UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

SIXTH COMMITTEE
9th meeting
held on
Tuesday, 1 October 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. ESCOVAR-SALOM (Venezuela)

CONTENTS

Distr. GENERAL
A/C.6/51/SR.9
10 December 1996
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 120: HUMAN RESOURCES MANAGEMENT (continued)

Reform of the internal system of justice in the United Nations Secretariat (continued) (A/50/7/Add.8, A/49/60/Add.2 and Corr.1, A/C.5/50/2 and Add.1 and 2)

1. Mr. HAYES (Ireland), speaking on behalf of the European Union, explained what he thought would be the most suitable structure for dealing with differences between the United Nations Administration and staff. The system should provide for procedures in a non-contentious stage and for the subsequent resort to a judicial process if those procedures were unsuccessful. At the first stage, due attention should be given to the possibilities offered by mediation and ombudsman procedures, but without excluding a review function. Since there were two categories of differences between Administration and staff, arising respectively from administrative decisions and disciplinary measures, there should also be, in regard to the latter, established pre-decision consultation procedures quite distinct from post-decision mediation and review procedures. The next stage, that of resort to a judicial process, should be on the lines of the existing appeal procedure to the Administrative Tribunal.

2. His delegation wished to offer some comments on a few aspects of the Secretary-General's proposals. The European Union welcomed the proposal to replace the existing panels on discrimination and other grievances with ombudsman panels. The Coordinator would have the responsibility of ensuring that the panel system functioned properly and the task of organizing, training and guiding the panels. Those changes would improve the procedure and produce better results. The members of the ombudsman panels should have direct experience of the work of the United Nations and enjoy the confidence of both the Administration and the staff.

3. His delegation believed it important for reasons of due process that staff members should be able to choose between reference to an ombudsman panel or having recourse immediately to the pre-litigation review procedure. That procedure, which was currently provided for under staff rule 111.2, was also intended to be strengthened.

4. The European Union had serious doubts regarding the proposal to replace Joint Appeals Boards by Arbitration Boards. Its principal concern was that it would involve replacement of staff members by outside experts. The latter would lack familiarity with the very special regime appropriate to the United Nations. Their approach, which might be appropriate in the private sector, could be unsuitable for the Secretariat.

5. The European Union also had doubts about the appropriateness of arbitration as a method of settling disputes between institutions and staff members. The principle of binding arbitration at that stage, even if only by mutual agreement, would seem to be a derogation of the responsibility which, under the Charter, the Secretary-General bore for the administration of the Secretariat.

6. In addition, the European Union noted that the Administrative Tribunal itself had expressed reservations on a number of aspects of the reform, for example the independence of the arbitrators. In any case, the method of selection of appointees to any new offices should enjoy the confidence of both the Administration and the staff.

7. The Secretary-General's reports presented widely divergent views on the quality of Joint Appeals Board decisions and the value of their contribution to the system of administering justice in the United Nations. The European Union had concluded that further research was required taking into account the qualitative and quantitative impact of the work of the Joint Appeals Boards before an authoritative assessment could be made.

8. The Advisory Committee on Administrative and Budgetary Questions had itself expressed concern that not enough had been done to respond to its calls for simplification of rules and procedures. Lastly, any reform of the procedure should take account of the existence of the different United Nations seats around the world.

9. Mr. LEGAL (France) said that the replies provided by the Under-Secretary-General for Administration and Management to the questions asked by members of the Sixth Committee had been inadequate to say the least. The questions which his delegation had asked had received very patchy answers, and the same held true for the questions asked by the delegation of the Syrian Arab Republic. The Sixth Committee was not alone in receiving such treatment: the replies by the Under-Secretary-General to other Committees had been just as unsatisfactory. In considering matters of that kind, it was vital that the General Assembly should receive the answers it needed. It was essential to listen to the views of Member States when institutional reform was being discussed. To date, States Members had not been given a proper hearing, and unless they were listened to and their views taken into account, it would be impossible to break the deadlock. While grateful to the Under-Secretary-General for his statement the previous day (A/C.6/51/SR.8), his delegation wished to hear from the President of the Administrative Tribunal when that body began sitting. The Tribunal had made some important proposals on the matter under discussion and it would be useful for the sake of balance if the Sixth Committee could benefit from its deliberations.

10. His delegation wholeheartedly supported the comments made by the representative of Ireland on behalf of the European Union. Regarding the juridical implications of the proposals contained in the Secretary-General's reports on reform of the internal system of justice in the Secretariat (A/C.5/50/2 and Add.1 and 2), his delegation wished to highlight certain comments and submit alternative proposals.

