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SUMMARY RECORD OF THE 45th MEETING

Chairman:

Mr. MAYCOCK

(Barbados)

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

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The meeting was called to order at 11.45 p.m.

AGENDA ITEM 118: PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued)

Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments (continued) (A/45/807)

Developments relating to the activities of the Centre for Human Rights (continued) (A/C.5/45/66)

1. Mr. THORNBERRY (Director, Office of the Under-Secretary-General for Administration and Management) said, by way of clarification of the Secretary-General's proposal for the creation of additional posts in the Centre for Human Rights, as set out in documents A/C.5/45/66 and A/45/807, that the greater interest shown by Governments in human rights had resulted in increased demands on the Centre. The Centre's work had become more operational and its resources were therefore in urgent need of further strengthening.
2. In response to concerns expressed in the Economic and Social Council and the Third Committee regarding the Centre's ability to deliver the programme outputs for which it was responsible, the Secretary-General had initiated a number of studies on the Centre to ensure that, in accordance with the medium-term plan for 1992-1997, it would be fully equipped to meet the major challenges facing it. The proposals before the Committee were intended as interim measures for 1991, pending submission of the Secretary-General's budget proposals for the next biennium, and responded to the draft resolution adopted by the Third Committee (A/C.3/45/L.72/Rev.1).
3. Ms. ROTHEISER (Austria) said that her delegation fully supported the statement made on behalf of the twelve States members of the European Community at the previous meeting and stressed that draft resolution A/C.3/45/L.72/Rev.1, which it had sponsored, was a proper response to the concern expressed in Economic and Social Council resolution 1990/47. With reference to the proposed additional posts described in paragraphs 8 and 9 of document A/C.5/45/66, she emphasized the need for urgent action to alleviate the Centre's current problems. The proposal had been made in response to the view expressed by the Secretary-General in his report on logistical and human resources support for the activities of the Centre in document E/1990/50, to the effect that interim solutions should be found to the Centre's problems.
4. The Convention on the Rights of the Child should be dealt with separately since the implementation of supervisory procedures for the Convention required a permanent solution. Moreover, regular budget funding had been required for the additional work-load created by the early entry into force of the Convention. For that reason, her delegation fully supported the Advisory Committee's recommendations on that matter.

(Ms. Rotheiser, Austria)

5. With reference to paragraph 9 of document A/C.5/45/66, her delegation would like representatives of the Budget Division and the Centre for Human Rights to clarify why, in view of the evidence in document E/1990/50 that additional resources were required in a number of important areas of the Centre's work, the proposed four additional posts were to be allocated for the procedure established under General Assembly resolution 1503 (XLVIII) and not made available to the Centre for general purposes. Her delegation also suggested, therefore, that the Secretary-General might propose additional new posts to be placed at the Centre's own disposal, to meet its minimum requirements. She believed that the Committee should review the proposals contained in paragraph 9 of document A/C.5/45/66 in the light of the views expressed by the representatives of the Secretariat and the Centre for Human Rights.

6. Mr. ETUKET (Uganda), referring to the report of the Fifth Committee in document A/45/843, said that it was regrettable that a paragraph reaffirming the Fifth Committee's competence to deal with administrative and budgetary matters had been omitted.

7. His delegation was prepared to consider the Advisory Committee's proposal regarding the strengthening of the Centre but stressed that any further requests should be considered in the context of the budget for the biennium 1992-1993. Uganda endorsed the suggestion by Italy that the matter should be referred for informal consultations. Finally, he drew attention to the understanding in the Committee that, in accordance with traditional practice, the consolidated statement should only be considered after all statements of programme budget implications had been dealt with by the Committee.

8. Mr. MOSNESSET (Norway) said that, in his delegation's view, there was good justification for the proposed seven additional posts, particularly in view of the Centre's increased work-load, on the one hand, depleted resources, on the other. He agreed that further consultations were needed unless the Committee could agree to the Secretary-General's proposed interim solution.

