

UNITED NATIONS
General Assembly
FORTY-EIGHTH SESSION
Official Records

FIFTH COMMITTEE
4th meeting
held on
Friday, 1 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. HADID (Algeria)

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

CONTENTS

ORGANIZATION OF WORK

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.5/48/SR.4
7 October 1993

ORIGINAL: ENGLISH

The meeting was called to order at 10.30 a.m.

ORGANIZATION OF WORK (A/48/250 and Add.1; A/C.5/48/6; A/C.5/48/L.1)

1. The CHAIRMAN recalled that during the previous day's discussions the Committee had agreed to begin its consideration of the item on the programme budget for the biennium 1994-1995 (item 123) on 15 November. In view of the proposals which had been on item 120 (Financial reports and audited financial statements, and reports of the Board of Auditors), the Committee should perhaps begin its consideration of that item during the week of 8-12 November. It had also been proposed that the Committee should postpone its consideration of item 126 (Pattern of conferences) for two weeks to await the report of the Committee on Conferences on the meetings it was scheduled to hold from 25 to 27 October. If necessary, consideration of the chapters of the report of the Economic and Social Council allocated to the Committee could be brought forward by one week.

2. Some delegations had already proposed that, given the large volume of work with which the Committee was faced, certain agenda items should be deferred to the resumed forty-eighth session in the first quarter of 1994. While such a decision might indeed be unavoidable, the Committee should first examine the content of the relevant reports and the urgency of the questions they raised before taking a decision.

3. Mr. TEIRLINCK (Belgium) said that the Committee should commence its meetings on time so as to make full use of the conference services allocated to it. It was regrettable that consideration of a number of items would have to be delayed because the necessary documents were not yet available. The Committee should perhaps proceed with its consideration of certain of those items even without the relevant documentation and return to them at a later stage, if necessary. He saw no reason, for example, why it should proceed with the consideration of item 121 (Review of the efficiency of the administrative and financial functioning of the United Nations) while deferring consideration of item 123 on the proposed programme budget for the biennium 1994-1995. It was essential for the Secretariat to produce the necessary documentation in a more timely manner, for the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to work more quickly, and, most important, for Member States to strive for consensus and greater efficiency in their debates on the issues.

4. Mr. RAE (India) drew attention to the omission of the item on personnel questions from the agenda of the General Assembly. He recalled that at its resumed forty-seventh session the General Assembly had established an open-ended working group to review the question of the equitable geographical representation of Member States in the Secretariat and had requested the Chairman of the working group to report to the General Assembly at its forty-eighth session. He could only conclude, therefore, that the omission was due to an oversight on the part of the Secretariat and wished to request the Chairman to arrange to have that omission rectified.

5. The CHAIRMAN said that the inclusion of items on the agenda was a matter for the General Assembly and not the Committee to decide. Nevertheless, since the Chairman of the Fifth Committee was required to report on the discussions

/...

(The Chairman)

which had been held on personnel questions during the resumed forty-seventh session, the officers of the Committee would look at possible ways of addressing the question.

6. Ms. SHENWICK (United States of America) said that her delegation could not support the proposals concerning the Committee's programme of work because they would not permit the Committee to examine the problems which had been articulated by the Secretariat. Her Government believed that the Organization should have a budget and that its staff should be required to prepare one. Given the long experience and considerable expertise of the Chairman of ACABQ on the matter, due weight must be given to his comments on the problems facing the Organization. The proposed work schedule, however, failed to address those problems. Her Government could not support a budget which was not vetted through an appropriate budget process. If the Secretary-General so wished, he could discuss with the Committee ways and means of improving that process. Her delegation had some proposals to make for strengthening the Fifth Committee's role in the preparation of the budget.

7. The action taken so far would produce a lump-sum budget which would not be properly reviewed and about which the General Assembly would have little say. The solution to the Secretariat's problem should not involve any weakening of the role of Member States in the budget process. Moreover, any solution which involved the adoption of a budget not previously vetted by the appropriate bodies would be unacceptable to her delegation, since that would set a dangerous precedent for the future.