11. The first of his comments related to "professionalization of the justice system". The report submitted by the Under-Secretary-General for Administration and Management took as its starting point the lack of competence and availability of staff-elected members of the Joint Appeals Board and proposed replacing that body with one composed solely of "professionals skilled in ascertaining relevant facts and supporting evidence". By the same reasoning, the report proposed that staff representatives should no longer be elected but

chosen by the Secretary-General from a list drawn up by the staff representative body, since an election would be a cumbersome and impractical procedure.

12. The analysis on which the proposal was based essentially blamed the joint composition of appeals and disciplinary bodies and the practice of electing staff representatives to serve on them for the delays and ineffectiveness it noted in the current system. The French delegation challenged the validity of that analysis.

13. In fact, staff participation in disciplinary and appeals bodies guaranteed that the viewpoint of staff on situations potentially affecting their lives and careers would be considered before the Administration took a final decision. That participation was also necessary to the United Nations, because it ensured cohesiveness among the persons composing the Organization and the accountability of staff who were thereby given the right to state their views. The ability of joint appeals boards to recommend changes to the Staff Rules was important in that regard.

14. The report (A/C.5/50/2) emphasized the staff's lack of interest in performing elective functions in joint advisory bodies. That situation was perfectly understandable because, currently, staff members who made the effort to represent their colleagues had to volunteer their time, ask their supervisor for permission to attend meetings and consider and prepare their case files without being released from any of their regular duties. In addition, the obligation of accountability meant that such staff members were even penalized for exercising those functions. The situation would certainly be different if the exercise of elective functions was protected by the Staff Regulations and Rules and if the usefulness of those functions was officially acknowledged.

15. The accusation that staff members serving on joint bodies were incompetent was particularly shocking because, in many cases, the excessive delays in the processing of cases seemed, on the contrary, to be attributable to postponements requested by the Administration itself.

16. The claim that elected staff representatives systematically sided with the staff member concerned disregarded the logic of the operation of a joint body, whereby the members appointed by the Administration defended the interests of the relevant service, and the elected members defended the collective material and non-material interests of the staff they represented. The board or committee members could not act as impartial judges of the cases brought before them because that was not their role and the body on which they served was not a tribunal.

17. The recommended solution of recruiting "professionals" seemed completely inappropriate. The objective of the advisory system was to give the Secretary-General a full account, from each party's viewpoint, of the circumstances of the dispute and to assess the impact of his final decision in terms of the interests of the service and of Secretariat staff. A theoretical and abstract view advanced by "experts" with no particular link to either management or staff would not help the Secretary-General to weigh the factors at stake in order to make his choice. Familiarity with the specific features of the Organization was

precisely what was needed in order to form a viable recommendation, and it was paradoxical to turn to outsiders as a means of reaching that outcome.

18. It should also be noted that resorting to "professionals" entailed a risk of amateurism or patronage. If the persons recruited served for short periods, their lack of sufficient knowledge of the context would render their initial contributions questionable, if not meaningless. If, on the other hand, they remained for long periods, there was a danger that their complete independence from the Administration or from a given staff member could eventually be compromised. In either case, they would no longer enjoy the full confidence of the Secretary-General, and the exercise would probably fail.

19. Professional members of advisory bodies would have to be chosen in accordance with the principles of geographical representation and equitable representation of the major systems of civil service organization and administrative justice. Whether that choice was made through elections by the General Assembly or directly by the Secretary-General, serious practical difficulties could arise in reconciling the need for diversity with the imperatives of quality, homogeneity and economy, since the number of persons to be selected was very small.

20. He also wished to comment on the use of arbitration to settle internal disputes. The second main point of the Under-Secretary-General’s statement was that arbitration (and even binding arbitration) should replace the current methods of using joint consultations to deal with appeals lodged by staff. That idea, together with that of recruiting professional arbitrators, was manifestly imported from a context which was very different from that of the United Nations, and did not seem very appropriate.

21. Arbitration presumed the existence of a relation of equality between the parties who chose that means of settlement. It also presumed that the parties had agreed in advance that the arbitral award would be binding for both of them. First, however, the staff and the Secretary-General were not on an equal footing in the employment relationship; and second, the binding nature of the award would pose problems of compatibility with the Charter.

