



Tuesday, 5 October 1954,  
at 10.30 a.m.

New York

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*Chairman:* Mr. Pote SARASIN (Thailand).

**AGENDA ITEM 47**

**System of allowances to members of commissions, committees and other subsidiary bodies of the General Assembly or other organs of the United Nations: reports of the Secretary-General and of the Advisory Committee on Administrative and Budgetary Questions (A/2687 and Add.1; A/2688, part II)**

1. The CHAIRMAN said that the Committee had two questions before it: the system of allowances paid to members of commissions and committees of experts for participation in meetings, and the system of honoraria paid to special rapporteurs and members of certain bodies. With regard to the first question, the Secretary-General and the Advisory Committee were in agreement on the principles to be followed. The Secretary-General admitted that the General Assembly had granted in its resolution 485 (V), (A/2687, para. 24 A) a "special allowance" to the members of the International Law Commission, but added that in his view it was not necessary, because of that exception, to change a system designed to provide uniformity in treatment among members of the several commissions and committees of the United Nations. The Advisory Committee, in turn, recommended in paragraph 263 of its report (A/2688) that no exceptions to that system should be authorized.

2. The Secretary-General proposed that the maximum honorarium to be paid to special rapporteurs appointed by any organ should be \$1,500 per annum. He also submitted proposals concerning honoraria to be paid to the members of the Permanent Central Opium Board and Drug Supervisory Body, and the Administrative Tribunal. The Advisory Committee, founding itself on the provisions of General Assembly resolution 677 (VII), could not support those proposals.

3. In the circumstances, the Committee would first have to take a decision on the proposals to continue the payment of subsistence allowance at a uniform rate to members of all eligible United Nations bodies and

to make no change in the rates of allowance laid down in General Assembly resolution 459 (V). In doing so the Committee would have to decide whether any exceptions to that system should be permitted.

4. Secondly, the Committee would have to take a decision on honoraria for special rapporteurs, either by confirming resolution 677 (VII) and calling for its strict application in all cases, or by proposing amendments to it, authorizing the payment of honoraria to special rapporteurs for work performed between the sessions of their organs.

5. Thirdly, the Committee had before it the Secretary-General's proposals concerning the payment of honoraria to members of the Permanent Central Opium Board and Drug Supervisory Body, and of the Administrative Tribunal.

6. Mr. Ali FAHMY (Egypt) said that, having carefully studied the reports of the Secretary-General and the Advisory Committee, his delegation supported the principle that the payment of a subsistence allowance did not constitute remuneration for services rendered, and felt that the system should be applied as uniformly as possible. Nevertheless, the General Assembly had authorized several departures from that principle and had granted allowances at a higher rate than normal to members of some organs. In his view those exceptions were still justified and should not cause any administrative difficulties.

7. An exception to the rule was justified only if the following conditions were met: the member must perform additional duties between sessions; he must assume representational functions; and he must either be a government servant or the performance of his new duties must reduce his professional income.

8. The Egyptian delegation was therefore not opposed to an exception made solely in the interests of fairness. For the benefit of those members who wanted to rule out all exceptions and to establish a strictly rigid system, he cited the provision approved by the Fifth Committee in 1953 that the severance pay of United Nations officials "shall not exceed the equivalent of two years' net base salary"<sup>1</sup> but that the Administrative Tribunal could order the payment of a larger sum in exceptional cases where it saw fit.

9. Mr. CAFIERO (Argentina) pointed out that the provisions of General Assembly resolution 231 (III) were still in force: the United Nations paid the travelling expenses of those members of commissions and committees of experts to whom it paid a subsistence allowance; but that payment did not constitute re-

<sup>1</sup> Official Records of the General Assembly, Eighth Session, Annexes, agenda item 51, document A/2615, paragraph 74, draft resolution II, annex.

muneration for services rendered. Resolution 231 (III) was a compromise between the views of delegations which had wanted to apply a broader principle, and those of the Advisory Committee. His delegation approved of the system, which should not, however, be too rigidly applied. A distinction should be made between members of permanent subsidiary organs and experts entrusted with special tasks. In appointing such experts, the Secretary-General took into account not only the importance and urgency of the work but also the fact that no member of the Secretariat was qualified to carry it out. He should therefore be given a free hand both in appointing experts and in paying them allowances. After all, it would be much more costly to recruit for the Secretariat experts specialized in a narrow field than to pay allowances to experts carrying out a specific piece of work.

