

United Nations
GENERAL
ASSEMBLY

FORTY-THIRD SESSION

Official Records*



FIFTH COMMITTEE
35th meeting
held on
Friday, 18 November 1988
at 10 a.m.
New York

SUMMARY RECORD OF THE 35th MEETING

Chairman: Mr. OKEYO (Kenya)

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

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Distr. GENERAL
A/C.5/43/SR.35
23 November 1988

ORIGINAL: ENGLISH

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 147: FINANCING OF THE UNITED NATIONS IRAN-IRAQ MILITARY OBSERVER GROUP
(continued) (A/43/696 and A/43/768)

1. Mr. RALLIS (Greece), speaking on behalf of the 12 States Members of the European Community, said that the recent award of the Nobel Peace Prize to United Nations peace-keeping forces was a recognition of the value attached to them by the international community and of the increasingly significant role of peace-keeping operations in the broader context of the search for permanent, peaceful political solutions to problems in accordance with the principles of the Charter and the resolutions of the Security Council. Clearly, they were not a substitute for real peace nor an end in themselves.
2. The United Nations Iran-Iraq Military Observer Group (UNIIMOG) and the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) were the two most recent operations approved by the Security Council. The Twelve trusted that they would succeed in fulfilling their mandates. Peace-keeping operations came under the authority of the Security Council and responsibility for them was vested in the Secretary-General. Their success depended, among other things, on the readiness of Member States to volunteer troops and on adequate financial arrangements.
3. The Twelve believed that the Members of the Organization were jointly responsible for peace-keeping activities and for their financing. They had consistently urged all Member States to fulfil their financial obligations towards peace-keeping operations and to ensure that they were properly financed on a sound and stable basis. The current financial difficulties in respect of existing peace-keeping operations were caused by the failure of some Member States to comply with their financial obligations under the Charter, thus placing an undue burden on the troop-contributing countries. In view of the expected extension of peace-keeping operations to new areas, the need for prompt payment was increasingly important, as was the necessity of bearing in mind cost-effectiveness in establishing and managing peace-keeping operations.
4. The Twelve appreciated the efforts made by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to identify possible areas for savings. They recognized that the general nature of the suggestions was intended to allow the Secretary-General the necessary flexibility. There was a delicate balance between the necessity for operational flexibility and the need for cost-effectiveness, and the Advisory Committee's efforts to secure such a balance were welcome. It would be appreciated, however, if, in future, the Committee's suggestions, as well as the proposals of the Secretariat, could be more detailed. Transparency and clarity regarding actual requirements could contribute greatly to cost-effectiveness. The Secretary-General should ensure that the utmost attention was paid to avoiding unnecessary costs. It should be recalled that in the resolution recently adopted by the Fifth Committee, the Board of Auditors and ACABQ had been requested to include peace-keeping operations in their reviews of financial procedures and controls.

(Mr. Rallis, Greece)

5. The Twelve endorsed the ACABQ recommendations for the amounts required to continue the UNIIMOG operation through the six-month period ending in February 1989, as well as the amounts foreseen for the next 12-month period, provided the Security Council extended its mandate. They concurred with the opinion in paragraph 9 that the ongoing negotiations on costs related to the military signals unit should result in a substantially lower figure than anticipated. They also concurred in the recommended reduction in the number of civilian staff and looked forward to receiving further information on that point.

6. The collection of assessed contributions to UNIIMOG was a matter of great concern to the Twelve. The Advisory Committee noted, in paragraph 21 of its report, that only \$17 million of the \$35 million apportioned by the General Assembly for the first three-month period had been received. Of that amount of \$17 million, more than \$10 million had been paid by members of the European Community. The Twelve urged all Member States to respect their legal obligations in full.

7. As the collective responsibility of all Member States the financing of peace-keeping operations should be based on assessed contributions. Nevertheless, the Twelve welcomed the offer by some Member States of voluntary contributions. In that connection, they took note of the Advisory Committee's remarks regarding the receipt and utilisation of voluntary contributions. In their view, voluntary contributions in cash should be treated either as an advance or as current income according to the donor's wishes. In the latter case, they agreed that, once a contribution was received, an equivalent sum should normally be deducted from the next appropriation. In that regard, it was important that the United Nations should retain the ability to secure the continuing co-operation of troop-contributing countries on as wide a geographical basis as possible.

8. The Twelve concurred in the ACABQ recommendation that voluntary contributions in kind should normally be treated as current income and limited to budgeted items. They further agreed that great care was needed with regard to any voluntary contribution in kind that did not meet those conditions. The acceptance of all voluntary contributions in kind should be at the Secretary-General's discretion.

9. The Twelve looked forward to the report requested from the Secretary-General on the possibility of establishing a working capital fund for peace-keeping activities. They believed that the Organization's Working Capital Fund, established at the level of \$100 million, could serve the purpose, provided it was not used to cover obligations of the United Nations arising out of the non-payment of the assessed contributions of Member States. Strict fulfilment by Member States of their obligations under Article 17 of the Charter would, apart from solving the Organization's financial crisis, also lead to the replenishment of the Working Capital Fund at the current level, or higher, if the General Assembly so decided.

