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at 10.30 a.m.
New York

SUMMARY RECORD OF THE 64th MEETING

Chairman: Mr. KUYAMA (Japan)

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

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 109: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1984-1985 (continued)

Administrative and financial implications of draft resolution A/C.2/38/L.69/Rev.1 concerning agenda item 81 (a) (continued) (A/38/7/Add.16; A/C.5/38/57, A/C.5/38/L.21)

1. Mr. FORAN (Controller), speaking also on behalf of the Under-Secretary-General for Administration and Management and the Assistant Secretary-General for Programme Planning and Co-ordination, replied to questions asked during the discussion of the administrative and financial implications of draft resolution A/C.2/38/L.69/Rev.1 concerning agenda item 81 (a).
2. He pointed out that the report of the Advisory Committee dealing with the draft resolution (A/38/7/Add.16) raised basic issues affecting financial administration in the Organization, particularly since the Secretariat was increasingly being called upon to undertake new or additional activities "within existing resources", "within existing resources as far as possible", or "to the extent possible through overall savings". In paragraph 6 of its report, the Advisory Committee indicated that, unless the General Assembly specified otherwise, it would interpret the phrase "within existing resources" to mean that the activities in question must be carried out within the resources already approved for the section or sections of the programme budget pertaining to them, it being understood that the normal operation of the Financial Regulations regarding transfer between sections with the prior concurrence of the Advisory Committee would continue to apply. The Advisory Committee also indicated that requests by the Secretary-General for such concurrence must be presented prior to his entering into the actual commitment.
3. While the Secretariat shared the Advisory Committee's views, it should be recognized that the Secretariat's efforts to undertake new or additional activities "within existing resources" could have programme implications either for the section or sections concerned or for other sections of the budget, if transfers between sections were envisaged, unless savings were clearly foreseeable at the time the additional activities were commenced.
4. It was therefore necessary to reiterate with regard to the programme implications, that in conformity with paragraph 8 in part A, section II, of the draft resolution contained in document A/C.5/38/L.18, which the Committee had adopted on 12 December 1983, activities which were specifically required by legislative mandate would not be altered without the concurrence of the General Assembly. There were, however, other activities covered by the programme budget which the Secretary-General could modify on his own authority and, should that prove necessary, he would report on any programme changes that might be entailed.
5. Unexpected savings might be realized during the course of the biennium, for example because currency fluctuations and inflation turned out to be more favourable than had been anticipated in the approved programme budget. Those two

(Mr. Foran)

factors were, however, beyond the Secretariat's control and, what was more important, it was only towards the end of the biennium that the Secretariat could report on such savings with sufficient accuracy. It was clear therefore, that there was very little possibility for the Secretariat to finance new or additional activities through "savings" and that, its efforts would have to be directed towards financing such activities through redeployment of resources from activities which the Secretary-General decided to modify on his own authority.

6. In adopting resolutions requesting the Secretary-General to undertake new or additional activities within existing resources "as far as possible", the Assembly obviously recognized that its request might eventually involve a requirement for additional resources. In that connection, he indicated that when the Secretary-General was convinced that he could not undertake the activities in question from within existing resources, a request would be submitted to the Advisory Committee for its concurrence to enter into commitments with advances from the Working Capital Fund up to such limits as might have been specified in the statement of programme budget implications. Transfers among sections of the budget and advances from the Working Capital Fund endorsed by the Advisory Committee would be reported to the General Assembly in the context of the performance report on the programme budget.

7. Referring to draft resolution A/C.2/38/L.69/Rev.1, concerning the Office of the United Nations Disaster Relief Co-ordinator (UNDRO), he said that the Secretariat did not have any difficulty in complying with the conclusion and recommendation of the Advisory Committee contained in paragraphs 14 and 15 of its report (A/38/7/Add.16), especially during the first year of the biennium 1984-1985. During the second year, the Secretariat would continually monitor the situation so as to determine whether it was necessary to seek additional resources either from section 22 or other sections of the budget, or from the Working Capital Fund. In such a case, the Secretariat would request the Advisory Committee's concurrence either for a transfer from other sections or for an advance from the Working Capital Fund prior to entering into commitments.

