GENERAL ASSEMBLY

FIFTH COMMITTEE
50th meeting
held on
Tuesday, 1 December 1987
at 3 p.m.

New York

FORTY-SECOND SESSION

Official Records*

SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. AMNEUS (Sweden)

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

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9 p.

The meeting was called to order at 3.05 p.m.

AGENDA ITEMS 115 AND 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1988-1989 AND PROGRAMME PLANNING (continued) (A/42/3, A/42/6 and Corr.1 and 2, A/42/7 and Add.2, A/42/16 (Part I) and Add.1 and A/42/16 (Part II) and Corr.1, A/42/512, A/42/532 and A/42/640; A/C.5/42/2/Rev.1)

First reading (continued)

Section 31. Staff assessment

- 1. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee's recommended estimate of \$262,282,000 as against the Secretary-General's estimate of \$268,504,000 was a consequence of the Advisory Committee's recommendations in other sections of the budget. The reduction of \$6,222,000 was explained in paragraph 31.4 of the Advisory Committee's report.
- 2. The CHAIRMAN invited the Committee to take the necessary action on section 31. If he heard no objection, he would assume that the Committee wished to approve the estimate without a vote.
- 3. The estimate of \$262,282,000 recommended by the Advisory Committee under income section 31 for the biennium 1988-1989 was approved in first reading without a vote.

Income section 1. Income from staff assessment

- 4. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Secretary-General's estimate of income from staff assessment was \$272,094,600. The Advisory Committee recommended a reduction of \$6,297,700. The reasons for the reduction were explained in paragraph IS 1.3 of the Advisory Committee's report. Delegations would note that, under the normal procedure, expenditure section 31 would be offset by the same amount under income section 1. However, income under income section 1 was larger than the expenditure estimate under expenditure section 31. The reason was that income section 1 included income from staff assessment pertaining to income section 3. An explanation was given in paragraph IS 1.2 of the report of ACABQ.
- 5. The CHAIRMAN invited the Committee to take action on the estimate recommended by the Advisory Committee under income section 1. If he heard no objection, he would take it that the Committee wished to approve the amount without a vote.
- 6. The estimate of \$265,796,900 recommended by the Advisory Committee under income section 1 for the biennium 1988-1989 was approved in first reading without a vote.

Section 13. Economic Commission for Africa (continued)

- 7. The CHAIRMAN said that the Committee had proved the recommendations of the Committee for Programme and Co-ordination in regard to section 13 (A/42/16, Part I, paras. 134-140) at its 46th meeting. It had postponed action on the budget appropriations for that section pending the detailed examination by some delegations of the understanding which he had read out at that meeting and which it was proposed to attach to the approval in first reading of the estimates under section 13. The text of the understanding had been distributed to delegations. He proposed that the Committee should proceed to take the necessary action on the estimate for section 13.
- 8. Mr. FIGUEIRA (Brazil) said that his delegation agreed with the thrust of the understanding but had some difficulty with the phrase "in consultation with ACABQ" in its second paragraph. In his delegation's view, the Secretary-General should provide Member States with leadership in that area of the budget. Paragraph 23 of the Secretary-General's report on the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990 (A/42/674) stated that available and expected resources in the regular budget and from extrabudgetary contributions were estimated to be insufficient to meet the financial requirements for proposed activities. His delegation could not accept that statement, especially in budgetary terms, because the Secretary-General was required to provide a proposed programme bidget that included the necessary rescurces to accommodate all the programmes and activities mandated by legislative bodies. It believed, therefore, that the Secretary-General must make a special effort to find the necessary resources to fund all the programmes or activities needing to be financed. As far as regular budget resources were concerned, rule 104.4 of the Financial Regulations and General Assembly resolution 239 A contained provisions which related to the transfer of credits between sections of the budget and the particular role of the Advisory Committee. His delegation felt, therefore, that if the Secretary-General wished to proceed in a way that was provided for in the Regulations, he should follow the rules exactly, and where there was no need for consultations he should not engage in them. His delegation therefore suggested that the phrase should be deleted.
- 9. Mr. EL-MEKKI (Sudan) said that his delegation could agree to the suggestion, provided there was a reliable procedure for raising funds without consulting the Advisory Committee. If the procedure required such consultations, the Secretary-General should hold them.
- 10. Mr. SEFIANI (Morocco) said that his delegation had no objection to the understanding. The Advisory Committee had certain responsibilities in regard to administrative and budgetary questions and the paragraph merely confirmed those responsibilities.
- 11. Mr. NGAIZA (United Republic of Tanzania) said that his delegation was in favour of the text proposed by the Chairman. ACABO had duties in such matters and it should therefore be consulted by the Secretary-General in order to make sure that the concerns that had been expressed by the majority of delegations were being borne in mind.