9. Mr. MONTHE (Cameroon) said that it was important to confine consideration to financial and administrative issues. It was unfortunate, therefore, that the Committee was being forced to consider the substantive aspects of Third Committee items.

10. His delegation was unable to accept the proposals made in document A/C.5/45/66. The proposals to create additional posts and the call for voluntary contributions to the Centre in document A/45/807 furnished yet another illustration of the inequitable treatment accorded to different groups of Member States and contrasted with the dilatory manner in which, in the past, the Secretariat had handled matters concerning the African States, which accounted for one third of the membership of the United Nations.

(Mr. Mente, Cameroon)

11. He noted that no decision had been taken in the plenary Assembly or by the Third Committee on the proposals and hoped that the Advisory Committee had noted the procedural irregularities. Those irregularities notwithstanding, he agreed that the matter could be referred for informal consultations if those delegations interested in the documents in question so desired.

12. Mr. KARBUCZKY (Hungary) noted the discrepancy between the increased work-load of the Centre for Human Rights and its diminished resources, which, in the view of his delegation, fully justified the granting of the modest additional resources requested for the Centre in 1991 as a short-term measure without prejudice to the search for a more comprehensive long-term solution. His delegation believed that the remedy offered in document A/45/807 was far from adequate and he therefore recommended that the additional posts should not be earmarked for any specific activities. If it was necessary, for administrative purposes, to specify the functions of the posts, those functions could be described as activities related to the functioning of treaty-monitoring bodies and other activities mandated by the Commission on Human Rights and the Economic and Social Council in the field of human rights. Hungary supported the request by Austria and by Italy, on behalf of the twelve States members of the European Community, for further clarification of the issue, possibly by the representative of the Centre.

13. Mr. DANKWA (Ghana) said that there had been similar occasions in the past, when the Committee had been unable to accept the recommendations of the Advisory Committee. He noted that, as no agreement could be reached on the basis of technical considerations, the Committee's decision would have to be a political one. The decision to accept the programme of activity had already been taken; all that remained was the question of resources, which should be approached in the spirit of compromise. Ghana therefore supported the suggestion by Italy that the matter should be referred for informal consultations and proposed, furthermore, that other issues relating to the proposed new posts should also be included in those consultations.

14. Ms. SJOLANDER (Sweden) said that the evidence provided by the Secretary-General in document A/45/807 clearly demonstrated the urgent need to reinforce the staffing of the Centre for Human Rights. The Centre was in a critical situation and the depletion of its resources threatened to bring its activities to a standstill. Ad hoc remedies, such as the appeal for voluntary contributions, did not offer an adequate solution and Sweden therefore supported the proposal to create seven additional posts in 1991.

15. Mrs. DIAMATARIS (Cyprus) said that her delegation agreed fully with the views expressed by Austria and Italy and supported the proposal in document A/C.5/45/66 to create three additional posts related to the Convention on the Rights of the Child and four additional posts under the resolution 1503 (XLVIII) procedure. Cyprus also agreed with Austria that it would be useful to hear the Centre's own views on the matter.