8. In conclusion, he noted that the procedures outlined by the Advisory Committee with regard to the financing of activities from within existing resources appeared feasible in respect of activities for which an appropriation was already available to the Secretariat, as in the case of UNDRO. However, there were limits regarding the extent to which such flexibility could be applied. In particular, if clearly new activities were involved or a significant increase in resources required, it would clearly be in the interests of all concerned to apply the procedures which Member States had adopted in approving the Financial Regulations and the regulations concerned with programming.

9. Mr. PINHEIRO-GUIMARAES (Brazil) said that the Controller's statement raised an additional question, namely whether committees other than the Advisory Committee and the Fifth Committee should be able to determine how new activities requested in draft resolutions should be financed. His delegation was very concerned about the tendency of other bodies to take budgetary decisions.

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(Mr. Pinheiro-Guimaraes, Brazil)

10. In connection with the Controller's remarks concerning the phrase "within existing resources", he wished to know what effect the revised estimates under section 5B would have on the activities currently being carried out under that section, particularly since the section had been approved in first reading and since the Secretary-General had stated that the proposed budget was a minimum resources budget.

11. Mr. GODFREY (New Zealand) said that his delegation considered the Advisory Committee's interpretation of such words as "within existing resources" (A/38/7/Add.16, paras. 6 and 7) to be useful, particularly in the light of the Controller's statement. They did create confusion and should be used sparingly but if they were to be used, there should be an agreed understanding on how they should be interpreted and how they would be applied.

12. Mr. LAHLOU (Morocco) agreed with the representative of Brazil that the Controller's statement had raised two separate questions, but they must not be confused. If, on the advice of the Advisory Committee, the Fifth Committee believed that sufficient resources did exist for a particular activity, then its decision should not create any difficulties. The Controller's statement was extremely important in that it described the Secretariat's position on that issue. Accordingly, he requested that the statement should be made available to delegations and that they should be allowed sufficient time to study it thoroughly.

13. Mr. DUQUE (Secretary of the Committee), responding to a request from the representative of Argentina, said that, in accordance with a decision taken by the General Assembly, the text of the Controller's statement could not be circulated as an official document. It could be circulated informally however.

14. Mr. DITZ (Austria), referring to the question whether bodies other than the Fifth Committee should take financial decisions, pointed out that the revised estimates under section 5B had arisen from a decision taken by the Intergovernmental Committee on Science and Technology for Development as a result of intensive consultations, particularly with regard to the financial implications of the expansion of activities. The decision could not have been arrived at without the inclusion of the phrase "within existing resources". Therefore, although his delegation did not favour use of that phrase, it did not think the Fifth Committee should invalidate the political compromise reached in the Intergovernmental Committee. Draft decision A/C.5/38/L.21 presented a similar problem in that it had been elaborated after lengthy, difficult consultations and also constituted a compromise.

15. The mere fact that a draft resolution referred to financial aspects did not mean that the Fifth Committee should reverse the decision taken by a substantive committee. Moreover, the Advisory Committee had outlined a clear way of dealing with the phrase "within existing resources". If the Secretary-General could not accommodate the relevant activities through redeployment, then those activities could not be carried out. Members who opposed that solution should ensure that such resolutions were not adopted in substantive committees.

16. Mr. KELLER (United States of America) said that, in his delegation's opinion, the question under consideration was of vital importance. The Fifth Committee had often been handicapped in trying to deal with decisions having financial implications which had been taken by other bodies, for it was usually told that it could not take decisions that had a programmatic effect on the decisions of other bodies. He therefore welcomed the fact that some members of the Committee wished to see that restriction relaxed. It was important for the programmatic aspects of decisions to be addressed jointly with their financial aspects.

17. In that connection, he read out rule 153 of the rules of procedure of the General Assembly and observed that it described exactly what the Fifth Committee should do. However, it would be an exaggeration to say that no other Main Committee could address the financial aspects of a question. In order to maintain control, the Fifth Committee must give full consideration to both the financial and the programme implications of the decisions proposed. The body concerned should also give an indication of the priority it attached to the programme in question, and its right to do so must not be denied. He also drew attention to annex V, paragraph 98 of the rules of procedure, which he understood to mean that every organ should try to situate its decision in the overall context, in terms of priorities.

