

a whole some of the powers allocated to the 3 full-time members under column II of the annex to the Advisory Committee's report. He personally recognized that item (h) should be a power reserved to the Commission as a whole rather than allocated to the 3 full-time members. The heading of column II showed that it was intended that the powers listed under the column should be exercised by the 3 full-time members within general policy lines established by the Commission as a whole. It was never intended that

the 3 full-time members should have independent status or be superior to the other members.

63. In conclusion, he said that the comments made by the representatives of Nigeria, Australia and Japan provided a basis for a solution to the problem which should, if possible, be settled at the current session.

The meeting rose at 1.05 p.m.

1620th meeting

Thursday, 6 December 1973, at 3.30 p.m.

Chairman: Mr. C. S. M. MSELLE (United Republic of Tanzania).

A/C.5/SR.1620

AGENDA ITEM 87

United Nations salary system (*continued*) (A/9147 and Corr.1, A/9370, A/C.5/1584, A/C.5/L.1149, A/C.5/L.1150, A/C.5/L.1151, A/C.5/L.1153):

(a) Report of the Secretary-General (*continued*) (A/9147 and Corr.1);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions (*continued*) (A/9370)

1. Mr. KITI (Kenya) said that his delegation had studied with great care the report of the Secretary-General (A/9147 and Corr.1) and the report of the International Civil Service Advisory Board reproduced in annex II of that document. With regard to the interim report of the Advisory Committee on Administrative and Budgetary Questions (A/9370), his delegation considered that paragraph 5 was particularly important.

2. The Kenyan delegation, which had listened with much interest to the views expressed during the debate, wished to state at the outset that the Kenyan Government favoured statutory equality for all the members of the International Civil Service Commission and would therefore vote in favour of paragraph 8(b) of the Advisory Committee's report if it were put to a vote.

3. In supporting the principle of the equality of all members of the Commission, the Kenyan Government was guided by its belief that the United Nations should set an example by removing any traces of inequality, especially when the inequality seemed to be sanctioned by a written and legal instrument. At the preceding meeting, the Under-Secretary-General for Administration and Management had stated that it had not been the intention of the Secretary-General and his colleagues in the Administrative Committee on Co-ordination to introduce any discriminatory tendencies in the Commission. The Kenyan delegation naturally believed the Secretary-General and his colleagues in ACC, but it unfortunately could not predict what their successors would do. The Fifth Committee must therefore not run the risk that the good intentions of the present Secretary-General and of his colleagues in ACC might be misinterpreted in the future.

4. With regard to the composition of the Commission, his delegation had no difficulty in accepting a membership of 13. Such a membership would make it possible to ensure equitable geographical distribution, since for the time being the developing countries were still under-represented in bodies of that kind. His delegation would, however, have preferred the Commission to have only 1 permanent member, instead of the formula of 3 full-time members and 10 part-time members proposed in the draft statute. It preferred the 1 to 12 formula in the interests of efficiency and tidiness in resolving questions requiring accountability. The Kenyan delegation would nevertheless consider sympathetically the other formulas involving more than one permanent member. Any such additional permanent members, to whom powers would be delegated by the Commission as a whole or by the Chairman, should preferably be called Vice-Chairmen or Deputy Chairmen.

5. It had become apparent during the discussion that some Member States feared that, unless the formula proposed by ACC was accepted, matters would be very much delayed, which might undermine the morale of the Secretariat staff who had patiently been awaiting a review of their salaries since 1971. His delegation did not think that those fears, perhaps created by ACC itself, were justified. But it wished to state that, while appreciating the concern of the Secretariat, it believed that ACC could not dictate to the Fifth Committee. It was ACC which should follow the Fifth Committee's wishes, and not vice versa.

6. Another point raised during the discussion was the question whether there should be 1 or 3 permanent members. It had been alleged that, if the Commission had only 1 full-time member, that member might have too much power. But if the individual was highly qualified, there would be nothing to fear. The Secretary-General of the United Nations had a great deal of power, but so far no Member State had claimed that he had too much power. In any case, if the majority of the members of the Fifth Committee decided that the Commission should have 3 full-time members, his delegation would not object.

7. As a preliminary measure, the Committee should make the choice outlined by the Advisory Committee in para-

graph 8 of its report, and should therefore vote on that paragraph. It should then consider whether the draft statute should be amended.

8. Mr. JASABE (Sierra Leone) said that, in the light of the statements made so far and of the suggestions in the Advisory Committee's report, his delegation and the delegations of Ghana and Nigeria were proposing a draft paragraph (A/C.5/L.1151) for inclusion in the report of the Fifth Committee. In proposing that paragraph, the sponsors had adopted an intermediate position which incorporated both alternatives suggested in paragraph 8 of the Advisory Committee's report. The proposal also resolved the question of statutory equality, and the sponsors considered the full Commission as the final repository of power.

9. His delegation had always held the Advisory Committee in very high esteem but felt that, in the matter under consideration, it had not given the Fifth Committee all the advice which it might have provided. It appeared that the intentions of ACC had not been made very clear to the Fifth Committee, probably because of the differences of opinion which had been apparent during the discussion in the Advisory Committee. The annex to the Advisory Committee's report gave the impression that the proposed Commission would be divided into two categories of senior and junior members. His delegation did not believe that that had been the intention of ACC. In addition, although the ICSAB report was very useful, it had only increased the confusion in the Fifth Committee.

10. In proposing the draft paragraph for inclusion in the report of the Fifth Committee, the sponsors had tried to resolve the question of statutory equality and had considered that article 18 of the draft statute meant that the functions and powers enumerated in chapter III of the draft statute were vested in the Commission as a whole. That was therefore a compromise between the two alternatives proposed by the Advisory Committee.

