



SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. FONTAINE-ORTIZ (Cuba)

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

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The meeting was called to order at 10 a.m.

AGENDA ITEM 112: FINANCIAL EMERGENCY OF THE UNITED NATIONS (continued)
(A/C.5/41/24)

1. Mr. ZHANG Wanhai (China) said that, despite the slight improvement after the resumed fortieth session of the General Assembly, the United Nations continued to face the gravest financial crisis in its history. The total sum withheld by certain States from their assessed contributions to the regular budget, projected up to 31 December 1986, was put at \$102.3 million, withholdings for peace-keeping activities at \$254.5 million and the total short-term deficit at \$392.8 million. The normal functioning and the role of the Organization were therefore at stake, and the international community must find specific solutions to the problem in order to guarantee the financial viability of the United Nations.

2. Certain Member States, for political or economic reasons, withheld their contributions or did not pay them within the stipulated periods for three main reasons: some wished to indicate their political opposition to certain activities; others claimed to be obeying their national legislation in order to put pressure on the United Nations and its members; and some justified their delay by allusion to economic difficulties or natural disasters. In his delegation's view, the continued aggravation of the financial emergency of the United Nations was due to the first two of those causes.

3. On the subject of the first cause, he said it was quite natural for Member States to have differing views on certain programmes or items of expenditure. Only a small proportion of resolutions were adopted by consensus; if each vote against or abstention were to be accompanied by a withholding on contributions, the situation would rapidly become chaotic. In any event, such withholdings were in violation of the Charter. China had resorted to the practice in the past but, faced with the gravity of the Organization's financial position, it had conspicuously altered its approach and paid the sums it owed in full, while maintaining its position of principle on a number of questions. It hoped that other Member States would do likewise and abide by the Charter and the Financial Regulations of the Organization.

4. As for the second cause, one particular country had for some years been trying to impose the laws passed by its legislature upon the United Nations and was threatening to reduce its contribution unilaterally in order to bend the Organization to its will. Such action was unjustifiable: a violation of the Charter which the overwhelming majority of Member States condemned. The activities of the United Nations reflected the common aspirations of the majority of Member States and were guided by the principles of the Charter, not the legislation of any particular Member.

5. In his delegation's view, there were two specific solutions to the Organization's financial problems: the first, temporary, one would be to make stringent economies and increase earnings; the second, the key to the problem, would be to abide scrupulously by the provisions of the Charter and Financial

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(Mr. Zhang Wanhai, China)

Regulations and to pay all contributions in full within the stipulated period. It was understandable that certain Member States, concerned at the situation, were contemplating the possibility of more stringent measures to remedy it. His delegation hoped that concrete measures would be adopted as quickly as possible and that, through the joint efforts of Member States, the problem would finally be laid to rest. The United Nations could then devote itself to matters directly concerned with peace and international development.

6. Mr. AMNEUS (Sweden), speaking on behalf of the five Nordic countries, said it was paradoxical that index points in the scale of assessments or the programme budget could be argued over for weeks or even months when the United Nations found itself daily on the verge of bankruptcy.

7. The report of the Secretary-General clearly illustrated the gravity of the situation: the total short-term deficit, projected to 31 December 1986, was put at almost \$393 million, although two Member States had paid all, and four others part, of the sums they had been withholding from their contributions and three Member States had made voluntary contributions to the Special Account. Furthermore, Member States which provided troop contingents continued to shoulder unaided the entire burden of some \$350 million related to peace-keeping operations. The short-term deficit on the regular budget was put at almost \$119 million and all reserves (the Working Capital Fund, the Special Account and sums retained through exceptions to the Financial Regulations) had been exhausted.

8. The causes of that regrettable situation were well known. On the one hand, there were withholdings relating to peace-keeping operations and other elements of the regular budget; on the other hand, there was the failure by a large number of Member States to pay their contributions in full or on time. Despite the intensifying financial crisis, only 57.8 per cent of assessed contributions had been paid by 30 September.

9. The Nordic countries once again deplored the fact that Member States made withholdings from their contributions, whatever their reasons for doing so. Withholdings were illegal under the Charter. The Nordic countries also thought it regrettable that so many Member States paid their contributions late, in contravention of the regulations in force. Nevertheless, the financial emergency was at root a political problem which could not be resolved in the Fifth Committee. Any solution must depend largely on good will and swift action on the part of Member States. The Secretary-General had in 1981, and again at the fortieth session, submitted a series of options which would make it possible not to resolve but at least to ease the financial difficulties which the United Nations faced. Member States could take action on that basis at any time, if they so wished.

