increase staff. His delegation therefore saw merit in the United States proposal.

19. Mr. FORAN (Controller), replying to the representative of Japan, said that it should be remembered that the original budget submissions had been drawn up at the end of 1982 and finalized in early 1983. The Secretary-General had submitted revised estimates for the publication of the Treaty Series so that his requests would be based on the most up-to-date information on the backlog.

20. Mr. KELLER (United States of America) requested that the Advisory Committee's recommendation be put to a vote.

21. The recommendation of the Advisory Committee for additional appropriations of \$826,400 under section 26B, \$112,000 under section 29A and \$49,100 under section 31, and for an additional estimate of income in the amount of \$49,100 under income section 1, for the biennium 1984-1985 was approved by 75 votes to 9, with 8 abstentions.

22. Mr. MURRAY (United Kingdom) said that the publication of the Treaty Series was clearly an important duty of the Secretariat under the Charter. His delegation therefore regretted that the backlog had been allowed to develop and welcomed the Secretariat's resolve to eliminate it. Nevertheless, his delegation considered that the funds requested were excessive and that more might have been done by way of redeployment of resources. His delegation had therefore abstained in the vote.

23. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt the United States proposal to invite the Committee on Conferences to consider, at its next substantive session the question of backlogs in documentation.

24. It was so decided.

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United Nations Conference on Trade and Development. Convention on a Code of Conduct for Liner Conferences: appointment of a Registrar for the settlement of disputes (A/C.5/38/55)

25. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) pointed out that the Convention on a Code of Conduct for Liner Conferences had been adopted by UNCTAD in 1974 and had entered into force on 6 October 1983, as indicated by the Secretary-General in his note (A/C.5/38/55). Under article 46 of the Convention, the Secretary-General was requested to appoint a Registrar, whose functions were described in paragraph 4 of his note. The Secretary-General pointed out in paragraph 5 of his note that, when the Conference had considered the Convention in draft form, it had been informed that five posts would be required. However, the Advisory Committee had noted that the representatives of the Secretary-General were unable to recall the factors on which that staffing estimate had been based. The Advisory Committee had been further informed by the representatives of the Secretary-General that, since the Convention had only recently entered into force, it was not possible to estimate what the related work-load would be, and that accordingly only one Professional post, that of the Registrar, and one General Service post were requested at the current stage.

26. The Advisory Committee had been unable to obtain a satisfactory explanation for the amount requested for travel (\$20,000). In the light of the functions described in paragraph 4 of the Secretary-General's note, the Advisory Committee considered that an amount of \$10,000 should be adequate for that purpose.

27. The Advisory Committee had also recalculated the estimates for the two posts requested since it considered that the normal delayed recruitment factor of 50 per cent, and not 5 per cent as proposed by the Secretary-General, should be applied. Accordingly, it recommended approval of a total amount of \$142,000 (\$63,700 for the P-5 post, \$34,800 for the General Service post, \$28,500 for common staff costs, \$5,000 for general temporary assistance and \$10,000 for travel of staff). An additional appropriation of \$32,500 would also be required under section 31, to be offset by the same amount under income section 1.

28. Mr. KELLER (United States of America) said that, in its recent statement on the budget of UNCTAD, his delegation had drawn attention to the recommendations made by the Working Party on the Medium-term Plan and Programme Budget of the Trade and Development Board, including its request that the Secretary-General of UNCTAD should endeavour to make economies in the 1984-1985 budget through, *inter alia*, the redeployment of resources and especially staff. The Working Party's recommendations had been approved by all members of UNCTAD. The Fifth Committee had already approved a budget for UNCTAD of over \$55 million, nearly \$4 million of which was to be allocated for activities in the field of shipping alone. In the view of his delegation, there was considerable room in that budget to absorb the additional amount requested by the Secretary-General in document A/C.5/38/55. The Working Party and many members of CPC had pointed to the excessive use of consultants as one area in which savings could be achieved.

29. The Fifth Committee should not miss the golden opportunity it had to give meaning to the recommendations of the Working Party by directing the

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(Mr. Keller, United States)

Secretary-General to absorb the amount recommended by the Advisory Committee through offsetting programmatic or administrative adjustments. He proposed that the Committee should adopt a specific decision to that effect.

30. Mrs. de HEDERVARY (Belgium) endorsed the United States proposal. Her delegation had been shocked by the disparity between the proposed functions of the Registrar and the grade of the post requested. The functions described could easily be carried out by a General Service staff member.

31. Mr. MURRAY (United Kingdom), noting that 59 States had become contracting parties to the Convention, asked whether it might not be more appropriate for the contracting parties themselves to bear the costs of the staff requested. He also asked how the functions of the Registrar had been carried out so far; if, in practice, they had not been carried out at all, the priority of the Secretary-General's request should be re-examined.

32. His delegation appreciated the recommendations of the Advisory Committee to reduce the amounts requested by the Secretary-General and the fact that the Secretary-General's requests were not on the scale originally envisaged at the time the Conference had considered the draft Convention.