11. Mr. VAN DER GOOT (Netherlands) recalled that the Committee was considering the question of the salary system for the fourth time. A most important decision had been taken at the twenty-seventh session, with the adoption of General Assembly resolution 3042 (XXVII). Paragraph 1 of that resolution was particularly important, because in that paragraph the Assembly had decided to establish in principle, as of 1 January 1974, an International Civil Service Commission consisting of not more than 13 independent experts having the requisite qualifications and experience who would be appointed in their individual capacities by, and answerable as a body to, the General Assembly. Those were very clear terms of reference, which should be kept in view by the Committee. In addition, time was running out, not only for the Fifth Committee but above all for the staff of the Secretariat; that was another element which should be borne in mind.

12. The draft statute proposed to the Committee was the fruit of lengthy discussions between the Secretary-General, ACC, ICSAB and the staff associations. The Advisory Committee's report which was before the Committee raised two important questions. The first concerned the number of members of the Commission. His delegation could endorse the proposal for a membership of 13. That ques-

tion had already been considered at the preceding session and it would undoubtedly be possible to reach a consensus on the matter. The second question concerned the structure of the Commission, and that was where the confusion started. The question had been complicated still further by the fact that the Advisory Committee had used the term "statutory equality". The view had been expressed that the 3 full-time members might be "super-commissioners", which would automatically introduce an element of discrimination into the Commission.

13. His delegation tended to believe that, as had been stated at the preceding meeting by the Under-Secretary-General for Administration and Management, the Commission would also be required to replace the executive heads in performing certain administrative and executive functions for the United Nations system as a whole. That was a considerable responsibility, which could not be assumed by one person. The questions to be resolved were therefore how the Commission would be administratively organized and what its terms of reference would be, so that it would be endowed with suitable decision-making machinery.

14. The allocation of powers described in the annex to the Advisory Committee's report was perfectly clear. As the delegations of Australia, Nigeria, Japan and the United Kingdom had already suggested, the question of the allocation of powers could be dealt with in greater detail during the second part of the consideration of that question. A decision should first be taken, however, on the alternatives proposed in paragraph 8 of the Advisory Committee's report. For its part, the Netherlands delegation considered that it was a question not so much of statutory equality as of allocation of work. That opinion tallied with the proposals made in the annex to the report of the Advisory Committee. The confusion which existed with regard to the allocation of powers was due mainly to the fact that the full-time members would meet throughout the year, while the Commission as a whole would meet only once in 1975. In view of the amount of work to be done, the Commission as a whole could perhaps meet more often.

15. If the Committee favoured paragraph 8 (a) of the Advisory Committee's report, as did his own delegation, it could go on directly to consider the draft statute, bearing in mind, of course, any additional comments that the Advisory Committee might make. The International Civil Service Commission could then start to function on 1 January 1974 as initially scheduled. If, on the other hand, the Committee approved paragraph 8 (b), the entire consultation process might have to start all over again and the Secretary-General would have to re-examine the question with ACC, ICSAB and the staff associations. In that case, it was unlikely that the Commission would be able to start operating on 1 January 1974; that would be contrary to the decision which the General Assembly had taken at its twenty-seventh session. Moreover, as the representative of Ghana had recalled, that would also delay the salary review. There was thus a real problem and not only a question of the Fifth Committee deciding whether to accept the ACC proposals. In conclusion, therefore, his delegation preferred the solution suggested in paragraph 8 (a) of the Advisory Committee's report. If the other delegations had difficulty in accepting that proposal, the Fifth Committee might consider accepting the draft statute on an experimental

basis; the Commission would then be established as of 1 January 1974 and the Commission itself, as well as the Secretary-General, ACC and the Advisory Committee, would be asked to evaluate the results of implementation of the proposed statute so that the General Assembly could amend it as necessary in the light of experience.

16. Mr. PLÁŠEK (Czechoslovakia) felt that all 13 commissioners should have equal rights and powers and constitute an indivisible whole, as was the case with the Advisory Committee on Administrative and Budgetary Questions, for example. His delegation therefore approved the solution proposed in paragraph 8 (b) of the Advisory Committee's report. There should be only 1 full-time member—the Chairman of the Commission, who should be elected for a one-year term.

17. With regard to the draft statute itself, his delegation reserved the right to return to that question during the second part of the debate.

18. Mr. BOUAYAD-AGHA (Algeria) recalled that at the previous meeting he had announced his delegation's intention of making a proposal concerning the International Civil Service Commission. The Committee had to find a solution which did not lead it into an impasse. The text which his delegation was proposing (A/C.5/L.1150) would not have any adverse effect on Secretariat staff or their salaries. If it were adopted, it would mean that the Committee decided to halt discussion of the question at a crucial moment. The Committee would not be avoiding an important decision, but would be associating Governments in the establishment of the Commission, for they could hardly be presented with a *fait accompli*.

19. Miss FORCIGNANÓ (Italy) said that, as far as the number of the members of the Commission was concerned, her delegation had already accepted a membership of 13 at the twenty-seventh session. The Commission would thus be sufficiently representative to command general support.

20. With regard to the two solutions indicated in paragraph 8 of the Advisory Committee's report, her delegation favoured the one in subparagraph (b)—in other words, it preferred statutory equality for all members of the Commission. The Commission should have only 1 full-time member, the Chairman, who would be elected by the commissioners, without prejudging the possibility for the Commission as a whole to delegate some of its functions to 1 or more commissioners. That solution would simplify and speed up the work of the Commission, which would also have at its disposal a relatively large secretariat. Such a secretariat would alleviate the Commission's workload, which was causing concern to some of the delegations which had opted in favour of 3 full-time members.

21. In reaching its decision, her delegation had also borne in mind the financial aspect of the problem. Three full-time members would not necessarily guarantee better co-ordinated action and more satisfactory results.

22. Finally, she thanked the Under-Secretary-General for Administration and Management for the clarifications he had given at the previous meeting and reserved her right to speak again on the three proposals before the Committee (A/C.5/L.1149, A/C.5/L.1150 and A/C.5/L.1151).