10. Mr. Cafiero supported the Secretary-General's proposals regarding the payment of honoraria to special rapporteurs. Whenever a body appointed a special rapporteur, the Secretary-General should first state his views on the financial implications and also on the substance of the question. The criteria proposed in paragraph 24 B (a) (i) of document A/2687 were, however, not quite satisfactory; decisions should be based less on the considerations stated in paragraph 19 of that document than on the technical qualifications of the person concerned.

11. The Secretary-General, under his proposal, would give his opinion on the appointment of a special rapporteur, the organ concerned would make a careful study before appointing the rapporteur, and then the General Assembly would approve the project and the appropriations for the honorarium would be included in the regular budget. Every safeguard would thus be provided against too rigid an application of the system. Lastly, Mr. Cafiero agreed with the Secretary-General's proposal that a special rapporteur should not receive an honorarium while his organ was in session.

12. The question of the payment of honoraria to members of the Permanent Central Opium Board and of the Administrative Tribunal had provoked a definite divergence of opinion between the Secretary-General and the Advisory Committee.

The Permanent Central Opium Board, the Economic and Social Council and the Secretary-General had given cogent reasons which justified the Secretary-General's proposals. The Advisory Committee had opposed them, but the Argentine representative had not been convinced by its arguments. Before he made up his mind, he wished to hear further explanations from the Chairman of the Advisory Committee and the representative of the Secretary-General.

13. Mr. BOTHA (Union of South Africa) pointed out that the provisions of the resolution on honoraria were not strictly observed, to the Secretary-General's concern. The Secretary-General had cited a number of exceptions; those exceptions were becoming increasingly common, and it was to be hoped that the General Assembly would remedy the situation.

14. The Advisory Committee had given a logical presentation of the only system which would guard against administrative difficulties in the future.

Undoubtedly several bodies could advance strong arguments for the payment of honoraria to their members, but it was difficult—and this was the line taken by the Fifth Committee in 1950—to make distinctions in that respect among the various functional committees. The South African delegation therefore supported the Advisory Committee's recommendations to continue the payment of subsistence allowance at a uniform rate to members of eligible United Nations bodies. He did not think, as the Secretary-General had stated in paragraph 18 of his report, that the General Assembly seemingly desired not to adhere strictly to resolution 677 (VII).

15. Mr. URRUTIA (Colombia) said that in the beginning some delegations had felt that the United Nations should pay the travelling expenses and remuneration of members of expert commissions and committees. Other delegations had thought on the contrary that the expenses should be borne by the governments. A compromise had been reached according to which governments were to pay the remuneration of members of commissions, and the United Nations was to cover travelling and subsistence allowances. The General Assembly had laid down the rules to be applied in the matter in its resolutions 231 (III) and 459 (V). Apparently, however, the Secretary-General had not followed them as strictly as he should have. Since the Secretary-General was in favour of continuing the present system, the Committee should ask him to bring the existing regulations into line with the provisions of resolution 459 (V).

16. Mr. KOSTIC (Yugoslavia) said that his delegation agreed with the Secretary-General that the members of expert commissions and committees should continue to be paid subsistence allowances at a uniform rate, but saw no reason for revising the rate of allowances set by the General Assembly in resolution 459 (V). The preferential treatment granted to members of the International Law Commission under General Assembly resolution 485 (V) did not make it necessary to change the general system of subsistence allowances.

17. Hence the Yugoslav delegation was prepared to support the Secretary-General's proposal contained in paragraph 24 A of his report (A/2687), but wished that the Secretary-General would consider from time to time whether some of the preferential rates should not be revised.