8. On the other hand, failure to adopt a budget could shut down the Organization, a prospect which was inconceivable to her Government. What was needed instead was a budget maintenance authority which could be resorted to in the event that the General Assembly failed to agree on a budget. In addition, there must be meaningful dialogue aimed at reaching an acceptable solution. In her view, the adoption of a piece of paper which had no basis in reality was not an acceptable solution.

9. She wished to underscore the importance which her delegation attached to the review of the efficiency of the administrative and financial functioning of the United Nations (item 121). Her Government intended vigorously to pursue the proposal to create an office of an independent inspector general. It would therefore object to the postponement or deletion of that agenda item. It also looked forward to the debate on the administrative and budgetary aspects of the financing of the United Nations peace-keeping operations (item 138).

10. Mr. RANDRIAMALALA (Madagascar) said the Committee had devoted its three previous meetings to the organization of its work and it was time to move on to substantive issues, particularly the proposed programme budget for the biennium 1994-1995. He therefore hoped that the current meeting would be the last one devoted to the organization of work. He urged the Committee to adopt a flexible approach in its work so as to make maximum use of the conference services provided by the Secretariat.

11. Mr. JADMANI (Pakistan) said that he shared the concern of the delegation of India over the omission from the agenda of the item on personnel questions. The

/...

(Mr. Jadmani, Pakistan)

General Committee must be requested to include the item and to allocate it to the Fifth Committee for consideration. His delegation was flexible with regard to the order of consideration of the other items on the agenda.

12. Mr. SPAANS (Netherlands), referring to the omission from the agenda of the item on personnel questions which the representatives of India and Pakistan had pointed out, said that if the General Committee decided to include that item in the agenda of the Fifth Committee, then the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations, which was currently included in item 128 on the United Nations common system, should also be dealt with under the personnel item.

13. Having listened to the intervention of the United States representative, he had some doubt as to whether the Committee would reach agreement at its current meeting on its programme of work. Should it do so, however, and decide to begin consideration of the item on the proposed programme budget for the biennium 1994-1995 by 15 November 1993, then he would invite the Chairman officially to inform the Chairman of the Committee for Programme and Coordination (CPC) of the Fifth Committee's target date.

14. His Government was concerned over the Secretariat's approach to Members of the Organization, a matter which transcended the debate on the proposed programme budget for the biennium 1994-1995. If a cabinet minister in a national government were to inform the parliament that he was not in a position to provide that body with a document containing his ministry's budgetary policy, he could be certain of dismissal. While he recognized that in some respects the United Nations Secretariat differed from a national government, such a comparison could nevertheless be quite instructive.

15. The Secretariat should have sensed how the General Assembly would react to its extraordinary proposal not to submit certain policy and budgetary documents. His delegation agreed with the Ghanaian, Cuban, Colombian, Austrian and Brazilian statements made at previous meetings. The Cuban and Ghanaian delegations, in particular, had raised some important questions which remained unanswered.

16. His delegation wished to draw attention to three disturbing trends. First, the Secretariat tended to use its own incapacity to perform as an argument to persuade Governments to pay. In the past two years, and particularly in the past several months, the Secretariat's justification for requesting lump-sum financing for peace-keeping had been that it was not yet able to provide information about planning and how the resources would be spent. Apparently, that had not been an isolated incident, for a similar request was being made concerning a major policy document of the Organization. Second, during the resumed forty-seventh session, too much time had been devoted to restating the obvious, as clearly defined in the Charter of the United Nations, concerning the relationship between the Secretariat and Member States and which organ was responsible for budgetary matters. The Secretariat's statement indicated that it was not yet aware of how many delegations were deeply concerned about that issue. Third, in the past two years, the Secretariat had dealt with financial crises not by confronting delinquent Member States but rather by proposing to shift the financial burden, particularly for peace-keeping, to those Member States which had paid on time and in full. In that connection, his delegation

/...