10. Mr. BROCHARD (France) said that his country shared the Secretariat's concern over the difficulties which the Organization was encountering in satisfactorily carrying out the mission entrusted to it. As a tangible expression of its support and in response to the appeal made by the Controller, the French Government had issued instructions for the full amount of France's contribution to the regular

(Mr. Brochard, France)

budget for 1987, totalling \$44.6 million, to be paid at the very beginning of the year.

AGENDA ITEM 120: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST (continued)

(a) UNITED NATIONS DISENGAGEMENT OBSERVER FORCE: REPORT OF THE SECRETARY-GENERAL (A/41/705 and 820; A/C.5/41/L.11)

11. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, subject to the decisions to be taken by the Security Council on the renewal of the mandate of UNDOF, requirements for the Force for the 12-month period from 1 December 1986 to 30 November 1987 should not exceed \$34.8 million gross (\$34.2 million net).

12. Mrs. HAIRE (Canada), introducing draft resolution A/C.5/41/L.11, emphasized that the peace-keeping forces played an important role in promoting the achievement of the objectives embodied in Article 1, paragraph 1, of the Charter. The cost of peace-keeping operations should, therefore, be apportioned among Member States in accordance with Article 17, paragraph 2, of the Charter. Moreover, all the permanent members of the Security Council had a special responsibility for global security, which meant that they must give financial support to UNDOF and other peace-keeping operations. Her delegation was concerned over the failure of certain Member States to meet their financial obligations for operations mandated by the Security Council. As a result, the balance due to UNDOF from Member States was \$74.5 million, of which only \$7.2 million was regarded as collectible. The burden of the shortfall fell on the troop-contributing countries, a burden which was even more unfair to the developing countries.

13. The CHAIRMAN announced that a delegation had requested separate votes on parts A and B of draft resolution A/C.5/41/L.11. He invited delegations to explain their votes on part A.

14. Mr. VISLYKH (Union of Soviet Socialist Republics) said that his Government had supported the establishment of UNDOF and had voted in the Security Council to renew its mandate. It considered that the Force had a positive role to play in the Middle East. However, neither its creation nor its operations had led to any progress towards the objective sought, namely the liberation of the occupied territories.

15. There was no justification for the level of the UNDOF budget. The appropriations requested for certain items seemed inflated. A paragraph should have been included in the draft resolution reminding the Secretary-General of the necessity to ensure that UNDOF's operations were governed by the principle of economy. In the absence of such a provision, his delegation would not be able to vote for part A.

16. It was proposed in part B to suspend certain of the Financial Regulations. However praiseworthy the motives for that proposal might be, such a step would be

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(Mr. Vialykh, USSR)

contrary to financial discipline. Consequently, his delegation would abstain in the vote on part B.

17. Mr. AL-MASRI (Syrian Arab Republic) said that the expenses of the United Nations peace-keeping forces in the Middle East should be borne by the aggressor, namely, Israel, which had been occupying the Golan Heights since 1967. The presence of Israel created a climate of hostility which was the reason for the deployment of UNDOF. Syria would vote against the draft resolution.

18. Mr. YONIS (Iraq) said that he, too, believed that the aggressor should bear the costs resulting from its occupation of the Arab territories. In his view, there should be no provision whatsoever in the budget of the Organization for the expenses of UNDOF. His delegation would abstain in the voting on the draft resolution.

19. Mr. SALARIAN (Islamic Republic of Iran), endorsing the view that expenses incurred by the United Nations for peace-keeping operations in the Middle East should be borne by the aggressor, announced that his delegation would not participate in the vote.

20. At the request of the representative of the Soviet Union, a recorded vote was taken on part A of draft resolution A/C.5/41/L.11.

In favour: Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Canada, Central African Republic, China, Colombia, Congo, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Honduras, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Malaysia, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Swaziland, Sweden, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Syrian Arab Republic.

Abstaining: Algeria, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Iraq, Libyan Arab Jamahiriya, Maldives, Mongolia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yemen.