10. Mr. VISLYKH (Union of Soviet Socialist Republics) said that 1988 had witnessed fundamental developments in terms of international relations. The efforts of the United Nations towards settling a number of international problems had been a major contribution to those developments. Its participation in the settlement of the

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(Mr. Vialykh, USSR)

Iran-Iraq conflict, and the establishment of UNIIMOG, illustrated the United Nations enhanced role in current international relations. It was his delegation's hope that the efforts to solve the Iran-Iraq conflict would continue to develop successfully, and that, together with the settlement of the problem of Afghanistan, they would become a catalyst for the early settlement of crises in other parts of the world. In his delegation's view, the changes taking place were a step towards the practical realization of the concept of a comprehensive system of international peace and security embodied in General Assembly resolution 42/93. A vital role was envisaged for United Nations peace-keeping operations within the framework of that concept. As an effective instrument for the settlement of crises and conflicts, such operations would reduce the possibility of the use of military force in international relations except in the common interest, in accordance with the United Nations Charter, and would help to establish the primacy of law in international relations.

11. His delegation recognized that a more active peace-keeping role for the United Nations would entail increased financial expenditures. It should be borne in mind, however, that, in the broad political context, United Nations operations would make it possible for States to save considerable resources. As an important element in the multilateral political safeguards for peace, such operations would enable States to establish a comprehensive system of security and relieve the burden of the arms race. That did not imply, of course, that the expense must not be kept to the minimum. The cost of operations must correspond to the specific functions assigned. His delegation was confident that through the joint efforts of Member States, the Organization would be able to devise effective measures to reduce the cost of peace-keeping operations considerably. The Soviet Union was prepared to participate actively and constructively in a joint search for such measures. His delegation had already put forward some considerations in that respect in the Special Political Committee.

12. His delegation welcomed the Advisory Committee's resumption, after a long break, of its functions with respect to peace-keeping operations. In the light of the proposed expansion of the scale of operations, that aspect of its activities assumed special significance. The Advisory Committee had made a number of important recommendations on the financing of United Nations peace-keeping operations in general, and UNIIMOG in particular, which his delegation was prepared to support. Specifically, it agreed that the Secretariat should study the question of reimbursement to troop-contributing States. It would also be of interest to study the question of establishing a working capital fund for peace-keeping operations. The Secretariat should also formulate guidelines for evaluating voluntary contributions in kind.

13. On the expenditure estimates for UNIIMOG, his delegation endorsed the recommendation for a reduction in the number of civilian personnel and the conclusions regarding possible savings in respect of the military signals unit and transportation and communications equipment. It noted the Advisory Committee's view that considerable savings could be made if helicopters for UNIIMOG were leased in accordance with the established rules, including the use of international

(Mr. Vislykh, USSR)

bidding. It endorsed the view that voluntary contributions should be used to reduce the estimated cost of operations to be assessed on Member States and supported the relevant recommendations. It was prepared to agree to the amount of appropriations for UNIIMOG recommended by the Advisory Committee.

14. Mr. CONMY (Ireland) said that Ireland believed that the peace-keeping role of the United Nations was fundamental to the effective implementation of the purposes and principles of the Charter and was gratified to have been able to participate as a troop-contributor in most of the Organization's peace-keeping operations over the last 30 years. The award of the Nobel Peace Prize to the United Nations peace-keeping forces was a timely recognition of past achievement and an encouragement for the future.

15. His delegation's fundamental principle was that peace-keeping operations were undertaken on behalf of, and were the responsibility of, all Member States. Their success depended on the full and continued support of Member States, both political and financial. It followed that the cost of such operations was the collective responsibility of all Member States and that the most appropriate way of financing them was through assessed contributions. Voluntary contributions were a welcome and useful complementary source of funding. However, the experience of the United Nations Peace-keeping Force in Cyprus (UNFICYP) showed that financing a peace-keeping operation from voluntary contributions alone could prove very unsatisfactory. Financing primarily by assessed contributions, as in the case of the United Nations Interim Force in Lebanon (UNIFIL), had not been fully successful to date either, but there seemed to be no attractive alternative to a system based on assessed contributions levied on the full membership.

16. His delegation had studied with interest the Advisory Committee's proposals on the appropriate role of voluntary contributions in peace-keeping operations financed through assessments separate from regular budget contributions. It agreed that the time had come for a detailed review of all the options for dealing with voluntary contributions in cash in the light of experience to date. General Assembly resolution 34/9 D had been intended to deal with a specific set of circumstances. It was an attempt to address the chronic situation prevailing at the time, which had still not improved substantially, regarding reimbursements to countries contributing troops to UNIFIL. It was not necessarily intended as a model for dealing with voluntary contributions in cash to other peace keeping operations. The contributions to UNIFIL were intended to be advances which would be credited or paid back to the donor States or parties "when a sufficient number of assessed contributions to the regular Special Account for the United Nations Interim Force in Lebanon have been received". That situation, of course, had not yet come about.