16. Ms. VUORINEN (Finland) said that, in view of the increased work-load of the Centre for Human Rights, Finland fully supported the creation of all seven additional posts as an interim measure and agreed with the suggestions made by Austria and Sweden.
17. Mr. SIGURDSSON (Iceland) said that his delegation was a sponsor of draft resolution A/C.3/45/L.72/Rev.1 and viewed the promotion and protection of human rights as central to the activities of the United Nations. As a result of the improved international political climate, the activities and work-load of the Centre for Human Rights had increased considerably. Moreover, the linkages between all human rights and the relationship between human rights, peace and development must be borne in mind. It was also necessary to bear in mind that all human rights activities within the framework of the United Nations were reflected in the Centre's work. The report of the Secretary-General on the situation and developments regarding the logistical and human resources support for the activities of the Centre for Human Rights in the field of human rights (E/1990/50) concluded that the Centre's work-load had increased and that resources had failed to keep pace with the growth of the Centre's responsibilities. Draft resolution A/C.3/45/L.72/Rev.1, which the Third Committee had adopted by consensus, had been intended to address the issue of the overall increase in the Centre's work-load. That increase affected all areas of the Centre's work. It was therefore unfortunate that the proposed four additional posts were earmarked for the procedure established under General Assembly resolution 1503 (XLVIII) and were not to be made available to the Centre for its overall purposes (A/C.5/45/66, para. 9). Iceland therefore supported the Austrian proposal that it should be ascertained whether the Secretary-General could propose a number of posts that could be put at the Centre's own disposal for general purposes. Iceland also supported the Austrian suggestion that the Advisory Committee should reconsider its decision.
18. Mr. FONTAINE ORTIZ (Cuba), referring to the issue of the competence of the various Main Committees, said that it must be stressed that the Fifth Committee had before it a technical matter and must therefore not dwell on political issues. His delegation endorsed the views expressed by previous speakers, particularly the representative of Cameroon, who had eloquently demonstrated why the programme budget implications, as outlined by the Secretary-General, were unacceptable at the current stage. Informal consultations should be held in that connection.
19. Ms. CRAIG (New Zealand) said that her delegation also endorsed the views expressed by previous speakers. New Zealand would normally be reluctant to take a position contrary to that adopted by the Advisory Committee. However, in the specific instance under consideration New Zealand believed that the deployment of seven additional staff members at the Centre as an interim measure was justified.
20. Mr. MICHALSKI (United States of America) said that his delegation strongly supported the Advisory Committee's recommendations regarding the Centre for Human Rights. Any perceived shortfall in staffing could be dealt with upon completion of the work-load study. Assuming that the study was completed fairly soon, proposals could be included in the budget for 1992-1993. The United States also thought that a better distribution of resources currently available to the Centre might solve

(Mr. Michalski, United States)

problems thought to exist in other parts of the Centre. It would like to know, moreover, whether the non-payment or late payment by States parties of assessments for treaty bodies was a cause of the Centre's resource constraints. It would be interested to know to what extent the regular budget subsidized the activities in question, and would appreciate information in respect of each treaty body regarding unpaid contributions. Such information should be made available to the Committee before it took any decision on the matter under consideration.

21. If there were a shred of evidence that the additional posts proposed by the Secretary-General would make any appreciable difference in promoting respect for human rights in 1991, the United States would be inclined to support the Secretary-General's proposal. It must be stressed that what the Committee had before it was strictly a matter of proper administrative and budgetary procedures.

22. Mr. KINCHEN (United Kingdom) said that his delegation was, of course, fully associated with the statement made by Italy at the previous meeting on behalf of the twelve States members of the European Community. It also supported the statements made at the current meeting by the representatives of Cameroon, Cuba and Ghana, and with some of the views expressed by the United States. Where procedural issues were concerned, his delegation opposed, in part, the positions taken by Austria, Cyprus and Iceland. It was established procedure in the Committee that the Secretariat spoke with one voice and that that voice was the relevant Secretariat unit. The United Kingdom had been concerned over the years that a fair balance representing a collective view of the Secretariat should be available to the Committee. The establishment of the Programme Planning and Budgeting Board had been part of the arrangements in question. It was time for the Fifth Committee, a technical committee, to act technically, while also taking into account what Cameroon, in a statement at the forty-second session of the General Assembly, had referred to as "the needs of all Member States".

23. Mr. Y. K. GUPTA (India) wondered why it had not been apparent at an earlier stage what the Centre's work-load was. Clearly, there was a justification for three of the additional posts in question, owing to the entry into force of the United Nations Convention on the Rights of the Child. However, he did not altogether understand why informal consultations were required, at such a late stage in the current session of the General Assembly, on the other four posts concerned. It would be preferable for the Committee to defer consideration of the matter to the forty-sixth session of the General Assembly, when the work-load study would be available. That notwithstanding, he did not oppose informal consultations.

