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Chairman: Mr. Sharma (Nepal)
*Chairman of the Advisory Committee on Administrative
 and Budgetary Questions:* Mr. Mselle

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The meeting was called to order at 3.35 p.m.

Agenda item 17: Appointments to fill vacancies in subsidiary organs and other appointments
(continued)

(j) Appointment of a member of the United Nations Staff Pension Committee (continued)
(A/57/111/Add.1)

1. **The Chairman** drew attention to document A/57/111/Add.1, in which the Secretary-General informed the General Assembly of the resignation of Mr. Hamidullah (Bangladesh) from the United Nations Staff Pension Committee, and of the nomination of Mr. Rahman (Bangladesh) to fill the remainder of Mr. Hamidullah's term of office. The Chief Executive Officer of the United Nations Joint Staff Pension Fund had been informed by the Chairman of the Asian Group that Mr. Rahman's candidature had been endorsed by that Group. He took it that the Fifth Committee wished to recommend to the General Assembly the appointment of Mr. Rahman to the United Nations Staff Pension Committee for a term beginning on the date of appointment and expiring on 31 December 2004.

2. *Mr. Rahman (Bangladesh) was recommended for appointment to the United Nations Staff Pension Committee.*

Agenda item 112: Programme budget for the biennium 2002-2003 (continued)

Report of the Joint Inspection Unit on the results approach in the United Nations: implementing the United Nations Millennium Declaration
(continued) (A/C.5/57/L.55)

Draft resolution A/C.5/57/L.55

3. **Mr. Tilemans** (Belgium), Vice-Chairman, introduced draft resolution A/C.5/57/L.55.

4. *Draft resolution A/C.5/57/L.55 was adopted.*

Information and communication technology strategy (continued)

Draft resolution A/C.5/57/L.56

5. **Mr. Tilemans** (Belgium), Vice-Chairman, introduced draft resolution A/C.5/57/L.56.

6. **Mr. Elji** (Syrian Arab Republic) drew attention to an error in paragraph 8 of the Arabic text of the draft resolution.

7. **The Chairman** said that the Secretariat would make the necessary changes.

8. *Draft resolution A/C.5/57/L.56 was adopted.*

Agenda item 117: Scale of assessments for the apportionment of the expenses of the United Nations
(continued)

Draft resolution A/C.5/57/L.59

9. **Mr. Getachew** (Ethiopia), Rapporteur, introduced draft resolution A/C.5/57/L.59.

10. *Draft resolution A/C.5/57/L.59 was adopted.*

11. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, stressed the importance of the Committee's consideration of the issue at its fifty-eight session being limited to measures aimed at encouraging Member States to pay their arrears. It was the understanding of the Group that the forthcoming discussion would not be linked to other aspects that the Committee might be considering under that agenda item. The Group was prepared to take part in objective discussions concerning ways to encourage Member States, particularly those facing genuine economic difficulties, to pay their arrears.

Agenda item 118: Human resources management
(continued) (A/C.5/57/L.58)

Draft resolution A/C.5/57/L.58

12. **Mr. Chaudhry** (Pakistan) introducing draft resolution A/C.5/57/L.58 on behalf of the Chairman, said that the symbol "A/57/726", which referred to the report of the Office of Internal Oversight Services on the implementation of all provisions of General Assembly resolution 55/258 on human resources management, should be inserted in the list contained in footnote 1. He noted that the report of the Office of Internal Oversight Services on possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement (A/56/956) and the note by the Secretary-General transmitting the comments of the Joint Inspection Unit on the aforementioned report (A/56/956/Add.1) were not included in the list since it had been proposed that

consideration of those documents should be deferred to the second part of the resumed session. In section II, paragraph 16, the words “the” and “system” should be deleted. In paragraph 24, the words “each of” should be inserted after the word “of” in the first line and a comma should be inserted after the word “Secretariat” in the penultimate line, with the comma after the word “languages” being deleted. In the second line of paragraph 40, the date “1999” should be replaced by “1997”. Lastly, in section IX, paragraph 7, the word “reports” in the second line should be singular, rather than plural, and the phrase “, inter alia,” should be inserted in the fourth line, following the word “including”. He expressed the hope that the draft resolution would be adopted by consensus.