18. On the other hand, the Yugoslav delegation supported the Advisory Committee's view concerning the honoraria to be paid to special rapporteurs (A/2688, para. 269).

19. He asked for further details of the functions of the members of the Permanent Central Opium Board and of the Drug Supervisory Body.

20. Mr. ORMSBY-GORE (United Kingdom) agreed with the Secretary-General and the Advisory Committee that the system of uniform subsistence allowances and the rates established in resolution 459 (V) should be strictly adhered to.

21. The preferential system of subsistence allowances for the International Law Commission had been opposed by the Fifth Committee. The reasons for the Fifth Committee's attitude were still valid, and the

United Kingdom delegation was bound to support the Advisory Committee's recommendations on the subject.

22. Concerning special rapporteurs, resolution 677 (VII) laid down that appointment as rapporteur should not carry remuneration; but exception had been made to that rule in favour of the Chairman and the five rapporteurs of the International Law Commission, and of the Rapporteur on Freedom of Information. In order to put an end to that contradiction the Secretary-General proposed that the rules laid down in resolution 677 (VII) should be made more flexible and brought into line with existing practice. The Secretary-General considered that it might sometimes be preferable to entrust certain work to special rapporteurs rather than to the Secretariat. The United Kingdom delegation, on the contrary, agreed with the Advisory Committee's view that the Secretariat should take an active part in every aspect of the work of the United Nations, and that its impartiality and efficiency fully qualified it to make objective studies of controversial or delicate problems. That delegation therefore felt bound to support the stand taken by the Advisory Committee (A/2688, para. 268) and to express the view that resolution 677 (VII) should remain unamended as defining the basic principles to which the Assembly should adhere.

23. The United Kingdom representative did not deny that exceptions to the provisions of resolution 677 (VII) might in some cases be justified. The Secretary-General proposed new exceptions. It was the Committee's duty to examine each proposal most cautiously on its merits before admitting exceptions which might undermine the basic principles.

24. Mr. RAO (India) supported the Secretary-General's proposals for allowances to be paid to members of expert commissions and committees. He could not, however, support the proposals contained in document A/2687 regarding the International Law Commission, the Permanent Central Opium Board, the Drug Supervisory Body and the Administrative Tribunal. He saw no reason why the members of these bodies should be accorded preferential treatment.

25. Mr. ZARUBIN (Union of Soviet Socialist Republics) considered, like the Secretary-General and the Advisory Committee, that members of expert commissions and committees should continue to be paid subsistence allowances at a uniform rate, and that the rate established in resolution 459 (V) should not be changed. Concerning the members of the International Law Commission, he shared the view of the Advisory Committee that no exception should be made to the general system of subsistence allowances. He also supported the view taken by the Advisory Committee in the case of the Permanent Central Opium Board, the Drug Supervisory Body and the Administrative Tribunal.

26. Mr. STRAUCH (Brazil) said that the Brazilian delegation supported generally the various proposals made by the Secretary-General, and in particular that concerning the need to ensure greater flexibility in the *rules governing the remuneration of rapporteurs*.

27. Mr. CUTTS (Australia) said that the Australian delegation felt that the principles set forth in resolution 231 (III) regarding subsistence allowances should be reaffirmed. It was in favour of paying members of

expert committees and commissions subsistence allowances at a uniform rate, not to be regarded as remuneration, and it saw no justification for changing the rates established in 1950. As regards the special treatment enjoyed by the members of the International Law Commission, the Australian delegation agreed with the Advisory Committee that the general system should be applied without exception.

28. Concerning the appointment of special rapporteurs, he had been convinced by the Advisory Committee's arguments to the effect that there was no reason for entrusting certain work to special rapporteurs rather than to the Secretariat. The Secretary-General might perhaps take the same view when the Budget estimates for his under-secretaries without portfolio were discussed.

29. The Australian delegation had not yet taken a final stand in regard to the remuneration of the members of the Permanent Central Opium Board, the Drug Supervisory Body and the Administrative Tribunal. It wondered, however, whether the Secretariat could not do some of the work of those bodies. Failing proof to the contrary, his delegation would be inclined to support the Advisory Committee's recommendations in that regard.