21. Part A of draft resolution A/C.5/41/L.11 was adopted by 82 votes to 1, with 17 abstentions.

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22. Mr. SUKAYRI (Jordan) said that his delegation had voted in favour of the draft resolution because Jordan attached great importance to the operations of UNDOF following the occupation of the Golan Heights by Israel in 1967. His country's position was that Israel must withdraw from all the territories it occupied in the West Bank, including Jerusalem, the Gaza Strip and the Golan Heights.

23. Mr. HARAN (Israel), speaking in explanation of vote, said that UNDOF had been established with the agreement not only of Israel but also of Syria. The Force was, in his delegation's view, quite capable of achieving its sole purpose, namely, the maintenance of peace and security.

24. Some delegations had seen fit, in explaining their votes, to accuse Israel of being the aggressor. Nothing could be farther from the truth. Anyone familiar with history knew full well that it was Syria which had attempted to invade Israel and that it was Israel's resistance which had stabilized the front in its current position. It was hard to take seriously delegations which preached peace in the General Assembly, while indulging in outbursts in United Nations meetings in which they denied Israel's very right to exist.

25. The representative of Iraq had forgotten that his own country had embarked upon a war of aggression. The representative of Jordan smugly believed that the solution to the entire Middle East problem lay in the withdrawal of Israel's troops. But he was sadly mistaken: the only solution was to accept the existence of Israel and to negotiate with it. History had proven that any country which wanted to make peace would always find a willing listener in Israel.

26. The CHAIRMAN invited the Committee to take action on part B of draft resolution A/C.5/41/L.11.

27. Mr. YONIS (Iraq), explaining his position before the vote, said that his Government did not wish to contribute to the financing of UNDOF, whose expenses should be borne entirely by the Zionist entity. The representative of that entity was using bluster in an attempt to obscure the fact that it was the Israelis who had invaded the Gaza Strip, the Sinai peninsula, the Golan Heights and the West Bank. That representative was endeavouring to justify zionism, which was truly a plague in the Middle East. His delegation, which did not intend to enter into a political discussion in connection with the consideration of the UNDOF budget, would abstain in the voting on the draft resolution.

28. Mr. AL-MASRI (Syrian Arab Republic) said that he would vote against the text under consideration.

29. At the request of the representative of the Union of Soviet Socialist Republics, a recorded vote was taken on part B of draft resolution A/C.5/41/L.11.

In favour: Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Canada, Central African Republic, China, Colombia, Congo, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Honduras, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Malaysia, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Syrian Arab Republic.

Abstaining: Algeria, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Iraq, Libyan Arab Jamahiriya, Maldives, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yemen.

30. Part B of draft resolution A/C.5/41/L.11 was adopted by 84 votes to 1, with 18 abstentions.

31. Mr. HARAN (Israel), explaining his vote, said that his delegation had voted in favour of part B of the draft resolution for the same reason it had voted in favour of part A. UNDOF was a product of the 1967 war. However, even before 1967, before there were any occupied territories, efforts had been made to cause the State of Israel to disappear. It had been necessary to put an end to those aggressions, *inter alia*, by resorting to UNDOF whose very name clearly indicated the nature of its activities.

32. Mr. SUKAYRI (Jordan) said that his delegation had voted in favour of part B of the draft resolution. He simply wished to point out that the adoption of a global resolution on peace presupposed the complete withdrawal of Israel from all the occupied territories, including Jerusalem, the West Bank, the Gaza Strip and the Golan Heights.

33. Mr. AL-MASRI (Syrian Arab Republic), speaking in exercise of his right of reply, objected strongly to the claims by the representative of the colonialist, Zionist régime that his Government was peace-loving when, in fact, it had annexed the Arab part of Jerusalem and the Golan Heights and was pursuing its expansionary policy, endeavouring to occupy further territories and establishing settlements in

(Mr. Al-Masri, Syrian Arab Republic)

those territories which it already occupied. The international community should intervene to ensure that United Nations resolutions and Chapter VII of the Charter were implemented. That was the only way of compelling the Zionist régime to withdraw and of giving the Palestinian people an opportunity to exercise its full rights, in particular, the right to return to its homeland.

34. Mr. HARAN (Israel), speaking in exercise of the right of reply, said that the statement by the representative of Syria was further proof of Syria's aggressiveness towards Israel: the mere fact that he would not call Israel by its name was ample proof that Syria did not acknowledge Israel's existence. It would be well to bear in mind that, even before 1967, the countries concerned, including Syria, had shown no willingness to accept a State which had been justly established by a decision of the General Assembly. A country which it had recently been proved had been involved in an attempt to plant a bomb aboard a civilian aircraft in a third country would do better to keep quiet on certain subjects.