13. **Ms. Benary** (Acting Secretary of the Committee) read out a revision to section II, paragraph 24, of the French text of the draft resolution.

14. **Mr. Elji** (Syrian Arab Republic) said that he trusted that the Arabic text of the draft resolution would be revised so as to reflect the changes read out by the representative of Pakistan. He noted that the Arabic version also contained a number of editorial mistakes that required correction.

15. **The Chairman** said that the Secretariat would make the necessary changes.

16. *Draft resolution A/C.5/57/L.58, as orally revised, was adopted.*

17. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, emphasized the particular importance attached to human resources management and the need for programme managers to be more accountable with regard to recruitment and equitable geographical representation. Indeed, the Group would closely monitor implementation of the resolution, including those provisions relating to equitable representation at senior and policy-making levels.

18. **Ms. Chebomui** (Kenya) said that her delegation had joined the consensus on the draft resolution on the understanding that the information requested in section IX, paragraph 7, would be provided on a one-time basis.

19. **Mr. Iossifov** (Russian Federation) expressed satisfaction that the Committee had been able to reach agreement on a text that set out the basic parameters for the continuing reform of the Organization’s human resources policies and practices, noting that the

adoption of General Assembly resolution 55/258 in 2001 had marked the beginning of a new stage in that process. In particular, there was a need to improve the system of performance management, which should be effective and clear, while performance appraisal should be regular and mandatory. It was becoming increasingly apparent that the key to genuine and productive human resources management reform was the complete abandonment of permanent appointments and the transition to a non-career service; that would give the Organization greater flexibility in the use of its human resources and increase the efficiency of the work of the Secretariat. In that connection, he looked forward to the prompt submission by the Secretary-General of definitive and concrete proposals for the streamlining of contractual arrangements in the United Nations, as requested by the General Assembly.

20. **Mr. Zevelakis** (Greece), speaking on behalf of the European Union, the acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey, and, in addition, Iceland, Liechtenstein and Norway, said that paragraph 7 of section IX did not prejudice any further action.

Agenda item 122: Report of the Secretary-General on the activities of the Office of Internal Oversight Services (continued)

Draft resolution A/C.5/57/L.60

21. **Mr. Kelapile** (Botswana), introducing draft resolution A/C.5/57/L.60 on behalf of the Chairman, urged its adoption by consensus. He said that the word “further” in the second preambular paragraph should be replaced by the word “also”.

22. *Draft resolution A/C.5/57/L.60, as orally revised, was adopted.*

Draft resolution A/C.5/57/L.61

23. **Mr. Kelapile** (Botswana), introducing draft resolution A/C.5/57/L.61 on behalf of the Chairman, urged its adoption by consensus. He said that the words “as appropriate” should be deleted from paragraph 8. The phrase “regardless of age and gender” in paragraph 10 should be amended to read “irrespective of age and gender” and moved to between the words “offences” and “by”.

24. *Draft resolution A/C.5/57/L.61, as orally revised, was adopted.*

25. **Ms. Lock** (South Africa), speaking on behalf of the African Group, said that the draft resolution contained references to peacekeeping operations and personnel, and the shared responsibility of the United Nations and troop-contributing countries for their personnel. It had been the Group's understanding that the Fifth Committee was not attempting to undermine or encroach upon the mandate of the Special Committee on Peacekeeping Operations. The Group had agreed to the language used on the understanding that the Committee's decision would not impact on or prejudice the outcome of the ongoing dialogue between the United Nations and troop-contributing countries or other processes within the Special Committee's mandate.

26. The African Group had always condemned the sexual exploitation of refugees and emphasized Member States' collective responsibility to prevent such vulnerable groups from being further traumatized and to ensure that they reintegrated successfully into their societies. The Group was therefore encouraged by the Committee's negotiations and by its united resolve to condemn and prevent such practices.

27. **Mr. Mazumdar** (India) supported the statement made by the representative of South Africa. Any proposed measures and structures would be agreed to on the understanding that the Special Committee was the operative body responsible for discussing implementation with the Secretary-General.

Agenda item 123: Administration of justice at the United Nations (*continued*)

Draft resolution A/C.5/57/L.57

28. **Mr. Lenefors** (Sweden), introducing draft resolution A/C.5/57/L.57 on behalf of the Chairman, said that it was the Committee's understanding that the Chairman would inform the President of the General Assembly of the contents of paragraph 14 for communication to the Chairman of the Sixth Committee. In paragraph 4, the phrase "at all stages of the process" should be moved to the end of the paragraph.