- 12. Mr. FONTAINE-ORTIZ (Cuba) said that, where unforesten expenditures were concerned, the ACABQ was authorized to approve certain requests by the Secretary-General. The expenditures in question were not really unforeseen, however, and he wondered whether the Advisory Committee ought to be involved.
- 13. Mr. MUDHO (Kenya) said that he could not understand what harm or disadvantage would arise if the Secretary-General consulted the Advisory Committee. He felt that the understanding would not be as balanced and complete without the reference to the advice of the Advisory Committee, and he urged the representative of Brazil to accept the understanding as read out.
- 14. Mr. LADJOUZI (Algeria) asked what the Brazilian delegation would suggest as an alternative to consultations between the Secretary-General and the Advisory Committee.
- 15. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the understanding to be attached to the approval in first reading of section 13 had two paragraphs. The first, among other things, requested the Secretary-General to report to the General Assembly at its forty-third session. The objectives to be met by that report were indicated in the paragraph. The second paragraph said that, rending the Assembly's consideration of the report, the Secretary-General should ensure that ECA was provided with adequate resources to implement its work programme. Should the Secretary-General have difficulty in meeting the request that he ensure the provision of adequate resources, he was to consult the Advisory Committee, with proposals as to what he intended to do, before the Assembly considered the report referred to in the first paragraph.
- 16. In his opinion, the second paragraph was completely in order. If the Advisory Committee was left out, the outcome would be that the Secretary-General would have to include the measures that were to be taken in his revised estimates, which must await consideration by the General Assembly. The intent of the second paragraph, therefore, was not to impede implementation of the work programme. If the Secretary-General were to take action without consulting the Advisory Committee, he might be criticized at a later stage for not seeking the advice of the Committee which, under the Financial Regulations, was authorized to allow him to make certain commitments. If the phrase was removed, the Secretary-General would be left more or less free to do as he felt appropriate. In that event, however, he should not be subject to the criticism of Member States.
- 17. Mr. FIGUEIRA (Brazil) said that the phrase "in consultation with ACABQ" referred to cases in which the Advisory Committee, under its mandate, was authorized to give the Secretary-General permission to proceed in a certain way, not just in consultation with it but with its "concurrence". The funding of ECA's work programme had two aspects: regular budget resources and extrabudgetary resources. The Secretary-General had been requested to take the necessary steps to ensure that extrabudgetary resources became available if required. He would do so by appeals to Member States and non-governmental organizations through various organs and members of the United Nations system. He was therefore required to provide leadership in an area not related to the Advisory Committee's mandate. In

(Mc. Figueira, Brazil)

the case of regular budget resources, he was required to proceed in accordance with the existing mandates laid down by the Organization. Therefore, whether it was spelt out in the understanding or not, the Secretary-General would be required to follow the mandates approved by the General Assembly, and if he needed to seek the concurrence of the Advisory Committee he would no doubt do so.