33. Mr. KAMAL (Pakistan) said that his delegation attached considerable importance to the Convention on a Code of Conduct for Liner Conferences and supported the Secretary-General's request relating to the appointment of a Registrar. Given the nature and significance of the Registrar's functions, a serving staff member of UNCTAD possessing the requisite expertise and experience should be appointed to the post.

34. Mr. TRUSCOTT (Australia) agreed with the representative of Belgium that the functions described in paragraph 4 of the note by the Secretary-General seemed to be primarily clerical in nature. Accordingly, they could be performed by a relatively junior official, and that, presumably, would also make it easier for the costs to be absorbed.

35. Mr. PEDERSEN (Canada) said that the Committee had made it quite clear when approving the appropriations for UNCTAD at an earlier meeting that it expected the Secretary-General not to submit any revised estimates. He agreed with the comments which had been made regarding the functions and grading of the post of the Registrar, and endorsed the United States proposal.

36. Mr. STEENBERGER (Denmark) said that his delegation shared the surprise expressed by others at the request for a post at the P-5 level. He hoped that the Committee would be provided with a satisfactory explanation for the request.

37. Mr. ROY (India) said he would welcome further details on the duties and functions of the Registrar since he suspected that paragraph 4 did not spell out those functions as clearly as they might have been and that much more was entailed than had been indicated.

38. He reminded the Committee that the budget estimates for UNCTAD had been

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(Mr. Roy, India)

prepared by the Secretary-General under strict instructions to exercise maximum budgetary restraint. All the activities under that section had been programmed at the lowest possible level of resources, and it was not likely that further adjustments could be made. His delegation would therefore vote against the United States proposal and in favour of the Advisory Committee's recommendation.

39. Mr. FONTAINE ORTIZ (Cuba) said that his delegation could support the recommendations of the Advisory Committee. As the representative of India had pointed out, the budget estimates for UNCTAD already reflected maximum restraint on the part of the Secretary-General and there was no room to absorb the additional amounts requested through redeployment or programme adjustments. The Secretary-General was not authorized, moreover, to delete or postpone programmes mandated by the General Assembly. Informal consultations were under way on a draft resolution on programme planning which would cover procedures for informing the General Assembly of the programme implications of draft resolutions. The United States proposal would prejudice the outcome of those negotiations. Accordingly, his delegation would vote against that proposal.

40. Mr. EMENYI (Nigeria) said that his delegation would vote in favour of the Advisory Committee's recommendations. He pointed out that the heading of the note by the Secretary-General referred to a "Registrar for the Settlement of Disputes" and noted that that function seemed not to have been taken into account in paragraph 4. The settlement of disputes was an important responsibility which would warrant the approval of a P-5 post.

41. Miss DEREGIBUS (Argentina) endorsed the views put forward by the representatives of India and Cuba. Her delegation would vote in favour of the recommendation of the Advisory Committee.

42. Mr. DITZ (Austria) observed that the amount in question seemed insignificant in comparison with the overall budget already approved for UNCTAD. He asked whether the Advisory Committee felt that the additional appropriation it was recommending could be absorbed.

43. Mr. FORAN (Controller) said that the first consideration was whether it was appropriate for contracting parties to bear the costs involved in appointing the Registrar. No provision for cost-sharing was made under the Convention on a Code of Conduct for Liner Conferences, which, moreover, provided for the Secretary-General to appoint a Registrar and to provide him with administrative support. It was thus for the United Nations to meet the costs involved.

44. With regard to the level of appointment of the Registrar, and his functions, the Convention had only recently entered into force, and the matter was being further considered by UNCTAD and the parties to the Convention. More would certainly be required of the Registrar than the clerical functions outlined in paragraph 4 of document A/C.5/38/55. There was a need for a qualified legal expert with a background in shipping and shipping legislation. The incumbent would be called upon to act on behalf of contracting parties in legal matters. A highly specialized lawyer would thus be required, and it was necessary to offer the post at the P-5 level in order to attract qualified candidates.

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45. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had already reduced the Secretary-General's estimate of \$250,200 by \$108,200. It would hardly be fair to insist on the absorption of the remaining \$142,000, since that would inevitably cause some delay in the appointment of the Registrar.

46. The CHAIRMAN invited the Committee to vote on the United States proposal.

47. Mr. DITZ (Austria), speaking in explanation of vote, said that it should be possible to absorb the reduced estimate of \$142,000, but that in view of the explanation given by the Chairman of the Advisory Committee his delegation would abstain.

48. Mr. van HELLENBERG HUBAR (Netherlands) said that his delegation would support the United States proposal. The job description provided in the document did not warrant the appointment of a Registrar at the P-5 level, and in view of the statement that the job description contained therein was not complete it was difficult for his delegation to support the Advisory Committee's recommendation.

49. Mr. BANGURA (Sierra Leone) said that his delegation would vote against the United States proposal in view of the explanations provided by the Controller and the Chairman of the Advisory Committee, and for the reasons expressed by the representatives of Pakistan, India and Nigeria.