(Mr. Spaans, Netherlands)

fully supported the views put forward by the representatives of Belgium and Canada earlier. Regrettably, the Secretariat and one Member State, namely, the United States, had asked those Member States which kept the Organization financially afloat for the first three to four months of each budget year to do so once again on the understanding that a discussion of the policies and programmes funded would follow. While Canada had indicated that it expected to provide the funding requested, the Secretariat should not assume that maintenance or lump-sum budgets would continue to be agreed to indefinitely. It was also disturbing that those delegations with massive arrears seemed to have more leverage with the Secretariat than those which paid, for the Secretariat had consulted only one delegation before delivering its statement. In short, the problem before the Committee was not the scheduling of a given item but rather the whole relationship between the Secretariat and the Member States.

17. Furthermore, the General Assembly, the only organ in which all Member States were represented and, by extension, the Fifth Committee, had the authority to request subsidiary bodies to provide reports. His delegation fully appreciated the experience of the members of the Secretariat but wished to point out that, with the exception of the Chairman of the Joint Inspection Unit, no one had been present in 1964 when the United Nations - though under vastly different circumstances - had failed to adopt a budget for the first time.

18. Mr. OSELLA (Argentina) expressed his delegation's concern about the possibility that a programme budget for the biennium 1994-1995 might not be adopted, particularly at a time when the Organization should be strengthening its financial capacity and enhancing its credibility. His delegation agreed with the Chairman's proposal that intergovernmental and expert bodies should begin their work on the understanding that interim arrangements could be made in December if, for technical reasons, a programme budget could not be adopted. In view of the constraints regarding documentation and time, meetings should begin very punctually, even if it meant dropping the requirement for a quorum. In order to ensure an efficient use of conference services, a time-limit of five to seven minutes should be imposed on statements.

19. Mr. TANG Guangting (China) supported the Chairman's proposal concerning the programme of work and expressed the hope that precious time would not be spent on extraneous questions. His delegation was always punctual and was therefore pleased by the Argentine proposal to begin meetings on time and to use the available time efficiently. Referring to the Indian statement, he expressed the hope that the Secretariat would implement the decision taken at the resumed forty-seventh session to include an item on personnel questions in the agenda of the current session.

20. Mr. CLAVIJO (Colombia) expressed support for the Argentine proposal to limit the length of statements, and for all the Chairman's proposals concerning the programme of work. The provisional nature of the programme of work could not be overemphasized. It was important to set goals so as not to lose sight of the urgency of discussing the proposed programme budget, but some flexibility should be shown if those goals could not be met. Once CPC had met, the Fifth Committee would be in a better position to decide when it could begin discussing the proposed programme budget. His delegation also supported the Indian

/...

(Mr. Clavijo, Colombia)

proposal to consider personnel questions as a separate item rather than under the item on the common system.

21. Mr. RAE (India) said that he shared the views of the representative of the Netherlands concerning consideration of the privileges and immunities of officials of the United Nations. It was surprising that the report on that question should be submitted under the item on the United Nations common system. The established practice was for reports to be issued under the same agenda item as that under which they had been considered; a departure from that practice might have political implications and would mean that all resolutions calling for a report would have to specify the agenda item under which the report would be issued. Concerning the item on personnel questions, it would probably be sufficient for the Chairman of the Fifth Committee or the Secretary-General to address a letter to the President of the General Assembly pointing out the oversight.

22. Mr. FLORES (Honduras) expressed support for the Chairman's proposal on setting a target date of 15 November to begin discussion of the proposed programme budget.

23. Mr. DANKWA (Ghana) supported the Chairman's proposal concerning the programme of work, including any necessary changes, and wholeheartedly agreed with the statement by the representative of the Netherlands. His delegation was prepared to support the proposal to waive the requirement of a quorum but cautioned that the provisions of rule 108 of the rules of procedure must be observed. His delegation also supported the Indian proposal. Ghana had its own position on personnel questions, which might differ from that of other delegations, but it wished to uphold the principle that the Committee must fulfil its legislative mandate, a principle which must also be respected by the Secretariat. Therefore, the item should be included in the Committee's programme of work.