17. It was important to remember, however, that reimbursements were a cost of peace-keeping, just as supplies, services and transport. Because of the chronic level of non-payment of assessed contributions to the UNIFIL account, and in order to allow the operation to survive, the troop-contributing countries had accepted reduced levels of reimbursement pending an improvement in the collection of assessed contributions. That situation had made it difficult for some countries to

(Mr. Conmy, Ireland)

remain as troop contributors, and had signalled to other possible contributors that it might be too costly to respond to requests from the Secretary-General to participate in other peace-keeping operations.

18. His delegation did not suggest that reimbursement was the only or most appropriate use of voluntary contributions in cash, but it was one cause that the General Assembly had decided on in the past. The Advisory Committee proposed that such contributions should be considered as current income and be used eventually to reduce the level of assessments unless the donor specified otherwise. His delegation was willing to consider that proposal, but it would require further clarification and information on how it would actually work in practice. The advantage of voluntary contributions in cash at the start-up of a mission was that they enabled expenditures to be undertaken pending the collection of assessed contributions. They also provided extra cash at a time when expenses were usually at their highest level. The timing of the use of such contributions to reduce the overall level of assessment would have to be carefully considered in order to ensure that it did not undermine or weaken the operation's financial position. The formula in paragraph 7 of the annex to resolution 34/9 D could be considered in that context. There should also be some provision to ensure that all expenses, including reimbursements, had been paid in full before contributions could be used to reduce the overall level of assessment. Using voluntary contributions in cash to reduce the assessment for a given mandate period could also unbalance the financing of the operation in that period. The contributions would already have been used as current expenditure, and if the lower level of assessment for the next period was slow in being collected, the account could run short of cash. Clearly, it was necessary to consider the proposals in more detail and in the light of full information on their possible implications, advantages and disadvantages. Other possibilities were to consider a voluntary contribution in cash as an advance of the donor's assessed contribution or, if a working capital fund was set up, as suggested in paragraph 23 of the ACABQ report (A/43/768), voluntary contributions in cash might be credited to that account. Such a fund might, in fact, be the appropriate account in which to deposit all voluntary contributions in cash.

19. The Advisory Committee's proposals on voluntary contributions in kind gave his delegation a number of concerns. For example, a system would need to be established to permit the Secretary-General to accept only those voluntary contributions in kind that would benefit the operation and would in the long run, be cost-effective. The time-frames involved in setting up some peace-keeping operations might not allow for competitive bidding, or for the strict application of all existing procedures for procurement. The location of a peace-keeping operation could prevent some geographically distant Member States from offering voluntary contributions in kind in the form of an advance. The proposals could have implications for all future peace-keeping operations, and possibly other United Nations operations as well, and should therefore be carefully considered. The Advisory Committee's comments on the role of budgeted and unbudgeted voluntary contributions in cash and in kind (A/43/768, para. 34) needed further elaboration.

(Mr. Conmy, Ireland)

20. He noted that the Secretary-General's report (A/43/696) followed the format of previous reports. Given the newly heightened awareness of, and interest in, the financing and administration of peace-keeping operations, and the substantive issues raised in the Advisory Committee's report, the Secretariat might do well to reconsider the format and the amount of information that such reports should contain in future.

21. His delegation was glad to note that the original estimate of \$75.6 million for the initial period of UNIIMOG operations had been revised to \$58.7 million gross. The reasons for the reduction were outlined in paragraph 4 of the Secretary-General's report. It should be remembered that the Secretary-General's initial estimate for any peace-keeping operation was arrived at by using projections of requirements based on the expertise developed in setting up other peace-keeping operations through the years. However, no two peace-keeping operations were the same and the estimates could only be refined after the operation had been in existence for some time. Thus, UNIIMOG had been in existence for three months and the experience gained had enabled a substantial reduction in the initial estimate. His delegation would endorse the Advisory Committee's recommendation, in paragraph 24 of its report, for a further reduction to \$54 million gross for the six-month period ending 8 February 1989, provided that it was achievable and that UNIIMOG could fulfil its mandate with that level of resources. The Advisory Committee had also indicated a number of other areas in which it believed savings could be achieved. His delegation noted, however, that in paragraph 24 of its report, ACABQ proposed that the Secretary-General should be allowed "the necessary flexibility to apply the reduction recommended either in the areas indicated by the Committee or in other areas, should that be necessary in the interest of good management and efficiency". Regarding the savings proposed in paragraph 9, his delegation shared the Advisory Committee's confusion about the figures given and would welcome clarification from the Secretariat and the Advisory Committee. Regarding paragraph 11, his delegation did not necessarily agree with the proposed reduction of 21 posts. In its view, the appropriate course would be to request "adequate justification and explanation" first and then to make a recommendation. It would also like more information regarding the proposed reduction of one Headquarters (overload) post from the Office of the Military Adviser to the Secretary-General. That Office's workload had increased substantially with the establishment of two new observer missions in 1988 and extensive preparatory work for possible future missions. His delegation shared the Advisory Committee's hope that costs could be kept down and savings made, but was unable, from the information provided, to determine whether such savings could amount to \$4.7 million.