23. Mr. STOTTLEMYER (United States of America) said that the history of the United Nations demonstrated that there was a clear need for improved personnel management not only within the United Nations but in the system as a whole. The major avenue to bring about the improvement was by establishing the International Civil Service Commission. The Commission could best fulfil its intended role by adopting the solution proposed in paragraph 8 (b) of the report of the Advisory Committee. It was important, as had already been pointed out, that the Fifth Committee should take a decision at once, so that the Advisory Committee might complete its work and the Fifth Committee and the General Assembly could take a final decision.

24. However, if it became the will of the Committee to defer consideration of the item, his delegation would not object, as long as ICSAB continued in being with sufficient authority to carry out its tasks.

25. It was important that the concept of equality of the commissioners should be established in the Commission's statute. That being done, flexibility would be provided for the Commission itself to determine its own *modus operandi*. The statute should not establish what functions were to be performed by what class of member.

26. His delegation had already said that, in its view, a 13-member Commission was too large to be effective but, since adequate geographical representation must be ensured, it was prepared to agree to a Commission of 13.

27. Some delegations had expressed the view that the draft statute proposed by ACC should not be amended and that to reduce the number of full-time members from 3 to 1 might delay the establishment of the Commission. His delegation did not agree. As the representative of Kenya had pointed out, that was for Member States to decide and Governments should not be faced with a *fait accompli*. Moreover, according to article 1, paragraphs (a), (b) and (c), of the draft statute, the Commission would be established by the General Assembly and the specialized agencies and other international organizations would accept the statute by notifying the Secretary-General in writing.

28. He drew attention to General Assembly resolution 3042 (XXVII), adopted by 110 votes to none, with 9 abstentions, and in particular to paragraphs 1 and 4 of that resolution. The principles stated therein were especially important and, moreover, were confirmed in article 3 of the proposed statute.

29. His delegation reserved the right to speak again on the proposals before the Committee (A/C.5/L.1149, A/C.5/L.1150 and A/C.5/L.1151) and on any others that might still be submitted on the item.

30. Mr. DAMASCENO VIEIRA (Brazil) said that after studying the relevant documents his delegation felt inclined to favour the ACC approach, which involved the allocation of certain functions to the full-time members. It based its opinion mainly on the considerations contained in paragraph 10 of the report of the Secretary-General, namely that for reasons of workload as well as of procedure it would be impracticable to limit the full-time membership to 1 or 2. His delegation attached importance to the fact that ACC subscribed to those views, since it felt that the

executive heads should have a say in matters relating to salaries and conditions of service of the staff. It also felt that the statute of the Commission should not be viewed as an immutable charter but that the General Assembly would be able to amend it as necessary, in the light of the experience acquired during the Commission's work.

31. Such a wide variety of views had been expressed in the course of the debate that no clear-cut trend had emerged. The issue was a very important one, for the decision taken would have a bearing on the efficiency of the Commission and, consequently, on the conditions of work of the staff of the United Nations system. It was therefore necessary to avoid taking a hasty decision; any decision should reflect either a consensus or the views of a substantial majority. His delegation therefore saw certain merit in the Algerian proposal (A/C.5/L.1150) and was prepared to support it, provided that the interests of the staff were safeguarded—in other words, that ICSAB would continue in being and would perform its work so as to ensure that the necessary salary adjustments were made pending the time when the Commission became operative. Postponing consideration of the question would enable delegations to study the draft statute in greater detail. In view of the inconclusiveness of the Fifth Committee debate—which the representative of Sierra Leone had pointed out—that would be desirable; moreover, it would afford the Advisory Committee an opportunity to review the matter, bearing in mind the discussion in the Fifth Committee, and to present clear-cut recommendations to the General Assembly at its twenty-ninth session. The Fifth Committee could then have the benefit of the guidance of the Advisory Committee on that complex question; the lack of such guidance at the current session had been one of the reasons for the inconclusiveness of the debate.

32. Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic) said that in his view all the members of the International Civil Service Commission should participate in decision-making on an equal footing and collectively bear responsibility for it. By making a distinction between 3 full-time members and 10 part-time members, there was a risk of introducing an element of division, not to say discrimination, by reserving certain functions for certain members. In the course of the debate, many speakers had rejected that idea and declared themselves in favour of the statutory equality of all members of the Commission. The arguments put forward in support of inequality of functions assigned to the two different elements of the Commission were unconvincing. It was clear from the statement of the representative of the Netherlands that a very complex system of contacts would be established between the two types of members, and such complexity was never conducive to a satisfactory decision-making process. His delegation would have difficulty in agreeing to the proposal of the representative of the Netherlands that the Commission as a whole should meet more often, doubtless in order to provide work for the full-time members: meetings must never be held as an end in themselves but must serve a specific purpose. He shared the view of the representative of Italy that the Fifth Committee must pay particular attention to the financial implications of its decisions. The International Civil Service Commission should set up its own secretariat, comprising competent experts who would carry out all preparatory work.

33. His delegation considered it inappropriate to provide for more than 1 full-time commissioner, who would be the Chairman. The latter should be responsible for the preparation of meetings and the implementation of decisions; he would be elected for one year and be eligible for re-election. His delegation therefore supported the arrangement set forth in paragraph 8(b) of the report of the Advisory Committee. It was ready to agree to a membership of 13 for the Commission, provided that members were chosen in conformity with the principle of equitable geographical distribution and not only by reason of their competence.