22. Arbitration, as used in the private sector, could not be transposed to a civil service system in which the rules governing personnel management were determined by a third party: the General Assembly. In that context, disputes concerned only the Secretary-General’s application of pre-existing rules. Therefore, the object was not to find a middle ground between two free agents, but rather to find a satisfactory interpretation of a given legal framework. In that respect, the Administration was better equipped than staff members and their representatives, and arbitration was likely to be a bad bargain for the staff members concerned.

23. Moreover, the logic of arbitration was ill-suited to the unilateral nature of the relationship between a supervisor and his or her staff. The supervisor - meaning, first of all, the Secretary-General in his capacity as the "chief administrative officer of the Organization" - was responsible for personnel management and accountable to Member States in that regard. If the Secretary-General was no longer accountable for decisions on important issues concerning

the application of administrative rules, Member States would lose their authority over an organ which was supposed to put their decisions into practice. Binding arbitration would require all parties to abide by management solutions which had been formulated and adopted by persons who were not legally accountable. The French delegation felt that that option could not be considered unless the decisions in question were taken by a judicial body, and the United Nations Administrative Tribunal was the only one which had competence in the matter.

24. The proposal contained in the report (A/C.5/50/2) did not require that arbitration should be binding in all cases. However, if it was not, then the proposal concerned mediation rather than true arbitration, and the logic of the system was such that arbitrators' decisions progressively became binding.

25. The proposal to replace the joint advisory machinery by professional arbitrators amounted purely and simply to abolishing the advisory system rather than improving it. It was, however, possible to find ways of introducing reforms which maintained the distinction between the advisory and judicial functions. For that reason, the Secretariat and Member States should consider an approach fundamentally different from that proposed by the Secretary-General in order, on the one hand, to strengthen the advisory system and to facilitate staff participation in joint bodies and, on the other, to reinforce the authority of the Administrative Tribunal and assert the rights of the staff members concerned to which such authority gave rise.

26. Strengthening the advisory system implied, in the first place, modifying the terms of service of the staff members concerned, specifically by granting time off for attendance at, and preparation for, meetings, organizing training sessions during working hours in administrative law and other techniques relevant to participation in joint meetings, protecting those concerned from any impact on their career as a result of time spent on the tasks involved in staff representation or the positions adopted in that context, providing facilities for widely publicizing the holding of elections and enhancing the status of advisory activities, which should systematically be viewed not as time lost for programme delivery but as an important part of programme implementation.

27. Staff consultation was already obligatory in disciplinary cases. It might also be contemplated in the case of individual or collective decisions concerning, for example, transfers, remuneration and proposed amendments to legislation.

28. Staff rights might also be more effectively ensured if the judgements of the Administrative Tribunal were more binding on the Administration than they were currently. The removal of the option of consulting the International Court of Justice concerning Administrative Tribunal decisions, had, in fact, made those decisions the final stage of contentious proceedings. For that reason, the nature of the Tribunal's full jurisdiction should be reaffirmed and, at the same time, more specific requirements should be laid down concerning the qualifications of the judges. The powers of the Tribunal might be defined in more peremptory terms. It would be in a better position to fulfil its jurisprudential and judicial role if it were open to it both to award compensation for injury and, above all, to rescind the acts of which it was

seized. Retroactive rescission, a tried and tested method of administrative law, was a means of eliminating acts declared to be illegal from the legal order. The exercise of such a power would have the effect of ensuring the rule of law at all times within the Secretariat, which was not currently the case.

29. Lastly, it would be appropriate to develop procedures that would oblige the Administration to comply fully with the judicial decisions rendered by the Administrative Tribunal. For example, in a case where a decision in irregular form had been taken to the detriment of a staff member, the latter should have the benefit, through retroactive rescission, of a proper reconstruction of his career, nullifying the effects of the illegality of which he had been the victim. Other procedures, such as financial penalties, might be added to the means at the disposal of the Tribunal to ensure compliance with its decisions, which would be in the interest of all and would limit the number of cases of illegality.

30. Rather than creating parasitical structures with extensive powers within the administrative machinery, it would be possible to keep the hierarchical authority intact by enabling it, at an early stage, to pay more attention to staff concerns, and, at a later stage, to make it subject to more effective judicial review.

31. His delegation considered that failure to reconsider the Secretary-General's proposals and so avoid becoming trapped in the straightjacket of simplistic arrangements, would be unacceptable and self-defeating. It was willing to consider improved proposals with other delegations and was ready to participate in any consultations which the Secretary-General might initiate in order to develop a new proposal.