22. His delegation was not yet in a position to support or reject the specific proposals in paragraph 20 concerning the way in which voluntary contributions in cash and in kind received for UNIIMOG to date should be dealt with. It would appreciate guidance from the Secretariat on the implications for the UNIIMOG account if contributions in cash were used to reduce the level of assessment for next mandate period as proposed. According to paragraph 4 of the Secretary-General's report, the cash equivalent of some contributions in kind seemed to be accounted for in the \$58.4 million figure proposed by the Secretary-General.

(Mr. Connolly, Ireland)

23. Among the general recommendations concerning peace-keeping in the Advisory Committee's report, his delegation welcomed the request for a report addressing the broad issues concerning reimbursement to troop-contributing States, to be prepared in conjunction with the next review of the rates of reimbursement under General Assembly resolution 42/224. Such a report should address the serious and long-standing difficulties caused by the Organization's inability to pay reimbursements in full to troop-contributors, with a view to ensuring that no Member State should be prevented from becoming a troop-contributor for purely financial reasons. His delegation also looked forward to the reports requested in paragraphs 22 and 23 concerning the economies of scale that might be possible through the co-ordination of the purchase of transport and communications equipment and other items, and the possibility of a working capital fund and proposals for dealing with start-up costs.

24. Mr. MLADENOVIC (Yugoslavia) said that peace-keeping operations were a fundamental element of the system of collective security based on the Charter. They should be developed as an integral part of the Organization's role in eliminating acts of aggression and promoting the peaceful settlement of disputes. His Government had contributed to and participated in United Nations peace-keeping activities.

25. It was encouraging that the initial estimates of UNIMOG costs had been reduced to \$58.7 million and that further reductions would be possible. It was important for the Secretary-General to have the necessary flexibility to manage peace-keeping operations efficiently. The possibility that there might be cash shortfalls as a result of arrears in respect of peace-keeping operations gave cause for concern in that it would increase the financial burden of troop-contributing States, many of which were developing countries. His delegation looked forward to the preparation of reports on the question of reimbursement to troop-contributing States, the establishment of a reserve of communications and other equipment, and the formulation of technical guidelines for the valuation of supplies and services.

26. In view of the vast increase in the likely costs of peace-keeping activities in the near future, there was an urgent need to explore all possible means of financing, including assessed and voluntary contributions, both in cash and in kind. Further consideration should be given to the establishment of a working capital fund for peace-keeping activities.

27. Mr. SOTO (Colombia) said that the Committee's consideration of the financing of peace-keeping operations was highly opportune given the possible expansion of such activities in the near future, which would have major financial implications. The success of peace-keeping operations depended to a large extent on a rapid response to the Security Council's decision to take action. The Organization should be ready at all times to assist in the quest for a solution to a conflict situation. In such situations it was difficult for the Secretary-General to offer his good offices while reporting to the Fifth Committee on financial implications. Nevertheless, appropriate procedures must be followed.

(Mr. Soto, Colombia)

28. Those conflicting requirements might be resolved by the establishment of a special fund in a specific amount and with previously determined guidelines for its use. Responsibility for the organization of such operations would remain with the Security Council, with the Secretary-General being responsible for administrative aspects. In addition to establishing a cash fund, essential equipment should be acquired.

29. The permanent members of the Security Council bore particular responsibility for peace-keeping, in view of which the method of apportioning costs used for UNIFIL and UNIIMOG could be followed in establishing the proposed fund. Voluntary contributions could play a role, but must not become critical to the financing of peace-keeping activities, and must be used to meet the general costs of such operations.

30. As recommended by the Advisory Committee in paragraph 25 of its report (A/43/768), the Secretary-General should be authorized to enter into commitments for the financing of UNIIMOG. His delegation also endorsed the proposal to take the \$11 million in cash thus far received into account in calculating assessments for the next mandate period. Lastly, his delegation welcomed the Advisory Committee's recommendation relating to cost-effectiveness and administrative efficiency in the UNIIMOG operation.

31. Mrs. UZOKA-EMEJULU (Nigeria) said that her country, as a troop-contributing State, welcomed the awarding of the Nobel Peace Prize to the United Nations peace-keeping forces. In considering peace-keeping activities, the Committee should take into account that all countries should pay their assessed contributions when due, that operations should be cost-effective, and that better-endowed countries should donate more resources. The Secretariat should further its study of the establishment of a special fund for peace-keeping operations as a way of countering the perennial shortage of funds.