50. The United States proposal was rejected by 64 votes to 24, with 12 abstentions.

51. Miss DEREGIBUS (Argentina) said that, owing to an error, her delegation's vote had not been recorded properly. Argentina had intended to vote against the United States proposal.

52. The recommendation of the Advisory Committee for additional appropriations of \$142,000 under section 15 and \$32,500 under section 31, and for an additional estimate of income in the amount of \$32,500 under income section 1, for the biennium 1984-1985 was approved without a vote.

53. Mr. KELLER (United States of America) said that, had the full appropriation been put to a vote, his delegation would have voted against it. He trusted that the representatives of the Secretary-General had taken due note of the doubts raised concerning the proposed level of the Registrar's post. The matter might, perhaps, be reviewed before the decision was actually implemented.

Interim arrangements for the International Tropical Timber Council (A/C.5/38/58)

54. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the United Nations Conference on Tropical Timber had established the text of the International Tropical Timber Agreement, which was expected to enter into force on 1 October 1984. The Conference had also established a Preparatory Committee to undertake the necessary preparatory work for the first session of the International Tropical Timber Council. The Advisory Committee was recommending that the advance requested under section 15A should be

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(Mr. Mselle)

granted and that the estimate under income section 2 for 1984-1985 should be increased by \$200,000.

55. Mr. MURRAY (United Kingdom) said that the \$200,000 in question would presumably come from the United Nations Working Capital Fund. His delegation was concerned that the Fund seemed to be viewed as being of infinite elasticity, in that there had already been several similar requests. While his delegation did not object to the uses to which the assets of the Fund had been put, the sums involved had been substantial. The Fund should not be subject to depletions of that kind for any longer than was necessary. In that connection, his delegation wished to know how many advances were outstanding and what the Secretariat's experience had been with regard to the repayment of the funds advanced.

56. Mr. FORAN (Controller) said that there were two advances outstanding: one of \$1.75 million for the establishment of the Common Fund for Commodities, and one of \$150,000 for the International Jute Council. There had been an additional advance of \$200,000 for the International Natural Rubber Council, which had subsequently been repaid. Of the amount advanced for the Common Fund, only some \$200,000 had actually been used so far.

57. The recommendation of the Advisory Committee for an additional appropriation of \$200,000 under section 15 and for an additional estimate of income in the amount of \$200,000 under income section 2 for the biennium 1984-1985 was approved without objection.

Administrative and financial implications of the draft resolution submitted by the Second Committee in document A/C.2/38/L.82 concerning agenda item 78 (b), (A/C.5/38/59)

58. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that by the draft resolution recommended by the Second Committee the General Assembly would decide to convene the sixth session of the United Nations Conference on an International Code of Conduct on the Transfer of Technology and would request the Secretary-General of UNCTAD to determine the dates of the session. According to the draft resolution, the negotiations on the Code of Conduct should be completed by the first half of 1985. The Secretary-General's estimate in document A/C.5/38/59 amounted to \$557,100, which would be included in the consolidated statement of conference-servicing requirements for 1984.

59. Mr. KELLER (United States of America) said that the consolidated statement of conference-servicing requirements which came before the Committee at the end of every session was always greeted with dismay. Accordingly, his delegation supported the estimates in document A/C.5/38/59 on the understanding that the Secretary-General would fully absorb the conference-servicing costs.

60. The CHAIRMAN suggested that, on the basis of the Advisory Committee's recommendations, the Fifth Committee should inform the General Assembly that, should it adopt the draft resolution in document A/C.2/38/L.82, conference-servicing requirements estimated at \$557,100 on a full-cost basis would arise. The

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(The Chairman)

actual additional appropriations that might be required would be considered in the context of the consolidated statement of conference-servicing requirements.

61. It was so decided.

Administrative and financial implications of the draft decision submitted by the Second Committee in document A/C.2/38/L.77 concerning agenda item 12 (A/C.5/38/61)

62. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the General Assembly would authorize the Commission on Transnational Corporations to hold a special session early in 1984 to complete the formulation of a code of conduct on transnational corporations. The Secretary-General's estimate of \$125,000 for conference-servicing requirements would be included in the consolidated statement.

63. Mr. KHALEVINSKY (Union of Soviet Socialist Republics) said that expenditure on conference-servicing requirements should be reduced. Moreover, estimates of conference-servicing costs appeared to vary: for example, the 16,000 words of in-session documentation referred to in document A/C.5/38/61 had been costed at \$6,300 more than the 16,500 words of in-session documentation referred to in document A/C.5/38/59.

64. The CHAIRMAN suggested that, on the basis of the Advisory Committee's recommendations, the Fifth Committee should inform the General Assembly that, should it adopt the draft decision in document A/C.2/38/L.77, conference-servicing requirements estimated at \$125,000 on a full-cost basis would arise. The actual additional appropriations that might be required would be considered in the context of the consolidated statement of conference-servicing requirements.

65. It was so decided.

The meeting rose at 1.05 p.m.