24. He would appreciate clarification of United States opposition to the adoption of a maintenance or lump-sum budget. It was not clear what the United States delegation had meant by spending authority, and in particular how the Secretary-General planned to use the resources authorized, which was the whole point of having a budget. Since time was of the essence, he appealed to the United States delegation to join the consensus - even if it had reservations about the longer-term implications for the budgetary process - so that the Committee's programme of work could be adopted. His delegation fully understood the special difficulties which the Advisory Committee faced in the preparation of its report, but urged that Committee to rise to the challenge.

25. Mr. FONTAINE-ORTIZ (Cuba) supported the Argentine proposal to dispense with the quorum requirement and to begin meetings punctually. Under rule 114 of the rules of procedure, the length and number of statements of times each delegation spoke could also be limited. His delegation supported the Chinese statement concerning the inclusion of the item on personnel questions in the agenda. Like Ghana, it also agreed fully with the Netherlands statement. General Assembly resolution 41/213 provided for decisions on budgetary questions to be taken by consensus. The overwhelming majority of delegations agreed to the Chairman's proposal concerning the programme of work, while only one Member State

/...

(Mr. Fontaine-Ortiz, Cuba)

dissented. As the representative of Madagascar had said, the discussion of the programme of work should be concluded at the current meeting, failing which his delegation reserved the right to invoke rule 117 of the rules of procedure on closure of debate. After all, three meetings had already been devoted to discussing whether or not to discuss the proposed programme budget.

26. It had been hoped that the new budgetary process adopted in 1986 would put an end to the financial crisis. However, Member States, often the main contributors, continued to set new preconditions to meeting their obligations to pay their assessed contributions. Unfortunately, the Committee did not have input from the Advisory Committee in that regard. His delegation urged the Advisory Committee and CPC to make every effort to ensure that the Committee could begin its discussion of the proposed programme budget on or about 15 November.

27. Mr. TEIRLINCK (Belgium) agreed with the representatives of China and Cuba that the Committee should dispense with the need for a quorum for the start of its meetings. He also said that, like the representative of the United States, he could not approve the budget until the report of ACABQ was available; but he pointed out that the ACABQ report was also necessary for the Committee's consideration of item 121. It was imperative that the discussion of the 1994-1995 budget should begin on 15 November.

28. Mr. MICHALSKI (United States of America) wished to clear up any confusion regarding his country's position. His delegation's suggestion was for a short-term, stopgap measure to allow the United Nations to continue functioning until a decision could be taken on the Secretary-General's budget proposals. It would be unwise to rush through a budget which might be divisive. It would be preferable to wait until the beginning of January 1994, when all the necessary documentation would be available. With regard to the remarks by the representative of the Netherlands, he agreed with the first two points, but confessed that he was confused by the third. He wondered whether the United States would be prevented from speaking until its bills were paid. That would be an almost unprecedented step. He also wondered whether such a restriction would be extended to all Members which were in arrears. Pointing out that his country had paid \$800 million in 1992 and \$1 billion in 1993, he said that the countries criticizing the United States payment record had themselves owed money to the United States since the First World War. His country might even be able to finance its arrears if such war debts were paid.

29. Mr. BOIN (France) said that references to the First World War were irrelevant and that the representative of the United States should keep his remarks to the point.

30. Mr. MICHALSKI (United States of America) took exception to being dictated to, especially when the remarks of other speakers were not always relevant either. His delegation was not trying to delay the proceedings, but, as it stood, the programme of work was meaningless.

31. Mr. DAMICO (Brazil) agreed with the views of the representatives of India, Cuba and other delegations regarding the omission from the agenda of the personnel item. The Secretariat should draw the General Committee's attention

/...

