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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Financial implications of draft resolution VIII submitted
by the Third Committee in document A/5606

Report of the Fifth Committee

Rapporteur: Mr. Raouf BOUDJAKDJI (Algeria)

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee considered, at its 1045th and 1046th meetings on 20 and 21 November 1963, the financial implications of a draft resolution submitted by the Third Committee on the subject of sessions of the Commission on Human Rights (A/5606, para. 90, draft resolution VIII).
2. For its consideration of the item, the Committee had before it reports of the Secretary-General (A/C.5/994) and the Advisory Committee on Administrative and Budgetary Questions (A/5611).
3. The Secretary-General estimated at \$26,000 the costs that would arise in the event that (a) the General Assembly adopted the above-mentioned draft resolution, and (b) the Economic and Social Council at its resumed thirty-sixth session (December 1963) approved the holding of a session of the Commission on Human Rights before 15 March 1964 at Headquarters, New York. It would be necessary in that event to request the restoration, under section 1 of the budget estimates for 1964, of a sum of \$26,000 which had been surrendered, on the first reading of the estimates, in consequence of the Council's decision of 1 August 1963 that there should be no sessions of the functional commissions (other than the Commission on Narcotic Drugs) in 1964.

4. In its report (A/5611, para. 3), the Advisory Committee agreed that if the General Assembly and the Economic and Social Council took the action referred to in paragraph 3 above, additional expenditure would have to be authorized in the 1964 budget. The Committee considered the Secretary-General's estimate of \$26,000 to be reasonable in existing circumstances. It recommended, however, that the necessary provision should not be included at the present stage in the 1964 budget; instead, the Secretary-General should be authorized to incur such expenditures as might be necessary if and when the Economic and Social Council reinstated the 1964 session of the Commission. The Advisory Committee also suggested that recourse might be had, in that special case, to the procedure laid down in paragraph 1 of the resolution relating to unforeseen and extraordinary expenses, a procedure which would moreover permit a more accurate calculation of costs.

5. In addition, the Advisory Committee offered observations (A/5611, paras. 4-6) on questions of principle to which the draft resolution of the Third Committee gave rise. These observations may be summarized as follows:

(a) The Advisory Committee fully recognized the great importance of the subject matter before the Commission on Human Rights. Unquestionably, that view was fully shared by the Secretary-General, the Economic and Social Council and the Fifth Committee;

(b) In response to the pressing appeals of the Secretary-General (E/3741), which had been endorsed by the Advisory Committee (A/5507, para. 71), for a substantial curtailment of the 1964 conference programme, the Council had decided without opposition on 1 August 1963 to cancel all sessions of its functional commissions, with the exception of the Commission on Narcotic Drugs, in 1964;

(c) The Council's decision was reflected in the revised budget estimates, which were approved unanimously, on first reading, by the Fifth Committee at its 1020th meeting on 17 October 1963. Many delegations had previously commended the action taken by the Council as a welcome step towards rationalization;

(d) The Advisory Committee's recommendations to the Economic and Social Council in July 1963 (E/3801) necessarily took account - as did the Secretary-General's proposals and the decisions of the Council and the Fifth Committee - of the

totality of United Nations activities in the economic, social and other fields. Many of those activities, in common with those in the human rights field, were of the highest importance. The Advisory Committee had nevertheless to consider all interests and to recommend how they might best be served, from the administrative and budgetary standpoint, in the light of available resources and the financial position of the United Nations;

(e) Although the Advisory Committee recognized and respected the concern of the Third Committee over the prospect of some delay in the human rights sector, it could not lend its support to the suggestion that the Economic and Social Council and the Fifth Committee should reverse their decisions;

(f) The Advisory Committee associated itself fully with the statement of position made to the Third Committee by the Secretary-General on 25 October 1963 (A/C.3/L.1144):

"The Secretary-General would, however, wish to point out that the views which he expressed in his report (E/3741) to the Economic and Social Council at its thirty-fifth session, and which he reiterated in his statement to the Council's thirty-sixth session remain valid. Inasmuch as the Economic and Social Council, in reaching its decision, took fully into consideration all of the factors governing its calendar of conferences for 1964, the Secretary-General would hope, for administrative and budgetary reasons, that the calendar of meetings as approved by the Council will be maintained."

