



SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. AMNEUS (Sweden)

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

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7 December 1987

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

AGENDA ITEM 115: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1988-1989 (continued)

AGENDA ITEM 116: PROGRAMME PLANNING (continued)

AGENDA ITEM 41: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 43: CURRENT FINANCIAL CRISIS OF THE UNITED NATIONS (continued)

1. The CHAIRMAN suggested that the Committee should continue its consideration of the agenda items on budgetary questions informally and then reconvene in order to discuss agenda item 17.

2. It was so decided.

The meeting was suspended at 10.05 a.m. and resumed at 11 35 a.m.

AGENDA ITEM 17: APPOINTMENTS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER APPOINTMENTS

(a) APPOINTMENT OF MEMBERS OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS (A/42/101 and Add.1; A/C.5/42/32)

1. The CHAIRMAN said that the Secretary-General had received notification of the resignation of Mr. O. Oduyemi (Nigeria) from membership in the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and that, as a result, the General Assembly would, at its current session, have to appoint an individual to serve for the unexpired portion of Mr. Oduyemi's term of office, i.e., until 31 December 1988.

4. The Government of Nigeria had proposed that Mr. Ferguson O. Iheme should be appointed to fill the vacancy. Since no other candidature had been put forward and if he heard no objection, he would take it that the Fifth Committee wished to dispense with a secret ballot and recommend by acclamation the appointment of Mr. Ferguson O. Iheme for a term of office ending on 31 December 1988.

5. It was so decided.

6. The CHAIRMAN invited the Committee to consider document A/42/101, in which the Secretary-General drew attention to the provisions of rules 155 and 156 of the rules of procedure and to the need for the General Assembly to appoint five persons to fill vacancies in ACABQ. Document A/C.5/42/32 listed the persons nominated by their respective Governments for appointment or reappointment to that Committee. Since the number of candidates corresponded to the number of vacancies to be filled, he suggested that the Fifth Committee should dispense with a secret ballot.

7. It was so decided.

8. The CHAIRMAN said that, if he heard no objection, he would take it that the Fifth Committee wished to recommend to the General Assembly by acclamation the appointment to ACABQ, for three-year terms of office beginning on 1 January 1988, of Mr. Bagbeni Adeito Nzengeya (Zaire), Mr. Even Fontaine-Ortiz (Cuba), Mr. Richard Nygard (United States of America), Mr. Tjaco T. van den Hout (Netherlands) and Mr. Viktor A. Vislykh (Union of Soviet Socialist Republics).

9. It was so decided.

(b) APPOINTMENT OF MEMBERS OF THE COMMITTEE ON CONTRIBUTIONS (A/42/102 and Add.1 and Add.2; A/C.5/42/33)

10. The CHAIRMAN said that, in document A/42/102/Add.1 and Add.2, the Secretary-General had informed the General Assembly of the resignation of Mr. Lance L. E. Joseph (Australia) and Mr. Yasuo Noguchi (Japan) from membership in the Committee on Contributions and of the need to appoint a person to serve for the unexpired portion of Mr. Joseph's term of office until 31 December 1989 and one to serve for the unexpired portion of Mr. Noguchi's term of office until 31 December 1988. As indicated in document A/C.5/42/33, Mr. Peter Gregg (Australia) and Mr. Kenshiroh Akimoto (Japan) had been nominated by their respective Governments. He took it that the Committee wished to recommend by acclamation the appointment of Mr. Peter Gregg (Australia) for a term of office ending on 31 December 1989 and Mr. Kenshiroh Akimoto (Japan) for a term of office ending on 31 December 1988.

11. It was so decided.

12. The CHAIRMAN invited the Committee to consider document A/42/102, in which the Secretary-General drew the General Assembly's attention to the provisions of rules 158 and 159 of the rules of procedure and the need to appoint six persons to fill vacancies arising in the membership of the Committee on Contributions on 1 January 1988 as a result of the expiration on 31 December 1987 of the terms of office of Mr. Amjad Ali (Pakistan), Mr. Ernesto Battisti (Italy), Mr. Feliks N. Kovalev (Union of Soviet Socialist Republics), Mr. Miquel Marín Bosch (Mexico), Mr. Dominique Souchet (France) and Mr. Wang Liansheng (China). In document A/C.5/42/33, the Secretary-General had listed the nominations received. Since the number of candidates corresponded to the number of vacancies, he took it that it was the wish of the Committee to dispense with a secret ballot.