(Mr. Damico, Brazil)

to the oversight, which related to an operative paragraph of an important resolution of the Fifth Committee. The unprecedented situation had perhaps arisen because the Secretariat had faced too strict a timetable for the preparation of the budget. If the Secretariat was not happy with resolution 41/213, it should present new proposals for dealing with financial, budgetary and programme matters. His delegation was fully satisfied with the current procedure, which ensured greater participation by Member States. He added that the representative of Argentina had aptly summed up the Committee's dilemma: the budget debate might turn out to be unsatisfactory, which would be regrettable, since his delegation had a high regard for the recommendations of ACABQ, but at the same time the Committee had to consider the political message being conveyed. The United Nations had many tasks to fulfil and costs were rising ever higher. Questions would be asked about how the Committee could address the cost of peace-keeping operations if it could not even comply with the current procedures for the regular budget. He fully supported the Chairman's proposal to take up the budget item on 15 November, in spite of the risk that the Committee might not be able to put together a complete budget. He also supported the proposed programme of work.

32. Mr. STITT (United Kingdom) said that the Committee would be better able to deal with substantive issues when it had heard the Secretary-General's statement on the budget. By that time the Committee should know whether CPC had dealt with the question of conference-servicing resources, had completed its review of the budget fascicles and generally had risen to the challenge of producing the required documentation. The matter was an urgent one. He agreed with the representative of Cuba that the Bureau had to impose discipline on the Committee. He pointed out that delegations had three weeks to prepare their statements. He also considered that statements should be limited to five or at most seven minutes; if delegations felt that was too short, they could circulate their views in writing. His delegation did not object to the tentative endorsement of the tentative programme of work provided that four or five items could be identified which the Committee could take up beginning on 20 October.

33. There should be further discussions under item 123 as to whether 15 November was a realistic date for taking up the budget item. The Bureau should report to the Committee on relevant developments, including the outcome of the Vice-Chairman's consultations on item 17 and the Bureau's recommendations on the organization of work.

34. Ms. ROTHEISER (Austria) hoped that the Committee could adopt the programme of work as amended, provided that the missing item on personnel questions could be included. As the coordinator of the informal consultations on that item at the forty-seventh session, she was convinced that delegations had wanted a discussion to be held at the current session, on an exceptional basis, on aspects of personnel questions, including the outcome of the study on the geographical distribution of staff, without prejudice to the full implementation of resolution 46/220. Pointing out that there had also been a draft decision requesting information on violations of the privileges and immunities of United Nations officials, she urged that the General Committee's attention should be drawn to the missing item. Lastly, she supported a five-minute time-limit on speeches - a five-minute time-limit on speeches and dispensing with a quorum for the start of meetings.

/...

35. Ms. SHENWICK (United States of America) said that her delegation would withdraw its objection to the tentative programme of work. It had been worried that there was no standard procedure to fall back on if the Committee was unable to take action on the budget. She feared that even as matters stood it would be technically difficult to approve a budget, although she hoped otherwise. She still thought that a maintenance budget was important, given the risk of approving a budget without conducting a proper review, which would result in what might be called a "lump-sum budget". She stressed that her delegation's objections had not been intended to gloss over the United States payment record or to make any political point, but had been based on its concern regarding the administrative outlook. She added that she hoped that the Committee would not be artificially constrained by a December deadline to rush into approving the budget. Finally, she agreed with the representatives of Austria and India about the importance of including the missing item on personnel questions.

36. Mr. BOIN (France) agreed with the representative of the Netherlands that those who contributed on time were not necessarily treated as well as those who did not. He was glad, however, that common sense had prevailed. With reference to the Committee's programme of work, he thought that not too much time should be spent discussing procedure. He supported a time-limit for statements and punctuality in starting meetings. He also agreed that the programme of work should be adopted as amended. Turning to agenda item 138, he wondered what was meant exactly by the "financing of the United Nations peace-keeping operations". He considered that the discussion on the matter should be held over until the resumed session, in February or March 1994. The same applied to agenda item 163, relating to the programme budget for the biennium 1990-1991; that relating to 1992-1993 could also be deferred, as could item 129, relating to the United Nations pension system. The postponement would give the Secretariat a further six months to prepare its submissions on the items. He favoured the inclusion of the missing item on personnel, but it was a sensitive issue which he thought would be best dealt with in the context of the budget.