18. With regard to the programme planning process, he observed that paragraph 8 in part A, section II, of the draft resolution contained in document A/C.5/38/L.18 did not affect the Secretary-General's authority to redeploy resources and, on that basis, his delegation had supported the draft resolution. Proposed rule 105.2 (b) concerning programme planning (A/38/L26, p. 21) gave the Secretary-General considerable flexibility in deciding on the overall financing of activities. Although it was always important to be selective, it should not be denied that there was such flexibility. In view of the statement made by the Controller, his delegation endorsed the Advisory Committee's interpretation of the phrase "within existing resources", which provided the Fifth Committee with a way of dealing with the financial decisions taken by other Main Committees.

19. Mr. EL SAFTY (Egypt) said that in granting the rules of procedure of the General Assembly delegations should take care not to cite isolated sections out of context. The representative of the United States had referred to annex V, paragraph 98 of the rules of procedure; he in turn wished to draw attention to paragraph 38 of the same annex dealing with conflicts of competence among Committees. In the present instance the Committee was clearly discussing a conflict of competence. However, rule 153 of the rules of procedure was equally clear in stating that the Fifth Committee alone was authorized to state the effect of proposals upon budget estimates.

20. As to compromises reached in other bodies, every draft resolution represented a compromise of sorts. If any element of that compromise was lacking in the final draft resolution, or if the original draft was accepted on the basis of a misunderstanding or misrepresentation, the compromise could no longer be said to exist. In such a case, delegations would have to correct their misapprehensions accordingly. The Fifth Committee had occasionally been required to alter decisions which had been reached through compromise in other Main Committees. Such action

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(Mr. El Safty, Egypt)

had had to be taken because it was the responsibility of the Fifth Committee to ensure that the other Main Committees acted in accordance with the rules of procedure.

21. Before he could comment on the statement made by the Controller, which contained a number of extremely important elements, he would like to see it in writing so that he might consider it more thoroughly. However, he had understood the Controller to say that all draft resolutions of other committees and bodies were required to follow standard procedures - in other words, statements of financial and administrative implications must be submitted to the Fifth Committee.

22. Mr. LAHLOU (Morocco) said he feared that the Committee was following a rather dangerous path, inasmuch as it appeared to be dealing simultaneously with the financial implications of draft resolution A/C.2/38/L.69/Rev.1 and the revised estimates for the Centre for Science and Technology for Development. He urged the Committee to make better use of its time by conducting its work in a more organized fashion.

23. With reference to the remarks of the representative of Austria, he observed that compromise decisions reached in other Main Committees were considered by the Fifth Committee without much regard for the manner in which they had been reached. He wished to caution the representative of the United States that the reading out of selected passages of the rules of procedure could be misleading. For example, paragraph 98 of annex V must be read in conjunction with paragraph 97, which indicated that rules 154 and 155 dealt with the question of financial implications quite adequately. He interpreted paragraph 98 to mean that any Committee, when considering a draft resolution, might discuss the amount of resources required for the implementation of that draft resolution; however, that did not imply the taking of any decision by that Committee with regard to those financial implications, for that was the sole prerogative of the Fifth Committee.

24. He then drew the Committee's attention to the proposal made by the representative of Egypt at the 63rd meeting which he himself had endorsed, and he appealed to the Committee to take action on it without delay.

25. The CHAIRMAN said that while the current debate had indeed been expanded to include discussion of two matters, they were interrelated. It had been his feeling that the statement by the Controller would facilitate their consideration; however, in view of the remarks made at the present meeting, it appeared that the Committee might wish to have some time to consider the Controller's statement before taking a decision on the financial and administrative implications of draft resolution A/C.2/38/L.69/Rev.1. Consequently, if he heard no objection, he would take it that the Committee wished to postpone its discussion of that matter and resume its consideration of document A/C.5/38/64 on the revised estimates under section 5B arising from the recommendations of the Intergovernmental Committee on Science and Technology for Development.

26. It was so agreed.

Revised estimates under section 5B, Centre for Science and Technology for Development, arising from the recommendations of the Intergovernmental Committee on Science and Technology for Development in its resolution 4 (V) (continued) (A/C.5/38/64)

27. The CHAIRMAN said that at the 63rd meeting the representative of Egypt had made a proposal to request the Secretary-General to present a statement of the administrative and financial implications of resolution 4 (V) of the Intergovernmental Committee on Science and Technology for Development, in accordance with the provisions of rule 153 of the rules of procedure of the General Assembly, and that that statement should be referred to the Advisory Committee in the usual manner prior to its consideration by the Fifth Committee. The representative of Morocco had then proposed that the Committee should proceed to act on the Egyptian proposal without further debate. He interpreted the proposal of the representative of Morocco as constituting a motion for the adjournment of the debate on the matter, in accordance with rule 116 of the rules of procedure, which permitted two delegations to speak in favour of, and two against, the motion.