32. It had been stated that peace-keeping operations in Namibia, Kampuchea and Western Sahara might cost some \$1.5 billion. She trusted that such operations would be planned with maximum cost-effectiveness. While all States should co-operate in ensuring that the United Nations was equal to the task of maintaining peace, its primary purpose, peace-keeping activities must not be allowed to bankrupt the Organization.

33. Mr. TETTAMANTI (Argentina) said that his Government had always supported peace-keeping operations and would continue to do so, as evidenced by its contribution to and participation in UNIIMOG.

34. The cost of peace-keeping operations must, in principle, be borne by all Member States through mandatory ad hoc assessments. The Advisory Committee's comments on voluntary contributions merited particularly careful consideration given the increasing involvement of the Organization in peace-keeping. His delegation was concerned at the prospect that such activities might come to depend on voluntary contributions which, by their very nature, were uncertain. Nevertheless, consideration could be given to the establishment of a special fund

(Mr. Tettamanti, Argentina)

financed by voluntary contributions pending the calculation of mandatory assessments. The view of the Special Committee on Peace-keeping Operations should be sought on that matter.

AGENDA ITEM 121: PERSONNEL QUESTIONS (continued) (A/C.5/43/18)

(a) COMPOSITION OF THE SECRETARIAT (continued)

(b) RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS (continued)

(c) OTHER PERSONNEL QUESTIONS (continued)

35. Mr. RALLIS (Greece), speaking on behalf of the 12 States' Members of the European Community, said that the Twelve attached particular importance to the question of the privileges and immunities of United Nations officials, not only because of its humanitarian aspects but because it directly affected the ability of the Organization to discharge its responsibilities. In that connection the concern of the General Assembly had been expressed in its resolution 42/219. The Twelve noted with deep concern that over the past year there had been a disturbing increase in the number of cases involving the arrest and detention of United Nations officials.

36. The Twelve were gravely preoccupied by the continuing violations reported in document A/C.5/43/18, in particular the kidnapping of Mr. Alec Collett and of Lieutenant-Colonel William Higgins. The Twelve appealed to Governments responsible for the arbitrary detention, arrest or abduction of United Nations officials to fully respect their right to functional immunity.

37. The legal status, privileges and immunities of United Nations officials were governed by Article 105 of the Charter and had been further elaborated in the 1946 Convention on the Privileges and Immunities of the United Nations. It was important to recall that those provisions had been introduced not for the personal benefit of United Nations officials, but in order to secure the unhindered and effective functioning of the Organization.

38. The Twelve fully supported the Secretary-General's endeavours to press the issue with the Governments responsible, and welcomed the proposal put forward by UNDP that Member States should agree that access should be granted to detained United Nations staff within 24 hours of their arrest, and that a formal explanation should be furnished to the Secretary-General within 48 hours (A/C.5/43/18, para. 34). It was the common responsibility of Member States to guarantee adequate protection for international civil servants in the performance of their tasks. The Twelve wished the General Assembly to renew the Secretary-General's mandate to follow up on all cases involving violations of the privileges and immunities of United Nations officials.

39. Mr. TUTT (United Kingdom) said that the catalogue of violations of the privileges and immunities of United Nations officials continued to lengthen despite the endeavours of the Secretary-General, with 168 cases reported in 1980 alone. His delegation reiterated, in the strongest terms, its condemnation of such violations; not only did individual staff members suffer, but immeasurable damage was done to the standing of the Organisation. In particular, his Government noted with deep concern that the fate of Mr. Alec Collett was still unknown three years after he had been seized, and called upon all concerned to do everything in their power to assist in that and all other unresolved cases.

40. His Government was also greatly concerned by the increasing difficulties experienced by United Nations staff overseas as a result of official restrictions. United Nations officials must be permitted to carry out their lawful tasks without hindrance from Governments or other parties. There was an absolute requirement for host Governments to abide by the Charter and the terms of agreements between themselves and the Organisation. In that connection it should be noted that the uniform practice throughout the common system governing the contractual rights of detained staff members provided an emphatic indication of the benefits of the common system. It was also important to strengthen the inter-agency response in such cases.

41. On the general issue of personnel management, it was clear that the Office of Human Resources Management had to perform a very difficult balancing act, having the thankless task of streamlining staff, reorganizing departments, determining appropriate staffing levels and finding the best staff. In the debate on personnel questions many delegations had expressed concern over particular interests. His delegation questioned whether it was useful to repeat that ritual every year, and would prefer a return to the practice of alternating budget and personnel years. If the next personnel debate took place at the forty-fifth session, the Secretary-General would have more breathing space to implement all the measures he had been asked to. Long-term planning was difficult if delegations were barking at the Secretary-General's heels every few months.