32. Ms. KUNADI (India) recalled that under the reform of the internal system of justice proposed in document A/C.5/50/2, the Joint Appeals Board would be replaced by an Arbitration Board and the Joint Disciplinary Committee by a Disciplinary Board. The arbitrators would be professional people recruited from outside the United Nations system and would not be regarded as staff members.

33. Her delegation was in favour of a meaningful reform of the internal system of justice. He would have no objection to the use of the proposed arbitration procedure to settle commercial disputes that might arise between the Organization and outside contractors. Similarly, it would be in favour of the professionalization of the system as proposed by the Secretary-General. However, it had reservations on the appropriateness of arbitration as a means of resolving administrative disputes.

34. Arbitration generally implied a situation of equality between the parties, who freely chose that means of settlement, appointing arbitrators, agreeing on the applicable law and other arbitration procedures. However, the legal system provided in the Charter did not place the parties on an equal footing, nor did it leave them free to appoint judges or to decide on the applicable law; moreover, it was for the Secretary-General, in his capacity as the chief administrative officer of the Organization, to decide all matters of a disciplinary nature.

35. Her delegation therefore considered that the proposal to establish a system of arbitration within the internal system of justice did not satisfy the criteria of equity and justice. It remained ready, however, to consider any proposal that might be submitted to improve the existing system.

36. Mrs. FERNANDEZ de GURMENDI (Argentina) considered that the Secretary-General's proposal contained many positive features, in particular with respect to improving communication, the exchange of information, reconciliation, the training of administrators and the creation of ombudsmen mediation panels.

37. The outside recruitment of arbitrators who would replace the Joint Appeals Board and would preside over the Disciplinary Boards appeared to raise a series of problems that called for the greatest caution. Arbitration hardly seemed appropriate for the settlement of administrative disputes in the international civil service where the parties were not on an equal footing but, because of the very nature of the link between them, in a hierarchical relationship. Moreover, the fact that the Secretary-General and the staff would not be able to appoint the arbitrators by joint agreement ran counter to one of the essential objectives of the reform, which was to introduce transparency and avoid conflicts of interest. The proposed method of appointment would not necessarily have implications with respect to the professional competence of the arbitrators, but it would undoubtedly have an impact on the way in which the impartiality of the system was perceived. Moreover, the possibility of negotiation and settlement that was afforded by arbitration in situations where the parties were equal would be absent in the context of the international civil service, since the Secretary-General and the staff were bound strictly to observe the regulations in force, a fact which left very little room for manoeuvre through negotiation.

38. The proposal to create two Arbitration Boards (one in New York and the other in Geneva) which would replace the various joint boards also raised questions of a practical and financial nature. More accurate data would be required in order to ascertain whether the centralization of the system would make it possible to eliminate the backlog, and to determine the cost of such a reform.

39. The professionalization of the internal system of justice implied a radical reform with respect both to the philosophy of the system and to practicalities. All Member States should therefore reflect on the matter and closer consultations should be arranged between the principal parties concerned.

40. Mrs. CUETO MILIÁN (Cuba) said that even though the reforms envisaged would have financial implications, they were indispensable. The internal system of justice must be simplified so that staff members could more easily become acquainted with and exercise their rights.

41. The Secretary-General's proposals for mediation and the early resolution of conflicts were both timely and justified. The establishment of ombudsman panels to deal with claims and grievances made through informal channels would be a practical solution. However, the mechanism for the review of administrative decisions must also be strengthened.

42. The proposal to establish an arbitration board to replace the Joint Appeals Board was less convincing. It must be analysed very carefully because the first issue was to determine whether the Secretariat was suited to a procedure of that nature. If the reform continued anyway and the new board was actually established, strict statutory rules must be laid down and changes must be made to the Staff Rules, along with consequential changes to the Staff Regulations. The documents submitted did not make it possible to determine whether it was worth establishing the proposed arbitration board.

43. Her Government also had doubts about the enforceability of arbitral awards on the parties to a dispute. There could be conflicts of jurisdiction and attribution of competence. The General Assembly, under the Charter, was competent to provide guidelines to the Secretariat. The Secretary-General had clearly identified responsibilities in respect of his relations with the staff. Consideration should also be given to the proposal to establish optional binding arbitration for disputes which related only to factual issues or small claims. In general, the documents submitted on the item were not sufficient to justify the proposal.

44. In conclusion, her Government felt that if reforms were to be made, they must be carried out gradually. It was not possible to implement all the proposals at once, and to pay no attention to their financial implications.