13. It was so decided.

14. The CHAIRMAN said that he took it therefore that it was the Committee's wish to recommend by acclamation the appointment to the Committee on Contributions for three-year terms of office beginning on 1 January 1988 of Mr. Amjad Ali (Pakistan), Mr. Ernesto Battisti (Italy), Mr. Alain Catta (France), Mr. Yuri A. Chulkov (Union of Soviet Socialist Republics), Mr. Mauro Sergio da Fonseca Costa Couto (Brazil), and Mr. Wang Liansheng (China).

15. It was so decided.

(c) APPOINTMENT OF A MEMBER OF THE BOARD OF AUDITORS (A/42/103; A/C.5/42/34)

16. The CHAIRMAN said that, in document A/42/103, the Secretary-General had informed the General Assembly of the need to appoint the Auditor General or officer holding the equivalent title of a Member State to fill the vacancy that would arise on 1 July 1988 in the membership of the Board of Auditors as a consequence of the expiration on 30 June 1988 of the term of office of the Auditor-General of Ghana. In document A/C.5/42/34 the Secretary-General had informed the Committee that the Government of Ghana had nominated the Auditor-General of Ghana for reappointment to the Board of Auditors for a term of office beginning on 1 July 1988 and ending on 30 June 1991. He took it that it was the wish of the Committee to recommend by acclamation that the General Assembly should confirm that appointment.

17. It was so decided.

(d) CONFIRMATION OF THE APPOINTMENT OF MEMBERS OF THE INVESTMENTS COMMITTEE (A/42/104; A/C.5/42/30)

18. The CHAIRMAN said that, in document A/C.5/42/30, the Secretary-General had presented to the General Assembly, for confirmation, the reappointment to the Investment Committee of Mr. Jean Guyot (France), Mr. George Johnston (United States of America) and Mr. Michiya Matsukawa (Japan) for three-year terms of office, beginning on 1 January 1988. He took it that the Committee wished to confirm those reappointments.

19. It was so decided.

(e) APPOINTMENT OF MEMBERS OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL (A/42/105; A/C.5/42/35)

20. The CHAIRMAN said that in document A/42/105 the Secretary-General had drawn the attention of the General Assembly to article 3, paragraphs 1 and 2, of the statute of the United Nations Administrative Tribunal and to the need to appoint two persons to fill vacancies that would arise in the membership of the Tribunal on 1 January 1988. In document A/C.5/42/35, the Secretary-General had informed the Committee that Mr. Francisco Forteza (Uruguay) and Mr. Ioan Voicu (Romania) had been nominated by their respective Governments for appointment to the Tribunal. In the absence of any objection, he would take it that the Committee wished to recommend to the General Assembly the appointment of those two candidates.

21. Mr. BIERRING (Denmark), speaking on behalf of the 12 States members of the European Economic Community (EEC), said that in their recent statement on personnel questions, the Twelve had expressed concern that one Member State, Romania, had, for nearly two years, violated the immunities of United Nations officials by not allowing Mr. Liviu Bota, formerly Director of the United Nations Institute for Disarmament Research (UNIDAR), to return to Geneva to resume his duties. The same Member State was presenting the candidature of one of its nationals to serve on the Administrative Tribunal, which heard and passed judgement on applications from staff who alleged non-observance of their contracts of employment by the United

(Mr. Bierring, Denmark)

Nations Administration. Both management and staff must have complete confidence in members of that Tribunal and the States members of EEC failed to see how any candidate from a State which itself violated provisions of the Charter regarding privileges and immunities could inspire such confidence.

22. The Twelve were not challenging the wish of the Group of Eastern European States to see a national of one of their States appointed to the Tribunal and did not wish to question the existing practice regarding the selection of candidates by regional groups. Under other circumstances they would have welcomed the nomination of a Romanian national to the Tribunal. In the absence of another nominee from the Group of Eastern European States, the Twelve, regrettably, had no other choice than to dissociate themselves from the decision on that particular nomination.

23. Ms. WILLBERG (New Zealand), speaking also on behalf of the delegations of Australia and Canada, said that the three delegations subscribed to the principles and practices which ensured an orderly succession of appointments to United Nations offices.

24. Since the Administrative Tribunal ensured the protection of the contractual rights of United Nations employees, it was naturally expected that Member States submitting nominations should be beyond reproach in their own respect for the rights, privileges and immunities of United Nations employees laid down in the Charter. Australia, Canada and New Zealand would normally have welcomed the nomination of a Romanian national, but in view of that country's violations of the Charter provisions in the case of Mr. Liviu Bota, they felt obliged to dissociate themselves from the decision on that particular nomination.