29. **Mr. Elji** (Syrian Arab Republic) said that he would forward a correction to the Arabic version of paragraph 9 to the Secretariat.

30. *Draft resolution A/C.5/57/L.57, as orally revised, was adopted.*

31. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, said that the Group attached great importance to the question of administration of justice. No reform process would be considered a success if the administration of justice in the United Nations system lagged behind.

32. The Group welcomed the adoption of the resolution and deemed it essential that the Organization's staff had the morale and commitment to serve the interests of the United Nations. It was vital that the administration of justice was fair and transparent, but that it was also seen to be so. An amendment to the Statute of the Administrative Tribunal and the request made to the Secretary-General to explore further measures to strengthen administration of justice would go a long way in that regard. The Group would be following the Secretary-General's efforts to implement the resolution.

Agenda item 111: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Draft decision A/C.5/57/L.62

33. **Mr. Kelapile** (Botswana) said that, in the absence of agreement on the report transmitted in document A/57/488, key delegations were in favour of deferring a decision to the second part of the resumed session and listing the item in draft decision A/C.5/57/L.62.

34. **The Chairman** suggested adding the following text to the list in draft decision A/C.5/57/L.62:

"Item 118

Human resources management

Report of the Secretary-General on the activities of the Office of Internal Oversight Services concerning possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement (A/56/956/Add.1);

*Item 122**Report of the Secretary-General on the activities of the Office of Internal Oversight Services*

Note by the Secretary-General transmitting the report of OIOS on the management review of the Office of the United Nations High Commissioner for Human Rights (A/57/488)."

35. *Draft decision A/C.5/57/L.62, as orally revised, was adopted.*

36. **Mr. Elji** (Syrian Arab Republic), referring to the list of issues to be deferred until the second part of the resumed session, reminded the Committee that at a previous meeting his delegation had asked for corrections to be made to the report of the Secretary-General on the activities of the Office of Internal Oversight Services concerning possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement (A/56/956). It hoped that the report would be corrected before being considered at the second resumed session.

37. **Mr. Zevelakis** (Greece), speaking on behalf of the European Union, said that the European Union had agreed to defer discussion of the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the management review of the Office of the United Nations High Commissioner for Human Rights (A/57/488) because a report was awaited from the High Commissioner for Human Rights.

Organization of work

38. **The Chairman** reminded the Committee that at its 41st meeting it had discussed the issue of the report of the Secretary-General on the clarification of his proposal in action 22 for a single-stage intergovernmental review of the programme budget and medium-term plan, as requested by the General Assembly in resolution 57/300.

39. In that connection, he proposed to send a letter to the President of the General Assembly reading as follows:

"1. The Fifth Committee has expressed the wish to be involved fully in the consideration of the Secretary-General's impending report on a single-stage intergovernmental review of the programme budget and the medium-term plan. The Committee affirms that the strategic and technical

issues involved in the consideration of this report fall within its own competence. Its expertise is essential, therefore, to the proper handling of these issues in the General Assembly.

2. The Committee also notes the intention of the President of the General Assembly to engage the General Assembly at plenary level on the question of a single-stage intergovernmental review, pursuant to the plenary's discussion in the earlier part of the fifty-seventh session of the Secretary-General's report A/57/387 on "Strengthening of the United Nations: an agenda for further change.

3. The Committee has agreed, therefore, that the Secretary-General's report on the single-stage intergovernmental review be introduced to the General Assembly in plenary at a time determined by the date of issue of the report, making due allowance also for the need for delegations and negotiating groups to have the necessary time for reflection and consultations. The clear understanding of the Committee is that the plenary will conduct only a brief, initial orientation discussion of the report in the context of the wider efforts contained in A/57/387.

4. The Secretary-General's report will thereafter be remitted to the Fifth Committee at the main part of the fifty-eighth session for its expert consideration and for recommendations on future action. The Committee will want to conduct its consideration of the Secretary-General's report on the single-stage intergovernmental review as part of the other elements of follow-up identified in General Assembly resolution 57/300 covering the inter-governmental process relating to programming and budgetary issues, and with due regard to the views of ACABQ as appropriate."