42. Many Member States found the temptation to involve themselves in the micro-management of the Secretariat irresistible. The Secretary-General should rebuff such attempts. His delegation opposed any attempts to impose further staffing guidelines or mandates, which would simply result in paralysis. Lastly, while much was said about equitable geographical distribution, it should be recalled that that consideration should be taken into account only after the paramount consideration of efficiency, competence and integrity had been met. With reduced staffing levels it was essential for the staff to be of the very best, so as to cope with the demanding work-load set for them by Member States.

43. Mr. VILLAGSEN (Denmark), speaking on behalf of the Nordic countries, said that a number of Member States continued to violate the immunity of United Nations officials, despite repeated appeals. The Nordic countries expressed their deep concern over the further deterioration in the situation.

(Mr. Villadsen, Denmark)

44. Most cases had arisen in the Middle East. While it was gratifying that some detainees had been released, 57 UNRWA officials remained in detention, and in many instances access to them had been denied. Those responsible should co-operate with UNRWA to protect the rights of its staff in accordance with the relevant international legal instruments. The Nordic countries welcomed the UNDP proposal regarding a commitment by Member States to grant access to detainees within 24 hours and to give a formal explanation of the reason for detention within 48 hours.

45. The Nordic delegations welcomed resolution of the case of Mr. Liviu Bota, but were concerned that a new case involving the same country, that of Mr. Mazilu, had arisen. The Nordic countries appealed to the authorities concerned to allow Mr. Mazilu to travel to Geneva to allow him to discharge his official functions. His detention not only violated the immunities of United Nations officials but also hindered the Organization's work in the promotion of human rights.

46. With regard to the administration of justice in the Secretariat, the Nordic countries welcomed the steps taken to simplify the system in an effort to ensure the objective and expeditious resolution of disputes and appeals. The Nordic countries welcomed the measures taken to strengthen staff participation in and to streamline the work of the Joint Appeals Board, which had resulted in the elimination of the backlog of cases. As the staff representatives had noted, a number of positive measures had been taken to remedy faults in the system, and the Nordic delegations looked forward to further improvements.

47. In resolution 42/220 the Secretary-General had been called upon to review the feasibility of establishing an independent office of ombudsman in the Secretariat. It was regrettable that the Secretary-General did not believe that there was an urgent need for such an office and that the issue had not been addressed in greater detail. Nevertheless, since the staff representatives had not embraced the idea, the Nordic delegations felt that study of the question could be deferred until there had been an evaluation of the results of the new procedures in the system for the administration of justice.

48. Mr. HOH (United States of America) said his delegation was deeply concerned that, during the period covered by document A/C.5/43/18, there had been an alarming increase in the number of arrests, detentions and abductions of staff members of the United Nations and the specialized agencies. International civil servants serving in dangerous situations should not face the further danger of arbitrary arrest or detention without due process. The efforts of the Secretary-General to secure the release of all United Nations staff currently detained or reported missing must be supported. His delegation whole-heartedly supported the UNDP proposal for immediate access to detained United Nations staff and explanation of their arrests and detentions (A/C.5/43/18, para. 34). Member States could not pretend to be serious about honouring their obligations as Members if they would not actively ensure the ability of international civil servants to perform their duties.

(Mr. Moh. United States)

49. Turning to the subject of official and private travel of United Nations officials in the United States, he stressed that his country's provisions on private travel did not restrict official travel by international civil servants or in any way impede their work. His Government was committed to honouring its obligations as host country of the United Nations. It would continue to ensure the freedom of travel of staff on official business. There was no contradiction between its obligations as host country and its inherent right to take legal steps to safeguard its national security.

50. Mr. AL-ROMAIIHI (Bahrain) said that his delegation had had no intention of speaking on agenda item 121 (b) until the appearance of document A/C.5/43/12/Add.1 and until the statement made by the Convenor of the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA) at a press conference on 14 November 1988. His delegation felt obliged to provide a clarification of the facts so that the Committee and CCISUA might be in possession of the true information and in order to avoid any distortion that might detract from Bahrain's reputation within in the Organization.

51. Document A/C.5/43/12/Add.1 gave the name of Mr. Abdul Majeed Hassan Abdalla as one of the staff members detained in violation of the Convention on the Privileges and Immunities of the United Nations. Mr. Abdalla had been a locally recruited staff member working for the United Nations Environment Programme at the office of the United Nations Development Programme in Bahrain. He had been detained by the Ministry of the Interior for reasons relating to national security which had no connection with his work for the United Nations.

52. By article IX, paragraph 4 (a), of the Agreement between the Government of the State of Bahrain and the United Nations Development Programme, of 3 August 1978, the Government granted all persons, other than Government nationals employed locally, the same privileges and immunities as officials of the United Nations under the Conventions on the Privileges and Immunities of the United Nations or the Specialized Agencies, or of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency. Article 5, section 18 (a), of the Convention on the Privileges and Immunities of the United Nations stipulated that officials of the United Nations should be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Article 5, section 19, of the Convention accorded the Secretary-General and all Assistant Secretaries-General the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law, but the immunity accorded to all other officials of the Organization was restricted to acts performed by them in their official capacity. International civil servants enjoyed no immunity from legal process in respect of acts performed other than in their official capacity, and they were thus subject to the criminal jurisdiction of the host country whether nationals of that country or not and whether locally recruited or internationally recruited.