34. Mr. NEUFELDT (Federal Republic of Germany) said that the reply to the question raised by the Advisory Committee depended essentially on what functions were assigned to the Commission. Most States Members of the United Nations, when they had decided to establish in principle, as of 1 January 1974, an International Civil Service Commission, had envisaged it as an independent body with the requisite technical competence, which could submit proposals concerning the conditions of employment of the staff. The Commission would not have only an advisory capacity but must also draw up policies and carry out administrative work. That was why the Special Committee for the Review of the United Nations Salary System had recommended that there should be at least 2 full-time members, as the representative of the Secretary-General had explained at the previous meeting. The Advisory Committee on Administrative and Budgetary Questions had, as its name indicated, an exclusively "advisory" role and could not serve as a model in the present instance. Moreover, the highly qualified experts who would be appointed to the Commission would doubtless not have a great deal of free time and it would be difficult to have them meet without notifying them far in advance. If the Commission were not to have the benefit of full-time members, it would have to depend heavily on the services of the secretariat. It was because his delegation hoped that the proposed Commission would be strong and independent that it supported paragraph 8(a) of the report of the Advisory Committee. It seemed to him that the statutory provisions concerning the Commission had not been approached from the right angle. It was stated in article 18 of the draft statute that the Commission as a whole should establish general policies within which the full-time commissioners should carry out the other functions of the Commission, and in article 30 that the Commission as a whole should establish its rules of procedure. It would therefore be easy to limit the powers of the full-time members if they were considered too broad. His delegation interpreted article 18—as had been suggested in the draft paragraph contained in document A/C.5/L.1151—as meaning that the functions and powers enumerated in chapter III of the draft statute were vested in the Commission as a whole. He also thought, like the representative of Ghana, that the time factor was important, and ICSAB could not resolve outstanding problems, which was a further reason to support paragraph 8(a). The draft statute had been considered and discussed at length, and it should be adopted.

35. The CHAIRMAN raised the question whether, in view of the number of documents distributed that day, it would not be necessary to apply rule 122 of the rules of procedure which provided that no proposal should be discussed or put

to the vote unless copies had been distributed not later than the day preceding the meeting.

36. Mr. TARDOS (Hungary), speaking on a point of order, asked the Chairman whether he intended to put to the vote documents A/C.5/L.1149 and A/C.5/L.1151, which concerned the statute of the Commission. He had thought that the Fifth Committee was examining only the interim report of the Advisory Committee (A/9370) and that was why some delegations, including his own, had not spoken on the draft statute, since to their knowledge that matter was not before the Committee. In the circumstances he had difficulty in understanding how a vote could be taken.

37. Mr. BOUAYAD-AGHA (Algeria) pointed out that he had proposed postponing consideration of the question until the twenty-ninth session, and thought that the 24-hour rule did not apply to his proposal; if that rule was invoked, he in turn would be obliged to invoke rule 118 of the rules of procedure and move the adjournment of the debate.

38. The CHAIRMAN observed to the representative of Hungary that the draft paragraph contained in document A/C.5/L.1151 was a compromise between the two options set forth in subparagraphs (a) and (b) of paragraph 8 of the report of the Advisory Committee and therefore came within the framework of the debate. With reference to the draft paragraph contained in document A/C.5/L.1149, concerning the appointment of the Chairman of the International Civil Service Commission, it could in fact be considered at a later date, when the problem of the statutory equality of the commissioners or their distribution as full and part-time members had been resolved.

39. In reply to the representative of Algeria, he recognized that his proposal should have priority over the other proposals submitted. He pointed out, however, that rule 118 of the rules of procedure related to the adjournment of debate to another meeting of the same session, not to a later session as provided for in the proposal in document A/C.5/L.1150. He therefore considered that the 24-hour rule was still applicable.

40. Mr. BOUAYAD-AGHA (Algeria) said that he would not discuss the merits of the proposals contained in documents A/C.5/L.1149 and A/C.5/L.1151 because they prejudged the very establishment of the International Civil Service Commission and should not, at the present stage, be the subject of a decision. The Algerian proposal (A/C.5/L.1150) was intended to give delegations more time to consider the composition and role of the Commission. He hoped that the representative of the Soviet Union would not insist that the 24-hour rule should be applied and that his proposal could be put to the vote immediately. Opinions were still sharply divided in the Fifth Committee, not with regard to the establishment of the Commission, which nobody disputed, but regarding certain of its aspects. There was everything to be gained from waiting for things to settle before taking a decision.

41. Mr. STOBY (Guyana) thought that it was too early to interrupt the debate on the matter and that it was still possible to arrive at a decision by consensus on the question raised by the Advisory Committee. If that proved impos-

sible, his delegation would agree to the matter's deferment to the twenty-ninth session, but it seemed premature at the present stage to take such a decision.

42. Mr. PALAMARCHUK (Union of Soviet Socialist Republics) said that unfortunately he could not support the suggestion of the representative of Algeria that his proposal should be put to the vote immediately. The matter under consideration was extremely serious and it would be better to agree, as the Chairman had suggested, to postpone discussions of proposals and voting until the next meeting, so that delegations could study the documents more thoroughly.

43. Mr. CLELAND (Ghana) said that unfortunately he must oppose an immediate vote on the proposal of the representative of Algeria (A/C.5/L.1150). The draft paragraph contained in document A/C.5/L.1151 was an attempt to arrive at a compromise solution between subparagraphs (a) and (b) of paragraph 8 of the report of the Advisory Committee. If no generally acceptable compromise could be found before the following meeting, his delegation would support the Algerian proposal, but it was still convinced that agreement could be reached. He added that the delegation of Trinidad and Tobago had just joined as a sponsor of draft paragraph A/C.5/L.1151 and hoped that that example would be followed by many other delegations.

44. Mr. BARG (Libyan Arab Republic) supported the representative of Algeria and felt that his proposal should be put to the vote without further delay. The question under consideration was an important one and delegations needed more time to study all its aspects.

45. Mr. JIMENEZ (Philippines), speaking on a point of order, asked whether rule 121 of the rules of procedure applied to the proposal submitted by Algeria. A similar case had arisen in the General Assembly and rules 76 and 79 had been invoked.

46. The CHAIRMAN recalled that the Algerian proposal would have the effect of postponing consideration of the question until the following session and not until a subsequent meeting during the current session. The Fifth Committee had full discretion to decide on the procedure it wished to follow. It rested with the representatives to indicate whether they wished to vote on the Algerian proposal at the current meeting. If not, the 24-hour rule would be applied.