40. **Mr. Kennedy** (United States of America) said that, while having the utmost confidence in the Chairman, his delegation wanted to make quite sure that the proposed letter fully and accurately reflected the views expressed by the expanded Bureau of the Committee when it had met one week previously. The issue was important, and the Committee wished to bring its competence and expertise to bear on the discussion of reform in the Organization. It would therefore be best to circulate the text of the proposed

letter, and to discuss it at the second part of the resumed session.

41. **Ms. Buchanan** (New Zealand), supported by **Mr. Zevelakis** (Greece), also asked for the text of the proposed letter to be circulated to the Committee.

42. **Ms. Silot Bravo** (Cuba) said that the proposed letter had been prompted by the concerns expressed at earlier meetings by the Group of 77 and China. Ample time had been available for consultations, and the issue had already been discussed at two meetings of the extended Bureau. She urged the Committee to abide by the agreement on how to proceed that had emerged from the consultations facilitated by Greece on behalf of the European Union.

43. **Mr. Zevelakis** (Greece) proposed that the meeting should be suspended to enable the text of the proposed letter to be circulated.

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

44. **The Chairman** said that he understood the wish of the Committee to be for a meeting of the extended Bureau to be held on Monday, 31 March 2003 to discuss the proposed letter, in the hope of avoiding having to defer the matter to the second part of the resumed session. All delegations were welcome to attend.

45. **Ms. Silot Bravo** (Cuba), supported by **Mr. Pulido León** (Venezuela), said that decisions taken by the extended Bureau were not binding and that the Committee would have to meet to endorse the outcome of the extended Bureau meeting.

46. **Mr. Kennedy** (United States of America) said that the proposed letter from the Chairman was seeking only to express the views of the Committee to its parent body, the General Assembly. That was not the equivalent of adopting a resolution of the Committee on a matter which was moving forward to the General Assembly for adoption. The Chairmen of other Main Committees of the General Assembly frequently used the same approach.

47. **Ms. Silot Bravo** (Cuba) agreed with the representative of the United States of America that the Committee was not discussing anything comparable to a resolution. However, the Chairman would be expressing the opinion of the Committee as a whole, not the opinion of the extended Bureau. The

Committee would need to meet to endorse what was being said on its behalf.

48. The Chairman said that his proposed letter was indeed a statement rather than a resolution of the Committee. Although he hoped that the President of the General Assembly would take note of it, it had no binding force. He would be guided by the wishes of the Committee, which could find ways to deal with the issue without deferment, or defer it to the second part of the resumed session.

49. **Mr. Elnaggar** (Egypt) said that it was precisely because the Chairman had wished to observe proper procedure that he had presented his proposed letter to the Committee.

50. **Mr. Zevelakis** (Greece), supported by **Mr. Kramer** (Canada), suggested that the outcome of the meeting of the extended Bureau could be circulated to the members of the Committee; all of them would in any event have the opportunity to attend. What was important was for the outcome to reflect a shared understanding of the Committee on the single-stage intergovernmental review.

51. **Mr. Elji** (Syrian Arab Republic) said that returning the matter to the Committee was a sound procedure, since the Chairman's letter was intended to convey the views of its members. That course of action would avoid setting a dangerous precedent which would be detrimental to the Committee's work.

52. **Mr. Herrera López** (Mexico) agreed that the proposed letter should be discussed at a meeting of the extended Bureau, to be announced in the *Journal*, so that all interested parties would have the opportunity to attend.

53. **The Chairman** said that, since the proposed letter was a reflection of the will of the Committee as a whole, it was important to give all members an opportunity to voice their opinions before it was transmitted to the President of the General Assembly. He therefore suggested that the outcome of the meeting of the extended Bureau should be circulated to the members of the Committee. If any objections were raised, further consultations would be held.

54. **Mr. Elnaggar** (Egypt) recalled that he had suggested holding a meeting of the extended Bureau for all interested parties and then, subject to the progress made at that meeting, holding a formal meeting of the Fifth Committee.

55. **The Chairman** noted that the Committee itself did not have the authority to convene any meetings in addition to those previously scheduled.