28. Mr. EMENYI (Nigeria) said that his delegation agreed that the debate should be postponed because the information before the Committee on that question was imprecise and contradictory. According to paragraph 5 of document A/C.5/38/64, the Secretariat might implement the activities called for in resolution 4 (V) of the Intergovernmental Committee on Science and Technology for Development "within the resources available", even though the Controller had stated that sufficient resources might not be available for that purpose. Moreover, the phrase "to the extent that this should not be possible" in the subsequent sentence of paragraph 5 appeared to contradict both the preceding sentence and the remarks made by the Controller at the 63rd meeting. There was obviously considerable doubt as to the Secretariat's ability to implement that decision. It was thus impossible for the Fifth Committee to take a decision on the basis of the information provided. He requested that the Secretariat should provide a breakdown of the cost of implementing the resolution in question and should indicate where those resources would come from. The Fifth Committee would be abdicating its responsibility if it left the matter to the Advisory Committee.

29. The CHAIRMAN requested delegations to address themselves to the procedural question raised by the representative of Morocco rather than to the substance of the Egyptian proposal.

30. Mr. NKOUNKOU (Congo) said that his delegation supported the Moroccan motion, but wished to make a suggestion concerning the French text of document A/C.5/38/64. In paragraph 1 (e) of the document, for the word "enhance" it would be better to use the word rehausser than améliorer. In addition, if the Secretariat truly wanted to enhance the functioning of the Centre, he wished to know what measures would be taken to do so.

31. Mr. TAKASU (Japan) said that his delegation opposed the Moroccan motion. While a number of very important questions relating to programming and the budget had been raised, the debate on the revised estimates under section 5B had thus far been one-sided, and some delegations which disagreed with the proposed revised

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estimates were waiting to speak. He realized that the Committee was operating under pressure imposed by the limited amount of time available in which to complete its work, but such pressure should not preclude the holding of a genuine debate on the matter under consideration.

32. The CHAIRMAN said that the representative of Morocco had proposed adjournment, not closure, of the debate. After taking a decision on the Egyptian proposal, the Committee would be able to revert to the matter at a future meeting.

33. Mr. BELYAEV (Byelorussian Soviet Socialist Republic) said that the discussion of document A/C.5/38/64 at the preceding meeting had been one-sided and his delegation had not had an opportunity to comment on that document before the adjournment of the meeting. His delegation wished to know what form the statement of administrative and financial implications called for in the Egyptian proposal would take.

34. The Moroccan motion was adopted by 66 votes to 32, with 2 abstentions.

35. Mr. AMNEUS (Sweden) said that he had abstained in the vote on the Moroccan motion because it had not been clear to him whether it meant that the Committee would adjourn the debate only or both the debate and a decision on the Egyptian proposal. In his view, it was difficult to adjourn the debate and then take a decision on the Egyptian proposal.

36. The CHAIRMAN explained that, if the Egyptian proposal was adopted, the Secretary-General would prepare a statement of administrative and financial implications which would be reviewed by the Advisory Committee in accordance with the usual procedure. The Fifth Committee would therefore have an opportunity at a future meeting to discuss the matter in the light of the Advisory Committee's recommendations.

37. Mr. MERIEUX (France) said that his delegation, too, was uncertain as to the procedure which was being followed and the status of the documentation for the item. The administrative and financial implications of the resolution of the Intergovernmental Committee on Science and Technology for Development should have been considered in the relevant substantive committee, but, so far as he knew, the Second Committee had taken no decision on the matter.

38. Ms. CONWAY (Ireland) said that, like the representative of the Byelorussian SSR, she would like to know what form the statement of financial implications would take.