35. In order not to disrupt the continuity of the discussion, Mr. YONIS (Iraq) said that he would exercise his right of reply at the next meeting.

36. The CHAIRMAN proposed that the Rapporteur should inform the General Assembly directly of the decision just taken by the Committee.

37. It was so decided.

AGENDA ITEM 110: PROGRAMME BUDGET FOR THE BIENNIUM 1986-1987 (continued)

Programme budget implications of draft resolution A/C.6/41/L.11 concerning agenda item 132 (A/C.5/41/53)

38. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), reporting orally on the Advisory Committee's consideration of the statement submitted by the Secretary-General (A/C.5/41/53), said that draft resolution A/C.6/41/L.11 apparently had only conference-servicing implications. The estimated requirements, calculated on a full-cost basis, were \$296,800. The actual amount of any additional appropriation that might be required would be reported in the consolidated statement of conference-servicing costs to be submitted later in the session.

39. Mr. SEFIANI (Morocco) recalled that the General Assembly could not adopt a resolution unless the Fifth Committee had considered its possible financial implications. It so happened that the Sixth Committee, from which the draft resolution in question originated, had already completed its work. It would therefore seem to be too late for the Fifth Committee to give an opinion on the implications of that draft resolution.

40. Mr. MUDHO (Kenya) said that he shared the concern expressed by the representative of Morocco. Furthermore, as the Chairman of the Advisory Committee had just pointed out, the actual amount of the additional appropriation that would

(Mr. Mudho, Kenya)

be required would be considered in the context of the consolidated statement of conference-servicing costs which "would be submitted at a later stage during the current session". The session was drawing to a close and if a final decision was to be made in a few days, there seemed to be no point in approving the financial implications under consideration.

41. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the observation made by the representative of Morocco was well taken. However, the General Assembly had not adopted the report of the Sixth Committee containing the draft resolution in question, pending the Fifth Committee's report on the implications of the draft. Thus, the usual procedure was still valid.

42. As to the comment made by the representative of Kenya, it should be borne in mind that the statement submitted by the Secretary-General was dated 21 November and that, in that light, the expression "at a later stage during the current session" was entirely justified.

43. Mr. MUDHO (Kenya) pointed out that heading D of paragraph 5 of the statement submitted by the Secretary-General (A/C.5/41/53) referred to "additional requirements" whereas paragraph 6 referred to "the actual additional appropriation that might be required". He expressed surprise at that contradiction.

44. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) agreed that the heading above paragraph 5 gave rise to confusion. It would have been better to use "estimated requirements calculated on a full-cost basis". The wording used in paragraph 6 was meant simply to indicate that the Secretary-General was not yet in a position to specify the amount of the additional appropriation which might be needed. The Secretary-General would be able to indicate in the consolidated statement of conference-servicing costs which services he could provide from within the resources already available and those for which an additional appropriation would have to be sought. He was, therefore, not requesting any additional appropriation at the current stage.

45. The CHAIRMAN proposed that, on the basis of the Advisory Committee's recommendations, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.6/41/L.11, conference-servicing requirements calculated, on a full-cost basis, were estimated at \$296,800. The actual amount of any additional appropriation that might be required would be reported in the consolidated statement of conference-servicing costs to be submitted later in the session.

46. It was so decided.

47. Mr. VISLYKH (Union of Soviet Socialist Republics) said that, had the decision been put to the vote, his delegation would have been unable to support it.

48. Mr. MICHALSKI (United States of America) said that his delegation hoped that the additional expenditure involved could be financed out of existing resources.

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Programme budget implications of draft resolution A/C.6/41/L.7 concerning agenda item 129 (A/C.4/41/54)

49. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that adoption of draft resolution A/C.6/41/L.7 would entail additional expenditure for conference services in the amount of \$296,800. In accordance with the established practice, the actual amount of any additional appropriation that might be required for that purpose would be reported in the consolidated statement of conference-servicing costs to be submitted before the close of the session.

50. The CHAIRMAN proposed that, on the basis of the Advisory Committee's recommendations, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.6/41/L.7, the expenditure would amount to \$296,800. The actual amount of any additional appropriation that might be required would be determined within the context of consideration of the consolidated statement of conference-servicing costs to be submitted before the close of the session.