56. **Mr. Tilemans** (Belgium), speaking as Vice-Chairman of the Committee, expressed consternation at the way the debate was developing. All interested parties were present at the current meeting and therefore it should be possible to settle the question without further ado. If it was necessary to hold a further meeting of the extended Bureau, the maximum number of members should be allowed to attend and the agreed text should be transmitted to the remainder of the members.

57. **Mr. Ho** (Singapore) said that, although he understood the need to follow procedure, he disagreed with the position of a number of the members of the Group of 77 and China. Discussing the letter at a meeting of the extended Bureau was a perfectly acceptable solution, provided that all interested parties had an opportunity to participate.

58. **Mr. Mazumdar** (India) and **Mr. Tal** (Jordan) endorsed the idea of a meeting of the extended Bureau.

59. **Ms. Silot Bravo** (Cuba) said that settling the issue at a meeting of the extended Bureau seemed rather a strange solution, since the views expressed by the extended Bureau meeting on an informal basis did not necessarily reflect the views of the Committee as a whole. She wondered whether it would be possible to prolong the current part of the resumed session of the Fifth Committee until the question was settled.

60. **Ms. Benary** (Acting Secretary of the Committee) recalled that the General Assembly had authorized the Committee to meet only between 3 and 28 March. Consequently, it was not possible to extend the current part of the resumed session.

61. **Mr. Kennedy** (United States of America) proposed that, by way of compromise, a meeting of the extended Bureau should be called and announced in the *Journal*. After the meeting, the amended letter should be distributed in written form and, if there was no objection, transmitted to the President of the General Assembly. In the event that no agreement could be reached, further action would be needed.

62. **Mr. Elnaggar** (Egypt) endorsed the proposal made by the representative of the United States of America, which would ensure openness in the discussion process.

63. **The Chairman** suggested that the meeting of the extended Bureau should be held on Monday, 31 March 2003 at 3 p.m. If the draft letter and any amendments thereto were approved at that meeting, it would be transmitted to the President of the General Assembly.

64. **Ms. Silot Bravo** (Cuba) said that if the other members of the Committee wished to proceed in the manner outlined by the Chairman, her delegation would not stand in their way. However, she wished to record her opposition to the way the matter had been handled, particularly in view of the fact that the Group of 77 and China had submitted its proposal in good time and that issue in question was part of the reform process and therefore highly significant. The lack of transparency and good will was regrettable.

65. **The Chairman** pointed out that, as yet, no decision had been taken on the content of the letter.

66. **Mr. Tootoonchian** (Islamic Republic of Iran) said that he agreed with the solution suggested by the Chairman, but emphasized that neither the extended Bureau nor any other body could replace the Fifth Committee as a decision-making organ.

67. **Mr. Bouheddou** (Algeria), referring to the proposal made by the representative of the United States of America, suggested that the extended Bureau should make use of the proposed letter as a basis for discussion.

68. **Mr. Elnaggar** (Egypt) endorsed the proposal made by the representative of the United States of America but stressed that the amended letter should be read to the Committee.

69. **Mr. Iossifov** (Russian Federation) noted that his delegation had not been consulted regarding the content of the draft letter. Given the significance of the issue in question, the only possible solution was to hold a meeting of the extended Bureau in order to decide how to proceed.

70. **Mr. Tootoonchian** (Islamic Republic of Iran) pointed out that the decision to hold a meeting of the extended Bureau did not need the approval of the Committee as a whole.

71. **The Chairman**, in response to the comment made by the representative of the Islamic Republic of Iran, said that, in view of the importance of the issue in question, he would have liked to reach a consensus. However, he confirmed that a meeting of the extended

Bureau would be held on Monday 31 March, at which a decision on how to proceed would be taken.

Completion of the work of the Fifth Committee at the first part of the resumed fifty-seventh session of the General Assembly

72. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, said that, although the conclusion on schedule of the first part of the Committee's resumed session was positive, the allocation of time to the various issues before the Committee should be improved. In future, the Committee's programme of work should take account of the views of all negotiating groups and make the best possible use of the time allocated without unnecessary restrictions. Her group hoped that the Committee Bureau would plan the work of the second part of the resumed session accordingly.

73. **The Chairman** said that the Bureau would be guided by the wishes of the Member States' representatives.

74. He declared that the Fifth Committee had completed its work at the first part of the resumed fifty-seventh session.

The meeting rose at 6. p.m.