47. Mr. JIMENEZ (Philippines) said that he would abide by the Chairman's decision.

48. The CHAIRMAN proposed that after all the speakers inscribed on the list had taken the floor, the Committee would decide whether it wished to vote on the Algerian proposal that day.

It was so decided.

49. Mr. DE PRAT GAY (Argentina) said that the Fifth Committee was called upon, at the end of a particular stormy and difficult session, to consider the question of the establishment of the International Civil Service Com-

mission, to which Argentina attached great importance. His delegation did not agree with the representative of Ghana that a solution could be reached in time for the next meeting. During the consideration of agenda item 88, it had categorically decided in favour of an increase in retirement pensions and it was therefore logical that it should also advocate a well-deserved increase in the salaries of staff members in service. The percentage of such an increase should be decided, and as soon as possible. That task was the responsibility of ICSAB and it was for that reason that the General Assembly, when deciding to establish the International Civil Service Commission, had also decided to keep ICSAB in operation, since it was to resolve that question at its next session or even to be convened for that purpose in a special emergency session. Because it supported the legitimate aspirations of the staff, his delegation attached paramount importance to the question of the establishment of the International Civil Service Commission, which deserved to be analysed very thoroughly by all Member States. His delegation therefore supported the Algerian proposal which it found to be fair, courageous and useful: it had the advantage of offering a third possibility to representatives who had only had a choice between solution (a) and solution (b) proposed in paragraph 8 of the report of the Advisory Committee. His delegation hoped that postponement of the question until the next session would make it possible for a more flexible scheme to be devised. For instance, thought might be given to having not 3 but 5 full-time members, each of whom would represent one of the major geographical regions. In conclusion, he supported the proposal by the Algerian representative and was ready to vote on it without further delay.

50. Mr. ILOY (Congo) noted that although there were differences of opinion with regard to the draft statute of the International Civil Service Commission, it was universally acknowledged that the question of the establishment of the Commission was of the greatest importance. For that reason, a decision should not be taken hastily, but only after mature reflection so that once the Commission was established it would be able to find real solutions to the many problems which had recently emerged. It was obvious that there was no immediate likelihood of agreement on a number of the substantive elements still affecting the outcome of the question. Moreover, since the Fifth Committee still had other items to consider, it was pointless for it to lose time on a problem for which no solution was immediately in view. Consequently, his delegation was in favour of the proposal by the Algerian delegation, which had received the support of the Argentine delegation, and which would recommend to the General Assembly that it should defer the consideration of that question until its twenty-ninth session.

51. The CHAIRMAN summed up the position. The representative of Algeria had requested an immediate vote on his proposal. A number of representatives had stated that they were not ready to vote, while others had indicated their desire for an immediate vote. In the circumstances, he would ask the members of the Committee to decide whether or not they wished to vote at the current meeting on the proposal by the Algerian delegation.

52. Mr. DAMASCENO VIEIRA (Brazil) said that he would like to have a clarification from the Under-

Secretary-General for Administration and Management. When his delegation had supported the proposal by the Algerian delegation for deferring consideration of the question, it had clearly stated that it did so on condition that the interests of the staff would be appropriately safeguarded. In view of that concern, which was shared by many delegations, he would like the Under-Secretary-General to state what the effects of deferring consideration of that question would be. In particular, he would like to know whether ICSAB would continue in existence and perform its functions, so that the interests of the staff would not be affected in any way.

53. The CHAIRMAN said that before he gave the floor to the Under-Secretary, he would like to put the proposal he had just submitted to the members of the Committee to the vote.

54. Mr. HARAN (Israel), speaking on a point of order, noted that under the rules of procedure, two speakers should have the opportunity of speaking in favour of a proposal, and two against. He would like to take the floor to speak against the proposal to vote at the present stage on the text submitted by the Algerian delegation.

55. The CHAIRMAN pointed out that the representatives of the Congo, Argentina and the Libyan Arab Republic had spoken in favour of the proposal of the Algerian delegation to vote immediately on the draft paragraph and that the representatives of Guyana, the Soviet Union and Ghana had spoken against the proposal. Consequently, the rule which the representative of Israel had just referred to had been duly observed.

56. He invited the members of the Committee to vote on his proposal to put the draft paragraph submitted by the Algerian delegation (A/C.5/L.1150) to the vote at the current meeting.

The proposal by the Chairman was adopted by 44 votes to 24, with 12 abstentions.

57. Mr. DAMASCENO VIEIRA (Brazil) said that he would like a reply to the question he had put to the Under-Secretary-General for Administration and Management.

58. Mr. ARBOLEDA (Colombia) endorsed the request by the representative of Brazil. Although the Committee had just decided to vote that day on the proposal by the Algerian delegation, there still remained the question of whether it would adopt or reject that proposal. The position to be taken by his delegation would depend on the reply of the Under-Secretary-General to the question raised by the representative of Brazil.

59. Mr. DAVIDSON (Under-Secretary-General for Administration and Management) said that if he had properly understood the question put by the representative of Brazil and taken up in his turn by the representative of Colombia, the point at issue was whether the position of the staff would be affected and whether ICSAB would be in a position to safeguard their interests if consideration of the question was deferred to the twenty-ninth session. It was

difficult for him to reply to that question since, not being a member of ICSAB, he was hardly able to prophesy what action its members might or might not take. However, he could offer an interpretation of the various decisions taken on previous occasions by the General Assembly on that question. In the first place, if one referred to the last paragraph of General Assembly resolution 3042 (XXVII), there was no doubt whatever that ICSAB would remain in being until the International Civil Service Commission was constituted. The very much more difficult question then arose of the extent to which ICSAB could be seized of any problems which might arise in connexion with the situation of the staff, particularly in view of the delay which would occur in considering the salary system if the establishment of the International Civil Service Commission was deferred until the following year.