51. It was so decided.

52. Mr. MICHALSKI (United States of America) said that his delegation hoped that the expenditure involved could be financed out of existing resources.

Programme budget implications of draft resolution A/SPC/41/L.23 concerning agenda item 71 (A/C.5/41/55)

53. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had approved the Secretary-General's estimates and was recommending an additional appropriation of \$200,000. Conference-servicing requirements should not exceed \$454,400, and would be indicated in the consolidated statement of conference-servicing costs.

54. At the request of the representative of the United States of America, a recorded vote was taken on the programme budget implications of draft resolution A/SPC/41/L.23.

In favour: Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, China, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Liberia, Malaysia, Maldives, Mali, Mauritania, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey,

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Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, Netherlands, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Italy, Japan, New Zealand, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

55. The programme budget implications of draft resolution A/SPC/41/L.23 were approved by 79 votes to 3, with 16 abstentions.

56. Mr. HARAN (Israel) said that his delegation had voted against funding for the activities of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories. Given that violations of human rights were common in all parts of the world, the very existence of that Committee was proof of the discriminatory attitude of the United Nations towards Israel.

57. Mr. GORITA (Romania) said that, had his delegation been present during the voting, it would have voted in favour of the implications under consideration.

58. Mr. AL-MASRI (Syrian Arab Republic) said that his delegation had voted in favour because it considered the work of the Committee, with respect to the living conditions of the Arab populations of the occupied territories, to be indispensable. The situation in those territories, where human rights were constantly flouted, was similar to the situation prevailing in Namibia and South Africa, since the character of the two colonial régimes was the same. It was therefore not surprising that the Zionist colonizers had time after time refused to receive the Committee, in an attempt more effectively to conceal the true nature of their machinations from international public opinion.

Programme budget implications of draft resolutions A/41/L.36 and L.37 concerning agenda item 19 (A/C.5/41/56)

59. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the cost of the programme of work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was estimated, on a full-cost basis, at \$308,900 for 1987. In paragraph 2 of his statement (A/C.5/41/56), the Secretary-General indicated that a total of \$591,200 had been appropriated under the programme budget for the biennium 1986-1987 to finance the activities of the Special Committee. Taking into account the uncommitted balance of resources earmarked for 1986 (\$55,700), the total resources available for 1987 were \$353,000 (see para. 17 of the statement). Consequently, should the General Assembly adopt the two draft resolutions (A/41/L.36 and L.37), no additional appropriation would be required under the programme budget for the biennium 1986-1987.

60. Mr. VISLYKH (Union of Soviet Socialist Republics), requesting clarification of paragraph 13 of document A/C.5/41/56, said he thought it was implied that the Special Committee would in 1987 again be entitled to verbatim records of its proceedings. That, however, could be the case only if the General Assembly were not to decide otherwise in the context of such economy measures as it might adopt. In any event, such a decision fell within the General Assembly's sphere of competence rather than that of the Secretary-General.

61. Mr. MICHALSKI (United States of America) said that the Special Committee's programme of activities, as set forth in document A/C.5/41/56, was a perfect example of waste. He wished to know the reasons for the increase in activities noted in paragraphs 16 (a), (b) and (c). Paragraph 9 also mentioned the possibility that meetings of the Special Committee might be held elsewhere than at Headquarters. His delegation was opposed to such a practice when host countries did not assume responsibility for the expenditure so incurred. He inquired whether those meetings had already been arranged and, if so, what the venues were.

62. In general, exceptions to General Assembly resolutions on that question should be brought to the attention of the Fifth Committee before rather than after approval of the calendar of meetings. Finally, in view of the low rate of utilization of the appropriations made available to the Special Committee (see annex II to document A/C.5/41/56), his delegation was of the opinion that the Secretary-General should have recommended a reduction in resources rather than an increase.

63. Mr. AL-MASRI (Syrian Arab Republic) said he believed that the Special Committee played a pivotal role in the struggle against colonialism. As such, it should continue to be provided with verbatim records of its proceedings. It was essential that records of its discussions should be available to all. Thus, paragraph 13 of the report should not be interpreted as indicating that the economy measures introduced in 1986 should be continued in 1987. It was not for the Secretariat to make arrangements in that connection until a definitive decision had been taken by the General Assembly on all the austerity measures to be implemented.