25. Ms. CHISHOLM (United States of America) announced her country's intention not to participate in the decision to appoint Mr. Ioan Wicu of Romania to the Administrative Tribunal. The Romanian Government's continued illegal detention of Mr. Liviu Bota and its unwillingness to co-operate with the Secretary-General in arranging for his release were of profound concern to her Government. Consequently, the appointment of a Romanian government official to the Tribunal, which was responsible for ensuring equitable treatment of members of the international civil service, was unacceptable because it would seem to call into question the Tribunal's impartiality and would imply a lack of regard on the part of Member States for the rights and privileges of the international civil service.

26. Mr. REFSHAL (Norway), speaking also on behalf of Iceland and Sweden, expressed regret that a number of Member States violated the immunity of United Nations officials. The three Governments supported the Secretary-General's efforts to protect those officials and enable persecuted officials to resume their duties. The three countries had expressed particular concern over the case of Mr. Liviu Bota and felt it difficult to accept that a national of a country which violated the principles of the Charter and of the Convention on the Privileges and Immunities of the United Nations should be appointed to a tribunal in which staff, management and Member States must have absolute confidence.

(Mr. Refshal, Norway)

27. The three countries did not question the existing practice concerning candidates endorsed by regional groups but felt compelled to dissociate themselves from the decision on that particular nomination.

28. Mr. GORITA (Romania) expressed sincere thanks to those delegations which supported the candidature of Mr. Ioan Voicu, in keeping with the traditions of the Fifth Committee, the practices of the United Nations and the rules of procedure governing appointments to various bodies. However, he was surprised at the statements that had been made by a number of representatives, which had no bearing on the item under discussion. In document A/42/328, the Secretary-General gave some explanations based on fundamental legal instruments and the consistent practice of the United Nations concerning the selection of members of the Administrative Tribunal. In paragraph 13 of that document the Secretary-General indicated that the election of Tribunal members who were nominated by Governments generally reflected geographical considerations on which neither he, nor the staff, nor other organizations subject to the Tribunal, could exert any overt influence. That practice was fully in keeping with the statute of the Tribunal. Consequently, no considerations by Member States should affect the electoral process.

29. He was confident that those delegations which had stated their intention to dissociate themselves from the decision on the appointment would reconsider their position and thus prove their commitment to the General Assembly's long-standing practice. They would thus avoid creating a very dangerous precedent which could affect future elections.

30. He drew the attention of members to his delegation's position on the so-called Bota case, which had been set forth during the Committee's discussion of agenda item 122 on personnel questions.

31. Mr. OMURA (Japan) said that it was of the utmost importance that members of the Administrative Tribunal, which was responsible for passing judgements in cases concerning contracts of employment and terms of appointment of staff members of the common system, should enjoy the total confidence of staff, management and all Member States. It was regrettable that a decision was being taken on the appointment to the Tribunal of a national of a particular Member State when a case relating to the immunities and privileges of United Nations officials had not yet been satisfactorily resolved with that Member State. His delegation sincerely hoped that, as stipulated in the Charter, the privileges and immunities of United Nations officials would be scrupulously respected by all Member States and that a mutually satisfactory solution would be achieved with respect to that particular case.

32. The CHAIRMAN said that he took it that the Committee wished to recommend to the General Assembly the appointment of Mr. Francisco Forteza (Uruguay) and Mr. Ioan Voicu (Romania) as members of the Administrative Tribunal for three-year terms, beginning on 1 January 1988.

33. It was so decided.

(g) APPOINTMENT OF MEMBERS OF THE INTERNATIONAL CIVIL SERVICE COMMISSION
(A/42/241; A/C.5/42/36)

34. The CHAIRMAN said that, in document A/42/241, the Secretary-General had drawn attention to the need for the General Assembly at its current session to appoint two persons to fill the vacancies resulting from the death of one member of the International Civil Service Commission (ICSC) and the resignation of another. In document A/C.5/42/36, the Secretary-General had informed the Committee that Mr. Michel Jean Bardoux (France) and Mr. Ku Tashiro (Japan) had been nominated by their Governments to serve for the unexpired portion of the terms of office of those two members of the ICSC, i.e. until 31 December 1989. Pursuant to articles 4 and 5 of the statute of the Commission, the Secretary-General had consulted Member States, the executive heads of the other participating organizations, staff representatives and the Advisory Committee on the matter and proposed that the Committee should recommend the appointments.

35. If he heard no objection, he would take it that the Committee wished to recommend the appointment to ICSC of Mr. Michel Jean Bardoux (France) and Mr. Ku Tashiro (Japan) for a two-year term of office beginning 1 January 1988.

36. It was so decided.

37. The CHAIRMAN said that he would request the Rapporteur to report on the decisions taken directly to the General Assembly.

The meeting rose at 12.10 p.m.