39. Mr. FORAN (Controller), replying to the comments made by the representatives of the Byelorussian SSR, France and Ireland, said that he did not know why the matter had not been referred to the Second Committee. The only explanation he could give was that the item involved revised estimates emanating from the Secretary-General pursuant to a decision taken by the Intergovernmental Committee on Science and Technology for Development at its 47th meeting in June 1983, by which the Executive Director of the Centre for Science and Technology for

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Development had been requested to pursue and expand various activities within existing resources. Hence the proposal had taken the form of a Fifth Committee document. As to the statement of administrative and financial implications requested, he said that the Secretariat would provide a full costing of the activities in question similar to the one he had given orally at the preceding meeting. Some programmatic information was already contained in document A/C.5/38/64, and the Secretariat would endeavour, time permitting, to supplement it with additional information.

40. Mr. MURRAY (United Kingdom) said that his delegation had difficulty understanding the procedure which the Committee was following. He understood the Moroccan motion as calling for the adjournment of the debate. He questioned whether it was proper to take a decision on the Egyptian proposal if the debate had been adjourned. If the debate had been closed, it would be another matter.

41. The CHAIRMAN said that he thought he had made it clear that the Moroccan motion was to take action on the Egyptian proposal without further debate.

42. Mr. KHALEVINSKY (Union of Soviet Socialist Republics) said that, given the fundamental nature of some of the issues raised by the Egyptian proposal, a decision on it should be taken after the debate was resumed. Otherwise, his delegation would have to vote against the Egyptian proposal.

43. Mr. LAHLOU (Morocco) said that his delegation's motion was aimed merely at securing the additional information the Fifth Committee needed to take a final decision on the matter.

44. Mr. MERIEUX (France) said that his delegation shared the concerns of the delegations of the Soviet Union and Morocco. Indeed the Committee needed more information. An important piece of information was missing, namely a draft resolution from the Second Committee, which traditionally took action on the proposals of the Intergovernmental Committee. He wondered whether the Fifth Committee could take any decision without that.

45. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) suggested that it would be necessary to ascertain how the report of the Intergovernmental Committee (A/38/37) had been dealt with.

46. Mr. FORAN (Controller) agreed that, as the representative of France had pointed out, there appeared to be a missing link. He undertook to look into the matter and said he would include the information he obtained in the statement of administrative and financial implications which had been requested.

47. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) recalled that information on the administrative and financial implications of resolution 4 (V) of the Intergovernmental Committee had already been submitted to the Advisory Committee. He had then reported orally to the Fifth Committee in that regard. If the Committee adopted the proposal made by the representative of Egypt, it would, in effect be requesting the Secretary-General to publish the information submitted earlier to the Advisory Committee. In order to

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expedite matters the Secretariat should also be requested to state how the report of the fifth session of the Intergovernmental Committee on Science and Technology for Development had been handled.

48. The CHAIRMAN said that, if he heard no objection, he took it that the Committee wished to adopt the proposal made by the representative of Egypt.

49. It was so decided.

50. Mrs. DORSET (Trinidad and Tobago) said that her delegation had been trying to get the attention of the Chair for the past 15 minutes to make a proposal similar to the one just made by the Chairman of ACABQ. The podium should pay more attention to delegations which asked for the floor, particularly those which were seated towards the back of the room.

51. Mr. BELYAEV (Byelorussian Soviet Socialist Republic) said that he did not understand why only one delegation had been singled out at that meeting for selectively quoting from the rules of procedure. The Committee should work more constructively and should avoid long discussions on procedural points. He inquired how many meetings of the Committee were scheduled before the closure of the session and how many more agenda items would be discussed during that period.

52. The CHAIRMAN said that in view of the importance of the question under consideration the Committee would be able to spend more time discussing its implications. He would reply to the question of the representative of the Soviet Union at the next meeting.

53. Mr. TOMMO MONTHE (Cameroon) said that his delegation had supported the decision which had just been taken and urged the members of the Committee to follow the procedure suggested by the Chairman in order to expedite matters.

54. Mr. LAHLOU (Morocco) suggested that the Egyptian proposal which had just been adopted should apply to all similar situations arising in the future. That would greatly facilitate the work of the Committee and enable it to finish its session on time.

55. Mr. OKEYO (Kenya), Mr. ROY (India), Mr. PINHEIRO-GUIMARAES (Brazil) and Mr. HOUNGAVOU (Benin) said that they fully supported the suggestion made by the representative of Morocco.

The meeting rose at 1 p.m.