30. Mr. LIVERAN (Israel) felt that the question whether to appoint special rapporteurs or set up certain bodies should not be affected by the question of their remuneration.

31. Those were two separate matters. The practice followed with respect to existing organs could certainly be changed and the rules established by the General Assembly once again strictly applied, but it should be borne in mind that to do so would indirectly change the very nature of those bodies.

32. He wondered whether the widely varying allowances proposed by the Secretary-General for the members of the Permanent Central Opium Board and the Drug Supervisory Body were honoraria or representation allowances.

33. On the whole, the Israel delegation felt that subsistence allowances should not have the nature of remuneration. As to the appointment of special rapporteurs it had not yet made up its mind on the Advisory Committee's recommendation for a strict application of resolution 677 (VII), and wondered whether a better course might not be to envisage the appointment of special rapporteurs in certain clearly-defined cases.

34. Mr. ANDERSEN (Secretariat), replying to the Argentine representative's doubt as to the validity of the Secretary-General's proposed test for determining whether an honorarium should be paid to a special rapporteur (A/2687, paragraph 24 B (a) (i)), pointed out that in the Secretary-General's opinion a special rapporteur should only be appointed in exceptional circumstances, and that the vast majority of projects should be carried out by the Secretariat. "Technical expertise" was not the correct criterion; greater weight should be attached to the considerations outlined in the Secretary-General's report (A/2687, paragraph 19, third sub-paragraph) and a procedure should be developed which could be applied in any circumstances similar to those referred to in the report. The criterion



whether "the project is of creative character" referred to certain definite fields, especially those of international law and human rights. Though special rapporteurs were unlikely to be needed in other fields, the possibility could not be completely overlooked.

35. As to the Colombian representative's opinion that in certain instances the Secretary-General had not strictly complied with the provisions of General Assembly resolutions concerning the payment of travel expenses and subsistence allowances, he pointed out that the General Assembly, by its resolution 231 (III), had confirmed the practice followed by the Secretary-General regarding the payment of travel and subsistence expenses. The Secretary-General considered that a subsistence allowance was justified if a representative or a member of a commission or committee had to meet additional expenses by reason of the place of meeting being different from his place of residence. If the Fifth Committee wished to see that practice modified, the Secretary-General would be grateful for a clear statement to that effect. The Secretary-General was prepared to submit a report on that particular question.

36. As regards the volume of work of the Permanent Central Opium Board and the Drug Supervisory Body, of which the Yugoslav and Australian representatives had requested particulars, the matter was dealt with in the Central Board's report to the Council (A/2687, paragraph 22 (a)). Moreover, those two bodies had to exercise supervision, and as they could not do so during the sessions only, members had to consult with each other and take decisions by correspondence between sessions.

37. Replying to the Israel representative, he said that the Secretary-General, in assessing the honoraria of the presidents and vice-presidents of the Permanent Central Opium Board and of the Drug Supervisory Body, had taken into account their duties of representation. As far as the members of those two bodies were concerned, the question was one of remuneration for work carried out between sessions.

38. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee was in full agreement with the Secretary-General's opinion (A/2687, paragraph 24 (A)) that the system of paying a subsistence allowance at a uniform rate to members of all United Nations committees and expert commissions was correct. It would be difficult in practice, and in any event undesirable, to discriminate between expert bodies in the matter of subsistence allowances. In that connexion it was worth recalling the decision taken by the General Assembly in 1950 concerning the special allowance previously payable to the members of the Administrative Tribunal (A/2687, paragraph 7).