64. Mr. FORAN (Controller), replying to the representative of the Soviet Union, said that it would be premature at the present stage to consider the question of the Special Committee's verbatim records. That question would be addressed in the course of consideration of the report on funding prospects and economy measures for 1987 (A/41/901).

65. Mr. ANNAN (Director, Budget Division) said that the increases in resources specified in paragraphs 16 (a), (b) and (c) of the statement submitted by the Secretary-General related to the extension of visiting missions in the Pacific and of missions for consultation with the specialized agencies. Furthermore, General Assembly resolution 1654 (XVI) authorized the Special Committee to meet elsewhere than at Headquarters. It might be said, however, that the Committee had never availed itself of that right.

66. Mr. VISLYKH (Union of Soviet Socialist Republics) expressed his dissatisfaction with the Controller's reply and requested an explanation of the final sentence of paragraph 13 of document A/C.5/41/56, which read: "It is understood that should the General Assembly adopt the draft resolution ... the provisions in paragraphs 3 (f) and (g) would not preclude the application in 1987 of such economy measures which the continuation of the current financial crisis might warrant." He inquired whether such measures would be taken by the Secretariat or the General Assembly. A question of principle was involved, requiring clarifications without which the Committee would not be able to take a decision.

67. Mr. MUDHO (Kenya) noted that paragraphs 14 and 20 of document A/C.5/41/56 clearly indicated that the adoption of draft resolutions A/41/L.36 and L.37 would not entail any modification in the approved programme of work or any additional appropriations for 1987 under the programme budget. The only problem was that paragraphs 3 (f) and (g) of draft resolution A/41/L.37 were still at variance with General Assembly decision 40/472.

68. Mr. AL-MASRI (Syrian Arab Republic) said that he was satisfied with the explanations provided by the Controller. With regard to the economy measures for 1987, he seemed to recall a statement in the relevant report (A/41/901) to the effect that the Secretary-General must consult intergovernmental bodies in order to ascertain their requirements. It was in that context that the Special Committee had informed the Secretary-General that it would require verbatim records in 1987, and that fact should be taken into account when economy measures were adopted for 1987.

69. The CHAIRMAN observed that paragraph 13 of document A/C.5/41/56 was only a declaratory statement which it was not the Committee's business to dispute. Only the General Assembly could cancel or confirm its previous resolutions and decisions.

70. Mr. FORAN (Controller) agreed that the question must be decided by the General Assembly.

71. Mr. MUDHO (Kenya) said he nevertheless believed that nothing prevented the Fifth Committee from expressing its point of view. In any event, it was unnecessary to establish a link between the economy measures and the draft resolution, which simply made it possible for the Special Committee to be provided with verbatim records and press releases.

72. The CHAIRMAN added that the Fifth Committee was not in fact called upon to decide on economy measures as such.

73. Mr. SEIFU (Ethiopia) emphasized that draft resolution A/41/L.37 was quite clear: in 1987 it would be possible for the Special Committee to be provided with verbatim records.

74. At the request of the representative of the United States of America, a recorded vote was taken on the programme budget implications of draft resolutions A/41/L.36 and L.37.

In favour: Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, China, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Norway, Oman, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, France, Germany, Federal Republic of, Italy, Netherlands, Portugal.

75. The programme budget implications of draft resolutions A/41/L.36 and L.37 were approved by 93 votes to 2, with 6 abstentions.

76. Mr. MURRAY (United Kingdom) said that he had voted against the programme budget implications before the Committee since he found it inadmissible that at a time of financial crisis, when activities in the area of decolonization were decreasing, expenditure under that item should continue to increase. The draft resolutions submitted represented a manoeuvre to circumvent the General Assembly and to disregard the Secretary-General's decision to extend the economy measures adopted in 1986 into 1987.

Judgement No. 370 of the United Nations Administrative Tribunal related to the suspension of class 12 post adjustment in New York as at 1 December 1984 (continued) (A/C.5/41/35; A/C.5/41/L.6/Rev.1)

77. Mr. VISLYKH (Union of Soviet Socialist Republics), introducing draft resolution A/C.5/41/L.6/Rev.1, said that it represented the outcome of extensive consultations. Since the initial draft resolution (A/C.5/41/L.6) had met with broad support, his delegation hoped that the revised draft, formulated in close consultation with the representative of the Office of Legal Affairs, would be adopted by consensus.