6. The representative of Argentina said that his delegation was anxious to find a satisfactory solution to the administrative and budgetary aspects of the problem. The Economic and Social Council had taken an important step in support of the policy of consolidation and containment; it had not taken that step hastily but after due reflection at its thirty-fifth and thirty-sixth sessions. The Council's decision, which enabled the Secretary-General to plan a rational work programme adjusted to the special needs and special circumstances of 1964, had been applauded by many members of the Fifth Committee. It was clear from the report (A/5611) that the Advisory Committee had been at pains to make a thorough analysis of the problem and to weigh each of its component elements with care. The financing procedure recommended in paragraph 3 had the merit of obviating possible prejudice to the Council's prospective decision, while paragraphs 5 and 6 were of fundamental

importance as statements of sound administrative and budgetary policy. The wiser course would be for the Fifth Committee, which had a specific responsibility in such matters, to communicate the Advisory Committee's comments to the General Assembly. The Argentine representative accordingly proposed that the Fifth Committee should take note of the report of the Advisory Committee and transmit to the General Assembly a report endorsing the recommendations of that Committee in respect of the financial implications of the draft resolution of the Third Committee as stated in paragraph 3 of the report (A/5611). In addition, the Fifth Committee's report should reflect the views of the Advisory Committee on the questions of principle at issue, together with the views expressed by delegations in the Fifth Committee.

7. Delegations concurring in the recommendations and observations made by the Advisory Committee both in paragraph 3 and in paragraphs 4 to 6 of its report (A/5611) made the following points:

(a) At its previous session the General Assembly had stressed the need for moderation on the part of competent organs in fixing their 1964 meeting programmes in New York, in view of the major reconstruction work to be carried out at Headquarters. Subsequently, the Secretary-General had made specific suggestions (E/3741) to the Economic and Social Council in regard to the 1964 conference programme. The Advisory Committee had endorsed those suggestions, which included the cancellation of the 1964 sessions of the Social Commission and the Commission on Human Rights (E/3801). It could not be doubted that in making their submissions to the Council both the Secretary-General and the Advisory Committee had weighed all relevant factors including the importance and urgency of the work of those Commissions. For its part, the Council had endorsed the Secretary-General's suggestions in full and revised its 1964 calendar of conferences accordingly. Its decision had been widely acclaimed in the Fifth Committee;

(b) It was essential, in the interest of administrative discipline, not to admit exceptions to a programme which had been carefully planned, as an integral and rational whole, through an exemplary process of co-ordination among the organs concerned. The Council had heeded the administrative and financial implications. It would therefore be paradoxical, and indeed unseemly, if, by questioning the Council's decision, the Fifth Committee appeared to set little store by such implications;

(c) Paragraphs 4 to 6 of the Advisory Committee's report were directly relevant. No facts that had a bearing on the study of an item could properly be withheld from a main organ. The Third Committee had reported on the substance of the matter. Where the Fifth Committee's competence was concerned, the mere statement that a 1964 session of the Commission on Human Rights would cost \$26,000 would be incomplete and, as such, misleading. To jettison an agreed conference programme would lead to administrative anarchy and be the very antithesis of rationality. The Committee had a duty to report on all the financial consequences of such an action, those affecting the 1964 budget as well as the remoter and far heavier ones connected with the use of staff and services. That would enable the General Assembly and the Council to reach their decisions in full knowledge of the facts;

(d) Several delegations had expressed doubts in the Council regarding one or more parts of its decision of 1 August 1963. Pleas for a 1964 session had thus been made in favour of the Social Commission, the Human Rights Commission and the Commission on International Commodity Trade. But the Council, having weighed all relevant considerations, had come to a decision. Given that decision, it was entirely consistent, while deeming a 1964 session of the Commission on Human Rights to be intrinsically advantageous, to subscribe to every part of the Advisory Committee's report;

(e) The Third Committee's draft resolution should be interpreted as a voeu which the Council would study at its resumed session with full regard to the considerations that had been advanced both in the Third Committee and in the Fifth Committee;

(f) There could be no question of imposing a reversal of its decision on the Council, nor could the General Assembly substitute itself, in respect of the subject matter, for that body. Nothing in the Advisory Committee's observations suggested any such intention;

(g) The procedure recommended by the Advisory Committee for the financing of the session - if one were held - through the resolution relating to unforeseen and extraordinary expenses was a wise one, since it would not prejudice the decision to be taken by the Council in December 1963. It also allowed for the contingency that the Council might choose, among possible alternatives, a solution which had no financial consequences;