60. In paragraph 5 of its resolution 3042 (XXVII) the General Assembly had decided to transmit to the International Civil Service Commission, after it had been constituted, the report of the Special Committee for the Review of the United Nations Salary System, the comments of ICSAB and other related documentation, for its consideration and the submission of recommendations for action at the earliest possible date. It was unmistakably clear from that paragraph that the examination of the report prepared in 1972 by the Special Committee for the Review of the United Nations Salary System should be entrusted to the future International Civil Service Commission. Consequently it was difficult to believe that ICSAB was competent to examine that report. That interpretation seemed to be confirmed by the General Assembly's previous decision, in its resolution 2742 (XXV), that no further adjustment of the base salary scales for the Professional and higher categories should be made until such time as the review called for in General Assembly resolution 2743 (XXV) of 17 December 1970 had been completed and its results approved by the Assembly. Thus, it seemed extremely doubtful, unless the General Assembly took an explicit decision to that effect at its current session, that ICSAB was competent to deal with the problem of the review of salary scales for the Professional and higher categories. The statement made by the Secretary-General to the Fifth Committee at its 1564th meeting (A/C.5/1526) made it clear that the question of salary scales for the Professional and higher categories was one of very great concern to him. If the establishment of the International Civil Service Commission was postponed and if, as a result, the Commission was not able to take up that question in the near future, as the General Assembly had envisaged at its twenty-seventh session, it would appear necessary for the General Assembly, if it in fact so wished, to give clear authorization to ICSAB to consider the question and submit a report on it to the General Assembly at its twenty-ninth session.

61. Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic) said that, in the light of the information just given by the Under-Secretary-General for Administration and Management, he wished to introduce an amendment to the draft paragraph contained in document A/C.5/L.1150. In the second sentence of the text the words "bearing in mind the provisions of General Assembly resolution 2742 (XXV)" should be inserted after the words "Fifth Committee".

62. Mr. BOUAYAD-AGHA (Algeria) said that it was a principle of his delegation not to evade a debate or an explanation given by a representative of the Secretary-General. A look at his previous statement would make it clear that his main concern had been to safeguard the interests of the staff. Deferring consideration of the question of establishing the International Civil Service Commission until 1974 would not mean that the Fifth Committee intended to prejudice the interests of the United Nations staff in any way. In his delegation's view, it was curious, to say the least, that the Under-Secretary-General for Administration and Management was discovering after 25 years the indispensability of the proposed Commission and that after waiting so long to concern himself with the fate of the staff, he had suddenly decided to rush the Fifth Committee, thus acting against the true interests of the staff. Indeed, considering the manner in which the establishment of that Commission was currently envisaged, one had the impression that some staff members were more privileged than others. His delegation's proposal was aimed precisely at safeguarding the rights of the staff. In any case, there was nothing to prevent the General Assembly even from deciding that whatever salary adjustments it might approve in 1974 would be applied retroactively.

63. Mr. KITI (Kenya) said that his delegation had voted against the motion to vote at the current meeting on the Algerian delegation's proposal, since it believed that the question under consideration was so important that a hasty decision in the matter could not but be very dangerous. With regard to the substance of the proposal, his delegation had intended, in the light of all the other factors involved, to vote in favour of the proposal, but it would now consider itself obliged to vote against it, in view of the hasty decision that had just been taken. His delegation hoped that, in the interest of democracy, the proposal would be rejected, so that representatives might continue to have an opportunity for as broad exchanges of views as possible. Lastly, if the Algerian delegation's proposal was put to the vote at the current meeting, his delegation formally requested that a vote should be taken by roll-call.

64. Mr. DE PRAT GAY (Argentina) said that, in the light of the concern expressed in the Brazilian and Colombian delegations and after hearing the explanations given by the Under-Secretary-General for Administration and Management, his delegation wished to propose adding the following paragraph to the Algerian proposal:

"The Fifth Committee recommends that the General Assembly should request the International Civil Service Advisory Board to submit urgently to the General Assembly, at its twenty-ninth session, a report designed to solve the salary problems of staff in the United Nations system."

The inclusion of that paragraph should make it possible to calm the apprehensions expressed in the Committee. The International Civil Service Advisory Board consisted of 13 members whose high competence deserved full respect, and if the Fifth Committee decided to ask the Board to prepare the aforementioned report, the Committee could then concentrate all its attention at the twenty-ninth session on the various aspects of the establishment of the International

Civil Service Commission, which would be called upon to undertake tasks whose great importance was obvious to everyone.

65. Mr. SILWEYA (Zambia) said that his delegation would vote in favour of the draft paragraph submitted by the Algerian delegation (A/C.5/L.1150) and was also prepared to support the amendments submitted by the Byelorussian and Argentine delegations. At the same time, it wished to assure Secretariat staff members that it had no intention of harming their interests but wished, on the contrary, to safeguard them better by providing all possible guarantees for the establishment of the Commission. It hoped that the question would be given high priority at the next session and that the Fifth Committee would devote as much time as necessary to it, in order to make fruitful discussions possible.

66. Lastly, his delegation wished to emphasize that it would find it difficult to approve any proposed statute that involved an element of inequality between the functions of the two categories of Commission members, as provided in the draft statute proposed by ACC, and it hoped that that element would be eliminated from the final statute.

67. Mr. STOBY (Guyana) said he agreed with the representative of Kenya that it would be regrettable to decide to defer consideration of the question at a time when consultations were still being actively carried on and there was still reason for firmly hoping that a consensus would be reached.

68. His delegation continued to regard with concern numerous aspects of the draft statute proposed by ACC. It believed, for example, that the membership of the Commission, as now envisaged, would make it impossible to give equitable representation to the developing countries and should therefore be amended. Moreover, if the Commission was to include full-time members and part-time members, it was important to see to it that the developing countries were fairly represented among the full-time members. That was impossible if only 3 full-time members were provided for. In addition, the Chairman of the Commission should be from one of the third world countries.

69. His delegation continued to believe that it should be possible to take a decision at the current session, and it would therefore vote against the proposal of the Algerian delegation.