(Mr. Vislykh, USSR)

78. The draft resolution expressed the concern of Member States at the fact that the General Assembly once more found itself hostage to decisions taken by an administrative tribunal that was not sufficiently representative to reflect the views of those States as a whole, a sentiment that was shared by a majority of the members of the Committee.

79. Paragraph 2 of the text requested the Secretary-General to study the feasibility of limiting the jurisdiction of the Tribunal in respect of class actions - the number of which continued to grow in a disquieting manner - since it had been established exclusively for individual applications. The Office of Legal Affairs should devise a separate procedure for class actions, and submit proposals thereon to the General Assembly at its next session.

80. His delegation recalled that the Fifth Committee, in respect of general insurance at Headquarters, had taken a decision limiting the Organization's responsibility to \$100,000 in respect of any claim for compensation. Double that amount (\$200,000) should suffice for any application to the Administrative Tribunal.

81. Miss DURRANT (Jamaica) protested that she had not been duly consulted on the draft resolution, and would accordingly vote against it.

82. Mr. MUDHO (Kenya) said that, regrettably, he too, had been unaware of the revised draft resolution. Further, he did not see how the adoption of the draft would have any effect whatever on Judgement No. 370. As for limiting the jurisdiction of the Administrative Tribunal, that was quite another matter, and merited careful consideration. In the circumstances, it was unrealistic to expect the Committee to adopt the revised draft resolution by consensus.

83. Mr. SEFIANI (Morocco) said that the revised draft resolution differed considerably from the initial text, and that a good number of delegations had clearly not been consulted and did not wish to take a hasty decision. It would thus be useful to resume the consultations.

84. With regard to paragraph 1 of the draft resolution, he would like to know how the fact of reaffirming resolution 39/27 would influence the judgement of the Administrative Tribunal. With respect to paragraph 2, he wondered whether the ceiling of \$200,000 would apply to the staff as a whole, or whether it would relate only to individual cases.

85. Mr. LADJOUZI (Algeria) said that he hoped the next consultations would take place under more satisfactory conditions. The draft resolution before the Committee was incompatible with Judgement No. 370 and, out of respect for the principle of res judicata, his delegation would vote against it.

86. Mr. EDON (Benin) asked whether it was usual for the Administrative Tribunal to overrule the General Assembly. If so, the Assembly should express its regret at the Tribunal's decision and request it in future to comply with its wishes. If the Tribunal persisted in its erroneous ways, the General Assembly would have to take stronger action.

87. Mr. SZASZ (Office of Legal Affairs), replying to the representatives of Morocco and Kenya, said that the judgement of the Administrative Tribunal was final and binding. The proposed draft resolution would not in any way affect the Secretary-General's obligation to implement it. Further, the judgement should not be seen as an attempt to oppose the General Assembly; the Tribunal had found that the International Civil Service Commission (ICSC) had committed an error, and had ruled accordingly.

88. With regard to the provision relating to the ceiling of \$200,000, its scope was not clearly defined, and the sponsors would have to be consulted to determine their intent. With respect to paragraph 2, there should be no immediate concern, since it simply requested the Secretary-General "to study the feasibility" of limiting the jurisdiction of the Tribunal and to report back to the General Assembly.

89. Mr. ODUYEMI (Nigeria) expressed his astonishment at such rapid acquiescence on the part of the Secretariat, and wondered whether the Secretary-General would not be embarrassed at being associated with the process of limiting the jurisdiction of the Tribunal.

90. Mr. SZASZ (Office of Legal Affairs) said it would be recalled that the Tribunal had been established on the basis of studies prepared by the Secretary-General and that its jurisdiction had subsequently been limited at the request of the Secretary-General himself. The Secretary-General could thus prepare a study without hesitation, particularly since it would not in any way prejudice the possible outcome.

91. Mr. MUDHO (Kenya) said that there was a contradiction in reaffirming General Assembly resolution 39/27, while, at the same time, reaffirming the Secretary-General's obligation to implement Judgement No. 370.

92. Mr. ODUYEMI (Nigeria) said that he was not convinced by the argument of the representative of the Office of Legal Affairs. The procedure he had defended could constitute a dangerous precedent, since one of the fundamental rules of justice was that no man ought to be judge in his own cause.

93. The CHAIRMAN said that he would co-ordinate the new series of informal consultations on the draft resolution before the Committee.

The meeting rose at 1.35 p.m.