45. Mrs. FLORES (Mexico) said that when the General Assembly had decided, in resolution 50/54, to delete article 11 of the statute of the United Nations Administrative Tribunal and thus make the Tribunal's judgements final and not subject to appeal, it had stressed the importance for the Organization of ensuring a fair, efficient and expeditious internal system of justice. The reports under consideration gave the impression that the current system was complex, slow and, in general, frustrating for the Secretariat and for the staff. Mexico felt that the system must be reformed.

46. The Secretariat was proposing a new structure based on the early resolution of disputes and the professionalization of the judicial bodies. Those were two plausible solutions. However, the system must be not only equitable and effective, but also simple, expeditious, impartial, independent and reliable for the parties concerned.

47. The Secretariat's proposal appeared to be going in that direction, but the proposed system could be further improved in order to correspond more closely to the objectives sought. For example, the staff could participate more in the choice of the members of the Disciplinary Board, the arbitrators and the mediators, professional legal aid could be provided, the Disciplinary Board and the Arbitration Board could be chaired by different people, and not by the same person as was being proposed, and the parties could undertake in good faith and without reservation to implement the decisions taken by the arbitrators or by the Administrative Tribunal.

48. Ms. WONG (New Zealand) said that the weaknesses of the current system - delays, encumbrances, absence of guarantees as to staff representation - were well known. It was for that reason that New Zealand welcomed the Secretary-General's proposals regarding the formation of ombudsman mediation panels, the

establishment of a small claims court and the appointment of a Legal Officer to the Panel of Counsel. However, the proposed replacement of the Joint Appeals Board by an Arbitration Board raised a number of questions, particularly as to the independence of the arbitrators and the modalities of their selection.

49. The possibility of submitting appeals to the Administrative Tribunal seemed sufficient. The Secretary-General should launch a broad consultation process in order to find solutions that were acceptable to all concerned, in particular the staff.

50. Mr. HOLMES (Canada) said that the ideas put forward by the Secretary-General in the reports under consideration were innovative in nature. In particular, he welcomed the proposals for the training of staff, the creation of ombudsmen panels and the strengthening of the Administrative Review Unit, which would encourage alternative means to resolve disputes. Like the Advisory Committee on Administrative and Budgetary Questions, Canada supported the implementation of measures aimed at resolving disputes before they reached the stage of litigation. That would make the internal system of justice faster and more efficient.

51. The proposals for the creation of new arbitration and discipline boards required more careful attention. Several delegations had raised questions about the legal aspects, which should be carefully reflected upon. For that reason, Canada, like the Advisory Committee, felt that the implementation of the proposals should be delayed.

52. Mr. POSADAS MONTERO (First Vice-President of the Administrative Tribunal) said that at the eighth meeting the representative of the Secretary-General had made criticisms relating to three aspects of the internal system of justice in the Secretariat: slowness of procedures, lack of professionalism of the bodies of the first instance and difficulty of recruiting competent staff for the Joint Appeals Board. He would respond to those criticisms.

53. With regard to delays, the Tribunal was aware of them. It felt, however, that they were not exclusively attributable to the Joint Appeals Board, but resulted also from the delaying tactics frequently resorted to by the Administration in relation to appeals.

54. On the alleged lack of professionalism of the Joint Appeals Board, in 90 per cent of the cases its work was serious, in-depth and dedicated. Cases of negligence and incompetence were very rare, and the fact that the Joint Appeals Board did not consist of professionals had very little impact on the work of the Tribunal.

55. As to the difficulty to assigning qualified staff to the joint bodies, the Tribunal could not respond because it lacked the necessary experience and information.

56. The Tribunal's views on the other elements of the proposals under consideration were contained in the two documents circulated to delegations. The proposals would involve a profound transformation of the internal justice system. The replacement of the Joint Appeals Board by an Arbitration Board

would in fact completely alter the method for the settlement of disputes. Arbitration consisted of bringing the parties together to negotiate so that an agreement emerged. The present system, in contrast, was designed to determine whether the Administration was acting in accordance with the rules and, when that was not the case, to produce a recommendation to the Secretary-General. Thus, the Joint Appeals Board helped to ensure the legality of the Administration's decisions, a very different matter from reconciling the parties to a dispute.