70. Mr. HARAN (Israel) recalled that in his statement to the Fifth Committee at the 1564th meeting, the Secretary-General had said the following: "I do not need to emphasize the great importance of the item relating to the International Civil Service Commission. This is a proposal which represents a landmark in the history of personnel administration for the United Nations family" (A/C.5/1526). But instead of considering the substance of the proposal before it and deciding what powers should be conferred on the Commission, the Fifth Committee was proposing to defer consideration of that question. That was not a good solution; it would be infinitely better if the Committee endeavoured at the current session to arrive at a consensus at least on all of the fundamental aspects of the question. His delegation therefore hoped that the Com-

mittee would continue to make every effort to arrive at a solution and it would therefore vote against the proposal of the Algerian delegation.

71. Mr. LEVIDIS (Greece) said that he would vote in favour of the Algerian proposal, although he believed that the Committee would not have found itself in its present predicament if the question had been brought before the Committee earlier, giving it enough time to hold all the necessary consultations. His delegation hoped that the report whose preparation had been proposed by the representative of Argentina would be submitted early enough in the twenty-ninth session and not during the last two weeks of that session.

72. Mr. KITI (Kenya), speaking on a point of order, moved that the meeting should be adjourned under rule 121 (b) of the rules of procedure.

73. Mr. BOUAYAD-AGHA (Algeria) pointed out that the Committee had decided categorically to vote at the current meeting on his delegation's proposal and that that decision could not be rescinded. He urged the Chairman to put the proposal (A/C.5/L.1150) to the vote immediately.

74. Mr. ADJOYI (Togo) drew the Chairman's attention to rule 130 of the rules of procedure, which contained instructions about conduct during voting. Rule 121 (b) of the rules of procedure could not be invoked at the current stage of the deliberations on the proposal.

75. The CHAIRMAN pointed out that the Committee had decided by 44 votes to 24, with 12 abstentions, to vote at the current meeting on the Algerian proposal (A/C.5/L.1150). That decision was quite specific and, consequently, any proposal to reconsider it would have to be adopted by a two-thirds majority, in accordance with rule 125 of the rules of procedure.

76. Mr. SOKALSKI (Poland) asked whether the proposal on which the Committee was being asked to vote was that in document A/C.5/L.1150 or that proposal as modified by the oral amendment of the Argentine delegation.

77. The CHAIRMAN recalled that the original proposal submitted by the Algerian delegation had been modified by the amendments submitted by the Byelorussian and Argentine delegations.

78. Mr. MORRIS (Liberia), speaking on a point of order, said that the matter on which the Committee had voted was whether it should proceed at the current meeting to vote on the Algerian delegation's proposal; that vote had not covered any subsequent amendments to the proposal. The ruling the Chairman had just given changed the situation completely.

79. The CHAIRMAN said that the Committee had indeed decided to vote at the current meeting on the Algerian proposal, but in making that decision the Committee had not decided to vote on the original text, excluding amendments of any kind.

80. Mr. MORRIS (Liberia) said that, in his view, the Committee's decision related only to the original text

submitted by the Algerian delegation, but that he was prepared to accept the Chairman's ruling.

81. The CHAIRMAN, referring to the oral amendment submitted by the Argentine delegation, asked whether the effect would not be the same if it stated simply that the Committee was of the opinion that the General Assembly might wish not to invoke paragraph 2 of resolution 2742 (XXV).

82. Mr. DAVIDSON (Under-Secretary-General for Administration and Management expressed the view that the amendments submitted by the Byelorussian and Argentine delegations to the Algerian proposal contradicted each other. The Byelorussian amendment proposed invoking paragraph 2 of resolution 2742 (XXV) in which the General Assembly had decided that no further adjustment of the base salary scales for the Professional and higher categories should be made until such time as the review called for in General Assembly resolution 2743 (XXV) had been completed and its results approved by the Assembly. The Argentine amendment, on the other hand, requested ICSAB to submit to the General Assembly as a matter of urgency a report on the question of salaries. Unless the General Assembly decided to reconsider the decision it had taken in paragraph 2 of resolution 2742 (XXV), he strongly doubted whether ICSAB could deal with that question. If, however, that was the Committee's intention, it would have to give ICSAB clear, detailed instructions.

83. Mr. STOBY (Guyana) said he believed that the Committee should vote on the Algerian proposal without reference to the proposed amendments. It could therefore vote on the Byelorussian and Argentine amendments and any other proposal that might have been submitted.

84. Mr. DE PRAT GAY (Argentina) agreed to the procedure proposed by the representative of Guyana.

85. Mr. ANI (Nigeria) said that the Committee was in a state of some confusion. If the Committee was required to vote on the Algerian proposal, his delegation would vote against it, because that proposal represented a policy of despair.

86. Mr. BOUAYAD-AGHA (Algeria) said that the confusion was the result of a misunderstanding: a request had been made, not to defer consideration of agenda item 87, but simply to defer until the twenty-ninth session the question of the International Civil Service Commission and its statute. That did not mean that, should the Algerian proposal be adopted, the debate would be closed. His delegation was agreeable to the procedure suggested by the representative of Guyana, but urged that the Committee should proceed to vote immediately.

87. Mr. THOMAS (Trinidad and Tobago) agreed that the procedure proposed by the representative of Guyana should be followed. Thereafter the Committee could consider the amendments proposed by the Byelorussian and Argentine delegations, although, as the Under-Secretary-General had pointed out, they contradicted each other.

88. Mr. ARBOLEDA (Colombia) expressed the view that the decision to adjourn the debate on the International

Civil Service Commission and the proposal that the debate should be continued once the Algerian proposal had been accepted were incompatible with each other. Moreover, the amendments submitted by the Byelorussian and Argentine delegations were also incompatible with each other. He doubted whether ICSAB was empowered to deal with the question of salaries. The amendment proposed by the Argentina delegation would, of course, give it a mandate in that respect, but the Byelorussian amendment would rule out that possibility. He accordingly suggested that the best course would be to vote first on the amendments and thereafter on the Algerian proposal.