39. As to the honoraria to be paid to special rapporteurs, the Advisory Committee considered that it would be advisable to abide by the provisions of resolution 677 (VII) according to which no appointment of that nature should carry any remuneration. The Secretary-General was disturbed by the discrepancy existing between the rule adopted by the General Assembly—its resolution—and the practice which it followed in the matter; that was why he suggested that it might be desirable "so to amend the relevant legislation that it should conform to the actual practice of the law-making

authority" (A/2687, paragraph 24 B). The Advisory Committee shared the Secretary-General's misgivings, but considered that the provisions of resolution 677 (VII) should be strictly applied and no exception to the rule entertained. The detailed reasons stated by the Advisory Committee in paragraph 268 of its report (A/2688) had a constitutional basis. In that connexion he recalled why, at San Francisco in 1945, an international secretariat had been set up and designated as one of the principal organs of the United Nations. By appointing special rapporteurs, United Nations organs would be going back on that decision, which had been dictated by absolute necessity.

40. Mr. URRUTIA (Colombia) felt that it was not necessary to ask the Secretary-General for a special report on the payment of subsistence allowances. However, the Secretary-General should consider whether it was not desirable to amend the articles of the Administrative Manual interpreting the provisions of resolution 459 (V), so as to apply a uniform rate to all those who resided further than 25 miles from the meeting place of the body of which they were members.

41. Mr. ANDERSEN (Secretariat) doubted whether it was possible to depart from the Secretary-General's practice without a decision of the Fifth Committee.

42. After an exchange of views between Mr. ORMSBY-GORE (United Kingdom), Mr. MONTERO BUSTAMANTE (Uruguay), Mr. Ali FAHMY (Egypt), Mr. CUTTS (Australia), Mr. BOTHA (Union of South Africa), Mr. RAO (India), and Mr. DURON (Honduras), the CHAIRMAN suggested that the Secretariat should draw up and circulate, in time for the next meeting, a list of the questions which the Fifth Committee would have to decide on that agenda item. The draft resolution to be submitted to the General Assembly could then be prepared.

*It was so decided.*

#### AGENDA ITEM 42

##### **Report of the Negotiating Committee for Extra-Budgetary Funds (A/2730) (continued)**

43. Mr. LIVERAN (Israel) (Rapporteur) recalled that the Committee, at its 432nd meeting, had agreed on the urgent need to extend the term of office of the Negotiating Committee for Extra-Budgetary Funds or to set up a new committee. A study of the texts revealed that the question was not indeed urgent, as the Negotiating Committee for Extra-Budgetary Funds would continue in office until the President of the General Assembly moved otherwise. The General Assembly was therefore not required to adopt any immediate resolution on that point, and could wait for the reports of the other committees which were required to examine thoroughly the questions arising from the Negotiating Committee's activities in other fields. Consequently, the Fifth Committee might perhaps authorize its Chairman to inform the President of the General Assembly that, in its opinion, the existing Negotiating Committee for Extra-Budgetary Funds was lawfully in existence.

44. Mr. RAO (India) asked for further particulars. He could not understand the legal grounds for such a conclusion of the Fifth Committee.

45. Mr. GANEM (France) agreed with the Indian representative. The Fifth Committee was not in a position to decide whether the legal theory propounded by its Rapporteur was justified. Moreover, nothing would be gained psychologically by advising the General Assembly to adopt a procedure different from that followed in the past. The Negotiating Committee would derive greater authority from a re-appointment than from a declaration by the Chairman of the Fifth Committee that it would be sufficient for the President of the General Assembly to confirm the Committee's powers.

46. Mr. LIVERAN (Israel) (Rapporteur) agreed that there was substance in the objections raised by the Indian and French representatives, but pointed out that the General Assembly had not followed any well-defined procedure in the past. The only purpose of his previous statement had been to facilitate the discussion by informing the Fifth Committee that the Negotiating Committee could continue in office until the end of the

current session and that no decision on the point was urgently required.

47. Mr. HALL (United States of America) stressed that the Negotiating Committee still had a task outstanding. If the Negotiating Committee were free to proceed, no immediate difficulty would arise, but otherwise an expedient would have to be found. The Fifth Committee might consider the question again at its next meeting.

48. Mr. RAO (India) hoped that the Committee would receive the further particulars which he had requested within the next two or three days, in order that it might reach a decision.

49. The CHAIRMAN suggested that the Committee should consider the question again at the appropriate time.

*It was so decided.*

The meeting rose at 1.10 p.m.