57. In the documents, the Tribunal also indicated its doubts about the new Arbitration Board, doubts which the Member States had themselves raised. Some other points warranted attention. In several instances the cases before the Tribunal were not considered first by the Joint Appeals Board but reached it by other means. Would such means of private recourse, concerning amongst other matters pensions, staff retirements and post reclassifications, be kept in place after the establishment of the Arbitration Board? It might also be wondered whether arbitration would be used in disputes about staff members' periodic reports, which were not at present considered by the Joint Appeals Board.

58. Lastly, he wished to make some comments about the composition of the proposed Arbitration Board. The qualifications required for membership were much higher and more specialized than those required for membership of the Administrative Tribunal; that was illogical since the Tribunal was an appeals body. The brevity of the term of office of the arbitrators was also a source of concern. It might lead to inconsistency of rulings.

59. Mr. ZACKLIN (Office of Legal Affairs) said that he wished to reply to the question put to the Under-Secretary-General for Administration and Management at the Committee's eighth meeting (A/C.6/51/SR.8) concerning the various options which the Secretary-General had considered before submitting his proposals for reform of the internal system of justice in the Secretariat.

60. The first option was to leave the existing system of Joint Appeals Board/ Joint Disciplinary Committee in place but with minor adjustments. That approach had been used in 1987-1988 but had not proved satisfactory. The second option had been the phased approach proposed by the Tribunal in its initial comments (A/C.5/49/60/Add.2, paras. 12 and 13), under which the Secretary-General would enhance training activities, introduce the ombudsman mediation system and make a substantive review of all administrative decisions. The third option had been a semi-professional joint appeals board composed of staff members, with an external chairman. That had precluded the possibility of binding arbitration. The option would have been difficult to implement because of the problem of finding staff to serve on a part-time basis.

61. The fourth option had been to introduce binding arbitration in every case. That radical approach had been rejected in favour of a voluntary system under which both parties would have to agree to such arbitration, except in the case of disciplinary matters. When the system had been operating for two years, binding arbitration would have been introduced for certain clearly defined cases, as explained in paragraph 32 of document A/C.5/50/2.

62. The last option had been to replace the Joint Disciplinary Committee by a disciplinary board composed of qualified outside professionals, along the lines proposed for the Arbitration Board. That option had not been adopted for the reasons given in paragraph 56 of the document, including the fact that disciplinary matters were better understood by the peers of the staff member in question.

63. The CHAIRMAN said that the Committee had thus concluded its exchange of views on item 120.

AGENDA ITEM 152: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

64. The CHAIRMAN recalled that a Working Group on the principles and norms of international law relating to the new international economic order had been created by General Assembly resolution 46/52 and that the item under consideration had been included in the agenda of the fifty-first session in accordance with resolution 48/412.

65. Ms. CUETO MILIÁN (Cuba) first outlined some of the background of the item and then recalled the concerns of some delegations which thought that the term "new international economic order" was now out-of-date. There was no reason why the Committee should not change that language since, far from having witnessed the advent of a new international economic order, the world was suffering a genuine international economic disorder.

66. Since the question of the progressive development of the principles and norms of international law relating to the new international economic order was not on the agenda of any other committee of the General Assembly, its retention on the agenda of the Sixth Committee would not involve any duplication of effort. The costs would not be very great, even in the context of the present financial crisis. Moreover, in view of the link between peace and development it was not only the developing countries but the whole international community which would benefit from a new order guaranteeing its security.

67. The Secretary-General himself had stated recently at the Ministerial Meeting of the Group of 77, held at Headquarters on 27 September, that development was one of the Organization's main objectives, which must be viewed from a new angle and with a new perspective of collaboration. He had also emphasized the role which the Organization had to play in the follow-up of the decisions of the high-level international conferences on development and international economic relations.

68. Those were in fact the reasons why Cuba thought that the item should be kept on the Committee's agenda and that the Working Group created by resolution 46/52 should be reactivated. The Group could continue to monitor the results of the international conferences on development, including the Rio Summit. The Committee could also continue to monitor the work of UNCTAD and ITC. In that connection, in resolution 46/52 the General Assembly had requested the Secretary-General to seek the opinions of Member States and the competent international organizations concerning the principles and norms of international law relating to the new international economic order.

69. Cuba therefore proposed that the Secretary-General should submit to the Committee, at the fifty-third session, a report containing the views of Member States and international organizations. Those organizations made a very useful contribution to the codification and progressive development of international law which should be taken into account.

70. The CHAIRMAN said that the Bureau would consider the proposals made by the representative of Cuba.

The meeting rose at 5.10 p.m.