53. Immunity was accorded for the purpose of guaranteeing the independence of international civil servants and in order to protect the international organizations for which they worked from arbitrary action. No such immunity was

(Mr. Al-Romaihi, Bahrain)

allowed to international civil servants who violated the laws and regulations of the host countries.

54. Mr. Abdalla had been provided with full legal guarantees in the procedures involved in his arrest, interrogation and detention and had had a fair trial before the State Security Court which had been attended throughout by his defence attorney. The Permanent Mission of Bahrain had provided the Legal Counsel of the United Nations with the information required and with the public prosecutor's indictment in State Security Case No. 36 of 1986. The accused had been found guilty and sentenced to three years imprisonment, and the illegal publications in his possession had been confiscated.

55. The Permanent Mission had subsequently received a note from the Legal Counsel dated 4 May 1988 stating, inter alia, that he was satisfied with the information provided by the competent authorities on the circumstances of the arrest, detention and trial of the accused, which had enabled the Secretary-General to determine that there had been no violation of the functional immunity of the staff member in question. The Legal Counsel had stated that, in the light of the information received, the necessary administrative measures would be taken by the United Nations to bring the matter to a close. His delegation had therefore been surprised to see the issue raised once again in document A/C.5/43/12/Add.1 and at the press conference held by the Convenor of CCISUA.

56. It was clear that Mr. Abdalla had been detained in a case that had no relation to the United Nations and that he had been, moreover, a local employee who did not in any case enjoy the privileges and immunities stipulated in the relevant agreements and conventions. It was truly surprising that the matter should be reopened after the Secretary-General and the Legal Counsel had, in the light of the information and documents presented to them, expressed their conviction that there had been no violation of functional immunity.

57. His delegation hoped that the clarification it had provided would bring the matter to a close and remove it from consideration in United Nations documents. It would like to stress Bahrain's full commitment to its agreement with the United Nations relating to the privileges and immunities of United Nations officials.

58. Mr. MUDHO (Kenya) commended the Secretary-General for giving the safety, security and protection of United Nations staff his personal interest and attention. Kenya fully shared his concern at the cases of non-compliance with international agreements and General Assembly resolutions on the privileges and immunities of officials of the United Nations and specialized agencies. A host country to important United Nations offices, Kenya had entered into a headquarters agreement in connection with the establishment of the United Nations Environment Programme and the United Nations Centre for Human Settlements (Habitat), supplementing the 1946 Convention on the Privileges and Immunities of the United Nations and the 1947 Convention on the Privileges and Immunities of the Specialized Agencies. The effect of those agreements, which it scrupulously respected, was to extend privileges and immunities to practically all officials of the United Nations family.

(Mr. Mudho, Kenya)

59. Every right, however, had a corresponding obligation or responsibility. The sole reason for extending privileges and immunities to United Nations officials was to facilitate the independent exercise of their official functions.

60. Among the documents circulated under the agenda item was one containing comments by the Federation of International Civil Servants' Associations (FICSA) (A/C.5/43/12 and Add.1). His country recognized the legitimate interest of FICSA in the subject and fully understood its concern at the reported cases of non-compliance affecting its membership. He therefore found it deeply regrettable that the addendum to the FICSA document contained information which neither pertained to the reporting period nor indicated non-compliance within the meaning of the international agreements to which Kenya was a party. The accusatory reference to Kenya was tendentious, unwarranted and in very bad taste. FICSA should desist from circulating controversial and misleading information which could undermine its credibility. His delegation categorically rejected the apparent attempt to tamper with the sovereign prerogative of Member States, and would strenuously oppose the recommendations in A/C.5/43/12, paragraphs 91 (c) and (d).

61. He also called for a legal interpretation of the meaning and purport of ACC decision 1987/20 as it related to the authority of executive heads of United Nations agencies to suspend mandated programmes without the prior approval of the General Assembly. In particular, he would like to know whether the General Assembly's approval of that decision had been either sought or obtained.

62. Mr. GORITA (Romania) said that the references to Romanian nationals made in the context of the item did not reflect the real state of affairs. The Romanian mission in Geneva had repeatedly informed United Nations officials of the status of the former member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Permanent Representative to the United Nations had conveyed to the Secretary-General the position of his Government on the substantive and legal aspects of the matter. It had been demonstrated that the Convention on the Privileges and Immunities of the United Nations was not applicable to the former member of the Sub-Commission. The references concerned, and the comments on the subject made by one delegation, were thus irrelevant to the the Fifth Committee's discussion of the matter.