37. The CHAIRMAN said that he would take the appropriate steps to bring the matter of the missing item on personnel to the attention of the General Committee.

38. Mr. DANKWA (Ghana) said that his delegation welcomed the flexibility displayed by the representative of the United States.

39. Mr. FRANCIS (Australia) said that he wished to have an assurance from the Controller that timely budget submissions would be made in respect of the United Nations Observer Mission in Liberia (UNOMIL), the United Nations Mission in Haiti (UNMIH) and the United Nations Observer Mission Uganda-Rwanda (UNOMUR), taking due account of the starting dates of the operations. His delegation had no difficulty regarding the proposals for imposing time-limits on speakers or starting meetings without a quorum. The Fifth Committee's work practices should certainly be tightened up.

40. Ms. ICHIKAWA (Japan) said that her delegation attached great importance to the retention of agenda item 138 as scheduled in the Committee's tentative programme of work. She was concerned about delays in documentation, which were such that the programme of work might well be adversely affected.

41. Mr. GOUMENNY (Ukraine) said that his delegation could join the consensus which was emerging in the Committee on the tentative programme of work. He agreed that any attempt to drop items from the programme would have a negative effect and could result in a reopening of earlier discussions.

42. Mr. MICHALSKI (United States of America) said that his delegation supported the comments made by the representatives of Japan and Ukraine. It was his understanding that the programme of work would include consideration of item 138.

43. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) noted that the General Assembly had authorized a commitment authority of \$87.7 million per month from 1 November 1993 to 28 February 1994 in the case of the United Nations Operation in Somalia (UNOSOM II), a commitment authority of \$65 million per month from 1 October 1993 to 31 December 1993 in the case of the United Nations Protection Force (UNPROFOR), a commitment authority of \$20 million per month from 1 November 1993 to 31 October 1994 in the case of the United Nations Operation in Mozambique (ONUMOZ), and a commitment authority of \$6.3 million per month from 1 November 1993 to 28 February 1994 in the case of the United Nations Iraq-Kuwait Observation Mission (UNIKOM). Those amounts were subject to the prior concurrence of the Advisory Committee, and necessitated the submission of reports to the Advisory Committee, which would then need to report to the Fifth Committee and the General Assembly. Even though the Fifth Committee had recommended to the General Assembly and the Assembly had approved a report to be submitted in January or February 1994, there would still be a need for the General Assembly to approve commitment authorities and authorize assessments, failing which there would be no means of financing available.

44. The CHAIRMAN said that the Secretariat would review the programme of work taking into account the items on peace-keeping operations. He took it that the Committee wished to adopt the tentative programme of work, as orally amended, on the understanding that it would be adjusted as necessary during the course of the session.

45. It was so decided.

46. Mr. TAKASU (Controller) said that the Secretariat would do its utmost to make sure that documentation was available as needed. Regarding the budget review, the Committee would note that the legislative organs concerned had held bureau meetings and consultations prior to the commencement of the Fifth Committee session earlier in the week. The Secretariat treated all delegations impartially in connection with any consultations, and the competent senior officials were always available to any delegation on request.

47. The CHAIRMAN said that the Committee would start meetings promptly, and appealed to delegations to be ready to participate on items as soon as they were taken up. Regarding the possibility of setting time-limits and starting meetings without a quorum, the Committee would act appropriately in the light of progress during the session. The Committee would be informed in due course of the outcome of consultations on the election items to be considered by the Committee later in the session.

The meeting rose at 12.55 p.m.