- 18. Mr. FONTAINE-ORTIZ (Cuba) thanked the Chairman of the Advisory Committee for his explanation. Since it was now clear that there was no violation of the Advisory Committee's mandate, his delegation could accept the understanding as it stood.
- 19. Mr. TAKASU (Japan) said that he would appreciate some clarifications conc ning, among other things, the role of the Advisory Committee.
- 20. Mr. GOMEZ (Controller) said that the first paragraph of the Chairman's understanding in fact contained two requests. First, the Secretary-General was asked to demonstrate that the priority he attached to the Programme of Action for African Economic Recovery and Development was reflected in his programme budget proposals for ECA. Since the Committee had not liked the Secretary-General's original proposals - which had been endorsed by CPC - the S cretariat would draw up a new inventory of activities, which would be submitted through CPC to the General Assembly at its forty-third session. Secondly, the Secretary-General was called upon to deal with the persistently high vacancy rate at ECA. He had several options for doing so: he could, for example, redeploy resources within section 13 and describe his action in revised estimates submitted to the General Assembly in 1988. Although he did not need the concurrence of the Advisory Committee to do so, when proposed transfers of resources within a section were significant he generally consulted ACABQ. Alternatively, he might conclude that the only way of dealing with the vacancy rate would be to link action on personnel issues to the use of resources under section 13. In that case, he could not act without the approval of the General Assembly, which was unlikely to be in session.
- 21. It was the Secretary-General's practice to consult the Advisory Committee even when not formally required to do so, and he thereby gain...d much useful advice. If delegations wished him not to, they should be prepared to temper their criticism of any action he took.
- 22. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), replying to the representative of Japan, said that the resolution by which the General Assembly every two years approved the budget for the forthcoming biennium always contained a paragraph authorizing the Secretary-General to transfer credits between sections with the concurrence of the Advisory Committee. No time limit was attached to that provision, and the Secretary-General could therefore approach the Advisory Committee at any time in the biernium.
- 23. The CHAIRMAN suggested that, on the basis of the recommendation by the Advisory Committee, the Committee should approve an appropriation of \$42,556,000 under section 13 in first reading, subject to the following understanding:

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(The Chairman)

"The Committee, noting the report contained in document A/42/674 and the intention of the Secretary-G eral to give priority to Africa in the budget for the biennium 1988-1989, requests that a new report be presented to the forty-third session of the General Assembly through CPC. The report should clearly identify in the related sections of the programme budget activities (sub-programmes, programme elements, outputs) and related resources as contributions by the United Nations towards the implementation of the Programme of Action for African Economic Recovery and Development. The report should also contain proposals by the Secretary-General for the effective solution of ECA's persistent high vacancy rate.

"Pending consideration of the above report by the General Assembly, the Secretary-General, in consultation with ACABQ, should ensure that, as recommended in paragraph 137 of the CPC report, adequate resources are made available to ECA for the full implementation of its work programme and priorities."

24. It was so decided.

- 25. Mr. FIGUEIRA (Brazil) said that, in joining the consensus on section 13, his delegation had had no problem with the programme content or resource level of the section and, indeed, regretted that the Secretary-General had been unable to provide the necessary resources for full and timely implementation of all the programmes concerned. His delegation had also had no objection to paragraph 2 of the Chairman's understanding, stipulating that the mandates given by the General Assembly should be carried out in full, and in that connection he drew particular attention to operative paragraph 2 of General Assembly resolution 40/239 A.
- 26. The CHAIRMAN announced that the Committee had concluded its consideration of section 13 in first reading.

Section 18. United Nations Environment Programme (continued)

- 27. Mr. BOUR (France) asked whether the Secretariat would be able to answer his question about provision for the conference-servicing requirements of the Committee of Permanent Representatives of the United Nations Environment Programme (UNEP).
- 28. Mr. BAUDOT (Director, Programme Planning and Budget Division) said that the appropriations requested under section 18 did not include provision for conference servicing for the Committee of Permanent Representatives, because the decision to make that body an official one had not been taken when the budget estimates were drawn up. The matter was to be discussed in the Second Committee. Arranging conference services would be a problem, especially as officials at UNEP had indicated that the only, although expensive, way of providing such services in Nairobi was to bring translators and interpreters from Geneva. It might be possible to reduce the total cost by combining sessions of the new Committee with other meetings taking place in Nairobi.