AGENDA ITEM 117: ADMINISTRATIVE AND BUDGETARY CO-ORDINATION OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY (A/42/328; A/43/704 and 760)

63. Mr. HOH (United States of America) said that the proposed revisions to the statute of the United Nations Administrative Tribunal was sound and reasonable, and acceptable to his delegation. He strongly urged their adoption at the current session, and expressed support for the draft resolution contained in annex III to document A/43/704.

64. Mr. GUPTA (India) said that the informal consultations on the subject held earlier in the year had been very poorly attended, owing to pressure of work elsewhere, and not all delegations had had an opportunity to make their views known. He called for further consultations on the matter.

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65. Mr. UPTON (United Kingdom) said that his delegation had taken a very active part in the consultations, which had been open at all times to all interested delegations. Document A/43/704 provided a valuable distillation of the views expressed. As a purely technical document, it could hardly be bettered. At a time of reform in the administration of justice in the United Nations, it was only appropriate for the Fifth Committee to endorse the Secretary-General's recommendations.

66. Mr. BEELAERTS VAN BLOKLAND (Netherlands) said his delegation attached especial importance to document A/43/760, which was unique in setting out key information on budget levels and expenditure for the United Nations and all the specialized agencies. It was indispensable to an understanding of the complexity of the United Nations system; it also served as a reminder that the outcome of many discussions in the Fifth Committee had an immediate impact on the specialized agencies and IAEA.

67. The report made it plain that the question of outstanding contributions to the United Nations system overall had reached truly alarming proportions. Even though the situation in 1988 was better than it had been in 1987, accumulated arrears totalled over \$1 billion. Contributions outstanding to the United Nations were equivalent to 76 per cent of the Organisation's budget for 1988, and those outstanding to the specialized agencies represented 42 per cent of their aggregate budgets for the year.

68. The report also detailed ways in which the specialized agencies tried to deal with the twin problems of currency fluctuations and inflation. The measures taken were far from uniform, and the tendency appeared to be towards greater diversity. There were also growing disparities in the various schemes of incentives offered to Member States to pay their assessed contributions on time. His delegation felt there was much to be said for a greater degree of uniformity in such matters.

69. Mr. BIDNY (Union of Soviet Socialist Republics) said that greater efficiency and economy in the use of material and human resources was especially important when the majority of United Nations organisations were experiencing serious financial difficulties. Administrative and budgetary co-ordination was a real way of increasing the effectiveness of the common system. His delegation was very pleased that the Advisory Committee had singled out the subject of currency fluctuations and inflation for special attention in its report (A/43/760).

70. Unfortunately, the Fifth Committee had in recent years shown a disquieting tendency to treat administrative and budgetary co-ordination as a routine, moribund issue. Very few delegations took part in the discussion, and the upshot of the debate tended to be mundane and extremely modest. The various administrations were to be reproached for making no practical contribution, for without their input, little progress was likely.

71. It was regrettable that the Advisory Committee's reports were mainly illustrative and did not seek to enlarge upon the Committee's findings and recommendations in order to ensure that the resources of the common system were used economically. The opportunities existed for the agencies of the United Nations system to breathe new life into the process of administrative and budgetary co-ordination - they just needed to be exploited.

(Mr. Bidny, USSR)

72. The Advisory Committee should play a leading role in that process. His delegation was aware how busy the Advisory Committee was, but believed that its co-ordinating potential was greatly underused. The Advisory Committee should get to grips with the problem of how Article 17 of the Charter and rule 157 of the rules of procedure of the General Assembly, calling for more active involvement of the General Assembly in shaping administrative and financial policy for the specialized agencies, could be made to apply in full. Specific recommendations would undoubtedly help. It would also be useful for the Advisory Committee to revert to its practice of concentrating periodically on individual organizations and studying their administrative and budgetary affairs in detail. Such an approach would have a palpable effect. The Advisory Committee should supplement its studies with conclusions and recommendations for immediate and unqualified implementation by the administrations of the United Nations system. Unless the Advisory Committee played a greater role, real progress could hardly be hoped for.

73. The executive heads of the system could and should also make a tangible contribution to enhanced administrative and budgetary co-ordination. Permanent co-ordination machinery was urgently needed. Useful and effective procedures introduced by any one organization should immediately be adopted by them all, thus enabling duplication to be abolished and more effective use to be made of material and human resources. The criterion for judging the effectiveness of co-ordination should be the savings it produced, which could be redistributed to promote the swifter execution of priority programmes and the most important aspects of the specialized agencies' work.

74. The CHAIRMAN assured the representative of India that he intended to hold further consultations on the subject.

75. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee was well aware of the present situation regarding the preparation and discussion of reports on administrative and budgetary co-ordination. It would shortly be considering how to improve the format of such reports. It had already discussed and agreed on its practice of conducting in-depth studies of individual agencies, and would shortly consider procedures for the resumption of that practice.

The meeting rose at 1 p.m.