24. Mr. INOMATA (Japan) said that the procedure followed by the Third Committee and the Secretary-General in making the requests for the posts in question was quite irregular. He wished to refer in that connection to paragraph 1 of draft resolution A/C.3/45/L.72/Rev. 1. Normally, substantive proposals submitted by the Secretary-General should first be considered by a competent body dealing with programmes. In the absence of consideration of programmatic aspects of the proposal submitted by the Secretary-General, the Fifth Committee was not entirely in a position to consider the proposals. The best approach would be to find a

(Mr. Inomata, Japan)

technical solution in the Fifth Committee. The Committee should therefore accept the Advisory Committee's relevant recommendations. Japan strongly opposed the convening of informal consultations on the matter before the Committee.

25. Ms. BEAULIEU (Canada) said that her delegation was in favour of approval of the additional posts for the Centre.

26. The CHAIRMAN suggested that the Committee should defer further consideration of the issue before it until it was in a position to take a decision.

Conditions of service and compensation for officials other than Secretariat officials (A/45/7/Add.13; A/C.5/45/21; A/C.5/45/L.6)

27. The CHAIRMAN drew attention to draft resolution A/C.5/45/L.6, which was based on the report of the Secretary-General on conditions of service and compensation for full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee (A/C.5/45/21) and the report of the Advisory Committee on the same subject (A/45/7/Add.13). He wished, in particular, to draw attention to paragraph 50 of the Secretary-General's report, which indicated that, should the General Assembly approve the recommendations contained in the report, additional requirements totalling \$88,125 would arise in 1991 (\$30,375 under section 1 and \$57,750 under section 28H1 of the programme budget). Should the General Assembly approve paragraphs 1 and 2 of draft resolution A/C.5/45/L.6, the figures in the Secretary-General's report would need to be adjusted upwards by a total of \$16,150, to reflect the recent election of a new Chairman of ICSC, to whom an installation grant would be payable at an estimated cost of \$8,250. Thus, in summary, should the General Assembly approve draft resolution A/C.5/45/L.6, the additional requirements for 1991 would be \$33,575 under section 1 and \$70,700 under section 28H, for a total of \$104,275. As indicated in paragraph 52 of the Secretary-General's report, it was the Secretary-General's view that, should the Assembly approve the provisions contained in draft resolution A/C.5/45/L.6, the additional requirements would be clearly related to inflation and should thus be treated outside the procedure related to the contingency fund.

28. Mr. HAMIDA (Libyan Arab Jamahiriya) suggested that the Committee should defer consideration of the matter before it to a later meeting.

29. Mr. MICHALSKI (United States of America) said that his delegation was also in favour of deferring consideration of draft resolution A/C.5/45/L.6. At the same time, he wished to stress that his delegation had no difficulties with the proposals set out in the draft.

30. The CHAIRMAN suggested that, in the light of the two previous statements, the Committee should defer consideration of draft resolution A/C.5/45/L.6 to a later meeting.

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31. Mr. VISLYKH (Union of Soviet Socialist Republics) said that, notwithstanding specific instructions by the Secretary-General forbidding individual staff members of the Secretariat to lobby in the Main Committees of the General Assembly, the USSR had, in 1990, witnessed and been subjected to intense lobbying from staff members. His delegation therefore requested the Chairman to take steps to ensure that the Secretary-General's instructions were effectively enforced and that disciplinary action was taken against the offenders.

32. The CHAIRMAN said that he took note of the comments by the USSR and would see that appropriate action was taken.

33. Mr. FONTAINE ORTIZ (Cuba), referring to the statement made by the representative of the Soviet Union, said that he was pleased that the Secretariat would take appropriate action in that connection.

The meeting rose at 1.15 p.m.