- 29. Mr. BOUR (France) said that the necessary appropriations should be properly reflected in the budget proposals for section 18. Delegations should be given proof that the Secretariat had considered the problem carefully and selected the most economical solution; if it had not yet done so, it should begin forthwith, so that a final decision could be taken in early 1988.
- 30. Paragraph 18.8 of the Secretary-General's proposals referred to resources needed to cover temporary assistance for meetings. If proper provision was made for the Committee of Permanent Representatives, he wondered whether the resources listed in paragraph 18.8 would still be needed.
- 31. Mr. BAUDOT (Director, Programme Planning and Budget Division) said that, in view of the size of the sums involved, it was unlikely that the requirements of the Committee of Permanent Representatives in Nairobi could be met out of existing resources under section 29. Using the conference-services staff available in Nairobi to service the Committee of Permanent Representatives was a possibility, but he doubted whether the existing establishment would be sufficient to provide the Committee with all the services it required.
- 32. Mr. MURRAY (United Kingdom) said he feared the Committee was on the point of taking a decision without full information on the possible financial implications. He did not know what decision had been taken in the Second Committee concerning the status of the Committee of Permanent Representatives; certainly no statement of programme budget implications relating to such a decision had come to his notice. He found it odd that information on the possible change at UNEP should be coming from other delegations and not from the Secretariat.
- 33. It appeared that the decision by the UNEP Governing Council to hold biennial sessions would be negated by the decision to hold meetings of the new Committee of Permanent Representatives in off-years. He would welcome clarifications as to the standing and membership of the Committee of Permanent Representatives, whether the Committee had the same legislative power as the Governing Council, and whether it was entitled to the same level of services.
- 34. Mr. BAUDOT (Director, Programme Planning and Budget Division) said he understood that the Committee of Permanent Representatives of UNEP had been given official standing under a decision by the Second Committee based on the report of the Governing Council. No statement of financial implications had been prepared in connection with the Second Committee's decision. The Committee was a smaller body than the Council, which it was not meant to replace. He did not believe it would have the same legislative authority as the Council: its purpose was rather to ensure continuity in the dialogue between the UNEP secretariat and Member States. Whether the new Committee should be entitled to interpretation services was a matter for the Governing Council. He had been given to understand that the new Committee would meet for one day at a time four times per year.
- 35. Mr. BOUR (France) said he understood that the Second Committee had decided to send a letter to the Chairman of the Fifth Committee describing its decision, with a view to determining how that decision should be put into effect. He suggested

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that action on section 18 should be deferred until the letter from the Chairman of the Second Committee had been officially received and the Secretariat had provided the information requested by delegations. His delegation would not, however, object to taking action on section 18 in first reading, provided it had assurances that the question of the new Committee would be taken up again before the second reading of the budget.

- 36. The CHAIRMAN said he would take it that the Committee wished to optione an appropriation under section 18 in first reading subject to the understanding that the question of the servicing of the Committee of Permanent Representatives would be considered again before the second reading of the programme budget.
- 37. Mr. MICHALSKI (United States of America) said that his delegation would support the proposed understanding if the Committee on Conferences considered the issue before it was taken up in the Fifth Committee.
- 38. After a brief discussion in which Mr. LADJOUZI (Algeria), the CHAIRMAN and Mr. MURRAY (United Kingdom) took part, the CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the CPC recommendations contained in paragraphs 161 and 162 of its report (document A/42/16 (Part I)).
- 39. It was so decided.
- 40. An appropriation in the amount of \$10,286,500 under section 18 for the biennium 1988-1989 was approved in first reading without objection, on the understanding that the question of the servicing of the Committee of Permanent Representatives would be considered again before the second reading of the programme budget.
- 41. Mr. BAUDOT (Director, Programme Planning and Budget Division), reviewing the as yet unanswered questions raised by delegations regarding the various budget sections, said that he would respond to those of the representatives of Cuba, Yemen and Belgium at a later date. He had answered the questions of the representative of Poland in writing and could supply copies of his reply to the members of the Committee if they wished. Briefly, regarding the distinction between consultants and the members of an expert group, the participants in an expert group were considered, de facto and de jure, to be consultants only if they performed an additional function for the group such as preparing a paper or acting as rapporteur. As such, they would be included in the reductions recommended by the Group of 18. As to the relative proportions of the ad hoc expert groups constituted by decision of one of the legislative bodies and those established on the initiative of the Secretary-General, approximately 80 per cent of such groups were, indeed, proposed by the Secretary-General. Once the budget was adopted, however, no distinction was made between the two kinds of groups. Regarding the national origin of consultants engaged by the United Nations Conference on Trade and Development (UNCTAD) he said that the data did show a certain degree of diversity. The questions of the representative of India regarding the results of