8. Other delegations, while subscribing to the statement of financial implications and - given the fact that the Council's resumed session would probably not precede the close of the current Assembly session - to the financing procedure recommended by the Advisory Committee (A/5611, para. 3), were of the opinion that the Fifth Committee's report should omit the remaining observations, on matters of principle, which the Advisory Committee had offered. It would be inappropriate for the Fifth Committee to endorse the statement of the Advisory Committee (A/5611, para. 6) that it could not "lend its support to the suggestion that the Economic and Social Council should reverse the decision which it took in July and that the Fifth Committee should reverse its decision taken at the present session of the General Assembly on the first reading of section I of the 1964 budget". Rule 154 of the rules of procedure of the General Assembly was drawn in precise terms, stipulating that the Fifth Committee should state the "effect of the proposal upon the budget estimates of the United Nations". That meant a statement showing how much might fittingly be provided to cover anticipated costs. The Advisory Committee had considered the Secretary-General's estimate to be "reasonable under existing circumstances", and that view should form the basis of the Fifth Committee's statement of financial implications. It should also be borne in mind that the Third Committee, in proposing a session at Headquarters that would be concluded before 15 March 1964, had had full regard to the Secretary-General's admonitions concerning the lack of conference facilities and conference staff. Moreover, while it was open to the Advisory Committee to comment on the expediency of reversing the Council's decision of August 1964, the Fifth Committee's function in the matter was limited to stating the financial implications of the Third Committee's proposal.

9. The point was made that the Advisory Committee had not given the whole picture. It was true that the Council had shown a spirit of strict administrative discipline, to which no opposition had been recorded. Yet several delegations to the Council had emphasized that special consideration must be given to the Commission on Human Rights in view of its exceptionally heavy programme. They had also thought it illogical to forgo a 1964 session of the parent commission and yet authorize a session of its subsidiary body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

10. It was further suggested that the Committee's discussion had merely served to complicate a simple issue. A negligible amount of money was at stake, particularly in comparison with the numerous items of superfluous and heavy expenditure which the Committee had already approved on the first reading of the 1964 estimates. The Third Committee had studied the matter with care and adopted the draft resolution by a large majority, and it was not conceivable that the sixty-eight delegations that had voted affirmatively in that Committee would take a negative position in the Fifth Committee. Neither the Advisory Committee nor the Fifth Committee should seek to influence the decision of the Economic and Social Council. Instead, the Committee should include the sum of \$26,000 in the budget on the second reading of the estimates.

11. Another delegation called attention to the serious consequences that might result from action calculated to preclude a session of the Human Rights Commission in 1964. That Commission derived its origin from Article 68 of the Charter and had been entrusted with tasks of universal importance in connexion with the elaboration of draft declarations and conventions. Most recently, in resolution 1906 (XVIII), the General Assembly had added to the Commission's already heavy work programme the preparation of a draft international convention on the elimination of all forms of racial discrimination, for study at the next session of the Assembly. Technical considerations, however valid from a predominantly budgetary standpoint, should not be allowed to hamper the indispensable and urgent activities of the Commission.

12. The Chairman of the Advisory Committee on Administrative and Budgetary Questions, replying to a suggestion that the third and sixth paragraphs of the Committee's report (A/5611) might be contradictory, explained that they differed radically in purport. Paragraph 3 dealt with the single question to which the Fifth Committee could (within the limits of its competence) address itself, namely, what budgetary consequences would flow from the two contingencies stated in that paragraph. The Advisory Committee had not, of course, claimed any right to offer recommendations on the substance of the Third Committee's draft resolution. That right belonged to the Council alone. In essence, paragraph 6 merely reiterated the position which the Advisory Committee had for long taken on the administrative and budgetary aspects of the question whether the Council's functional commissions should meet annually or - as the Committee recommended - biennially.

13. At its 1046th meeting the Fifth Committee unanimously approved the first part of the Argentine proposal (paragraph 6 above). The Committee accordingly informs the General Assembly (a) that should it adopt the draft resolution submitted by the Third Committee (A/5606, para. 90, draft resolution VIII) and should the Economic and Social Council reconsider its calendar of conferences for 1964 in order to provide for a session of the Commission on Human Rights prior to 15 March of that year, additional expenditure of up to \$26,000 would have to be authorized under section 1 of the 1964 budget; and (b) that the necessary provision would not be included in the 1964 budget appropriations at the present stage; instead, the Secretary-General would be authorized under the procedure envisaged in paragraph 1 of the resolution relating to unforeseen and extraordinary expenses in 1964 to incur such expenditure as might be necessary if and when the Economic and Social Council reinstated the session of the Commission on Human Rights.