89. Mr. KITI (Kenya) observed that he had intended to request that rule 125 of the rules of procedure should be applied. He pointed out that when amendments had been submitted to a proposal, the sponsor of that proposal was required to state whether he accepted those amendments, and if he did not, they had to be voted on separately.

90. The CHAIRMAN said that the work of the Commission was being made easier by the spirit of co-operation shown by the Argentine delegation in not insisting that its amendment should be put to the vote.

91. Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic) said that he would be guided by the wishes of the Committee; if it decided to vote only on the Algerian proposal, he would not press his amendment to a vote.

92. Mr. DAMASCENO VIEIRA (Brazil) said that he did not understand when the Committee would consider the Argentine proposal if it adopted the Algerian proposal, which suggested deferring consideration of the question until the following session.

93. The CHAIRMAN said that it was his understanding that the Argentine proposal, unlike the Algerian proposal, did not refer to consideration of the draft statute; the Committee would therefore continue its consideration of agenda item 87 at its meeting on the following day.

At the request of the representative of Kenya, a roll-call vote was taken on the Algerian proposal (A/C.5/L.1150).

The German Democratic Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Greece, Guinea, Ivory Coast, Jordan, Kuwait, Libyan Arab Republic, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Qatar, Rwanda, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, Uganda, United Republic of Tanzania, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Argentina, Bahrain, Brazil, Cameroon, Chad, Chile, China, Congo, Dahomey, Democratic Yemen, Ecuador, Ethiopia, Gabon.

Against: Ghana, Guyana, Israel, Japan, Kenya, Khmer Republic, New Zealand, Nigeria, Norway, Sierra Leone, Sweden, Trinidad and Tobago, Australia, Austria, Canada, Finland.

Abstaining: German Democratic Republic, Germany (Federal Republic of), Hungary, India, Indonesia, Iran, Ireland, Italy, Liberia, Malaysia, Netherlands, Philippines,

Poland, Portugal, South Africa, Spain, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Colombia, Cuba, Czechoslovakia, Denmark, France.

The proposal was adopted by 42 votes to 16, with 32 abstentions.

94. The CHAIRMAN requested representatives to defer their explanations of vote until the following meeting.

The meeting rose at 6.45 p.m.

1621st meeting

Friday, 7 December 1973, at 11.10 a.m.

Chairman: Mr. C. S. M. MSELLE (United Republic of Tanzania).

A/C.5/SR.1621

ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF THE DRAFT RESOLUTION CONTAINED IN DOCUMENT A/L.715 CONCERNING AGENDA ITEM 102* (A/C.5/1585)

1. The CHAIRMAN invited the Chairman of the Advisory Committee on Administrative and Budgetary Questions to make an oral report on the statement submitted by the Secretary-General (A/C.5/1585) on the administrative and financial implications of the draft resolution contained in document A/L.715.

2. Mr. RHODES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had considered the statement and come to the conclusion that it should be possible to make greater use of internal services of the Secretariat than was envisaged by the Secretary-General in document A/C.5/1585, particularly with respect to conference service staff and Secretariat assistance in place of the consultant services referred to in paragraph 3 (e). It had been strengthened in that view by the fact that in his statement (A/C.5/1559) on the administrative and financial implications of a related draft resolution (A/L.701/Rev.1), the Secretary-General had said that existing resources would be used to the maximum extent. Accordingly, the Advisory Committee had concluded that if draft resolution A/L.715 were adopted its financial implications would amount to \$120,000.

3. Mr. WANG Wei-tsai (China) recalled that at the Committee's 1614th meeting his delegation had reaffirmed its opposition to agenda item 102. It was also opposed to draft resolution A/L.715. Accordingly, it was opposed to any expenditure that might be incurred under the terms of that draft resolution.

4. The CHAIRMAN suggested that the Committee should request the Rapporteur to report directly to the General Assembly that should it adopt draft resolution A/L.715, an additional appropriation in the amount of \$120,000 would be required under section 4 of the programme budget for the biennium 1974-1975.

It was so decided.

* Reduction of the military budgets of States permanent members of the Security Council by 10 per cent and utilization of part of the funds thus saved to provide assistance to developing countries.

AGENDA ITEM 79

Proposed programme budget for the biennium 1974-1975 and medium-term plan for the period 1974-1977 (*continued*)** (for the earlier documentation, see 1589th meeting; A/9008/Add.9, 11, 12, 16, 17 and 18, A/C.5/1509/Add.2, A/C.5/1540, A/C.5/1543 and Corr.1 and 2, A/C.5/1544, A/C.5/1545, A/C.5/1547, A/C.5/1554, A/C.5/1566 and Corr.1, A/C.5/1571, A/C.5/1573, A/C.5/L.1146)

*First reading (continued)****

SECTION 32—MISCELLANEOUS EXPENSES (A/9006, A/9008)

5. The CHAIRMAN said that, in the proposed programme budget (A/9006), the Secretary-General had proposed an amount of \$762,000 for section 32. The Advisory Committee on Administrative and Budgetary Questions in its report (A/9008) had proposed a reduction of \$10,000 in that amount, or a total appropriation of \$752,000. Before calling upon the Chairman of the Advisory Committee in the normal way, he wished to give the floor to the Under-Secretary-General for Administration and Management, who wished to make a statement that might facilitate the debate.

6. Mr. DAVIDSON (Under-Secretary-General for Administration and Management) said that section 32 of the programme budget for 1974-1975 contained an item regarding the maintenance of the United Nations Memorial Cemetery in Korea. Under section 32, an amount of \$79,000 had been included for 1974, and \$81,000 for 1975, making a total of \$160,000 for the biennium.

7. As a result of alternative arrangements that had been made, and confirmed to the Secretary-General by the States directly interested, the time had now come when the Secretary-General could propose that the item should be deleted from the budget. If the Secretary-General's proposal was accepted, that would bring into effect the

** Resumed from the 1618th meeting.

*** Resumed from the 1615th meeting.