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the staff redeployment scheme under way in the Secretariat and the exceptions that had been made to the freeze, particularly by the regional commissions, had been answered in a note, which could be made available to the Committee, providing data on requests for redeployment considered and pending.

- 42. Mr. GUPTA (India) said that the information provided to him indicated that the Secretariat had made a considerable effort to redeploy staff. In the Economic and Social Commission for Asia and the Pacific (ESCAP), however, many posts, especially in the Professional category, had not been considered for redeployment and that would undoubtedly affect its programme delivery. He noted that there had been some recruitment in the other regional commissions and, considering the many vacant posts in ESCAP, asked why there had been none there.
- 43. Mr. BAUDOT (Director, Programme Planning and Budget Division) said that he would prefer to answer that question once his note on India's original questions had been circulated.
- 44. The CHAIRMAN said that the Committee had concluded its consideration of all sections of the proposed programme budget in first reading.

AGENDA ITEM 122: PERSONNEL QUESTIONS

- (b) RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.5/42/L.7)
- 45. Mr. MAKTARI (Yemen) said that at an earlier meeting his delegation had asked a question concerning paragraph 12 of the Secretary-General's report (document A/C.5/42/14) which had not yet received an answer.

The meeting was suspended at 4.55 p.m. and resumed at 5.30 p.m.

- 46. The CHAIRMAN said that the Secretariat would reply to the representative of Yemen in writing, with a copy to the Chairman, and that a corrigendum to the document would be issued.
- 47. Mr. HARAN (Israel) said that it was unfortunate that a representative of the Secretariat was not present, because his delegation had a question concerning paragraph 13 of the Secretary-General's report, where the Secretary-General indicated that he had been unable to obtain further information about Mr. Alec Collett, a hostage in Lebanon. Two recently released French hostages, Mr. Augue and Mr. Normandin, had provided valuable information on the whereabouts of hostages in Lebanon and the conditions under which they were being held. It might be appropriate for a representative of the Secretary-General to approach the two former French hostages in order to seek further information on Mr. Collett. It was interesting to note Mr. Augue's assertion, in Le Monde, that his kidnappers had been Palestinians posing as nurses and guardians. That constituted added proof that the Palestinians were not only victims and refugees, but also continued to

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operate as terrorists and take hostages. In that connection, it might also be appropriate for the Secretary-General to contact the representative of the Palestinian terrorists for information on Mr. Alec Collett.

- 48. The CHAIRMAN said that he would convey the Israeli representative's suggestion to the proper Secretariat officials.
- 49. If he heard no objection, he would take it that the Committee wished to adopt the draft resolution A/C.5/42/L.7 without a vote.
- 50. It was so decided.
- 51. Mr. GORITA (Romania) said that, in a spirit of compromise and understanding, his delegation had not objected to the adoption of draft resolution A/C.5/42/L.7. His delegation understood and interpreted the draft resolution's provisions, including the references to the Secretary-General's report, in the light of the position it had expressed in the Fifth Committee on 16 November 1987 under agenda item 122.
- 52. Thy CHAIRMAN said that the Committee had concluded its consideration of the sub-item.

The meeting rose at 6.05 p.m.