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FIFTH COMMITTEE
75th meeting
held on
Tuesday, 15 December 1981
at 11 a.m.
New York

UN/SA COLLECTION

SUMMARY RECORD OF THE 75TH MEETING

Chairman: Mr. GODFREY (New Zealand)

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

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A/C.5/36/SR.75
30 December 1981

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The meeting was called to order at 11.35 a.m.

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1982-1983 (A/36/6, Vols. I and II, A/36/7, A/36/38, chaps. V and VIID; A/C.5/36/L.41/Rev.1):

Report of the Committee of Governmental Experts to Evaluate the Present Structure of the Secretariat in the Administrative, Finance and Personnel Areas (continued)
(A/36/44 and Corr.1; A/C.5/36/L.42; A/C.5/36/106)

1. Mr. ABASZEWSKI (Poland) said that he was surprised that the report of the Committee of Governmental Experts (A/36/44) had been introduced so late in the session, when the Committee had a tight schedule and was unable to give it thorough consideration. The question of the proper division of responsibilities in the Secretariat and the avoidance of duplication was of great concern to Member States. Such issues as what should be the proper role of intergovernmental bodies in shaping the Secretariat, whether the existing structure was the best one possible and was conducive to a free flow of information, and whether the functions being performed by individual units were suited to the tasks entrusted them by the General Assembly were of great importance. The report was interesting and ambitious, and it might be useful to compare the experience of the United Nations system in finance and administration with that of the specialized agencies.
2. The proposal that the Committee of Governmental Experts should continue its work and submit a final report at the following session seemed reasonable. He hoped that the report would be submitted early in the session.
3. Mr. JOHNSON (Benin) said that, when introducing the report of the Committee of Governmental Experts, its Chairman had outlined the circumstances which had led the Fifth Committee to request the establishment of a committee to evaluate the structure of the Secretariat. Three of the reasons mentioned had been the non-existence of clear delimitation with regard to legal competence between the Office of Personnel Services and the Department of Administration, Finance and Management, the differing points of view expressed by the members of the Fifth Committee regarding the present structure of the Department of Administration, Finance and Management and the letter from the Secretary-General to the Chairman of the Fifth Committee dated 8 November 1980 (A/C.5/35/48) concerning the establishment of the Committee of Governmental Experts.
4. The delay in setting up that Committee explained why it had so far completed only part of its work. With more time the Committee could have produced a comprehensive firm and precise recommendation on the problems discussed at the previous session.
5. His delegation supported the two approaches mentioned in the statement by the Chairman of the Committee of Governmental Experts when introducing the Committee's report. It believed special emphasis should be given to the points raised in paragraphs 20 to 22 of the report. His delegation hoped that the Committee's mandate would be renewed and that it would be able to submit a more comprehensive report not later than 30 April 1982.

(Mr. Johnson, Benin)

6. In resolution 35/211, by which the Committee had been established, the General Assembly had also requested the Secretary-General to take such interim measures as to ensure that the Office of Personnel Services had the authority necessary to implement effectively the personnel policies outlined in the relevant resolutions of the General Assembly. It was clear that those interim measures, described in document ST/SGB/80, would have to remain in force until the task entrusted to the Committee had been completed.
7. Mr. LAHLOU (Morocco) said that it was clear from the documentation that the Committee of Governmental Experts had been working under pressure of time. Its mandate was not to review personnel questions but to determine where authority lay in the Secretariat for dealing with those questions. Under the Charter and all texts adopted on the subject, authority rested with the Secretary-General, who was answerable to the Fifth Committee and the General Assembly. The Secretary-General alone could reorganize the work of the Organization. What was needed was to obtain a clear picture of how the Organization functioned.
8. He appealed to the Secretary-General to consider the question of non-implementation of certain General Assembly resolutions and of the Charter by the Secretariat. There were many imbalances, and his own country was severely under-represented. It had made applications, but no result had been forthcoming. His country had always respected the authority of the Secretary-General; it was not personal factors that were involved in the injustices of which he was speaking, but it was the highest authority which had to bring about balance within the Organization.
9. He approved the idea of the Committee of Governmental Experts continuing its work, but he stressed that it could only make recommendations; the ultimate responsibility lay with the Secretary-General.
10. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that his delegation had no objection to draft resolution A/C.5/36/L.42, provided that it was unanimously supported by all delegations. On the whole, his delegation shared the doubts expressed by the representatives of the United States and France concerning the advisability of continuation of the work of the Committee of Governmental Experts. The Committee should not forget that the new Secretary-General might well not welcome the renewal of its mandate. However, since there seemed to be general agreement on the continuation of the Committee of Governmental Experts' work, his delegation would not object. He emphasized that the work of the Committee should not be delayed and that its report should be completed by April 1982, so that it could be distributed to delegations in good time. That would also facilitate the Secretary-General's task, since he would be able to prepare his comments early.
11. Mrs. de HEDERVARY (Belgium) said that the Secretary-General must shoulder his responsibilities. She drew attention to annex III of the report, containing a list of officials of the Secretariat and other knowledgeable persons who had appeared before the Committee. She hoped that, if the Committee's mandate was renewed, a sufficient number of competent females would be interviewed.

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12. Mr. PAPENDORP (United States of America), citing the reference to the "relevant reports of the JIU" in the third preambular paragraph of draft resolution A/C.5/36/L.42, asked exactly which reports were intended.
13. Mr. KING (Trinidad and Tobago) said that the Committee of Governmental Experts had been convened only on 14 September 1981, after extensive consultations within the regional groups regarding its membership. Despite the difficulties referred to in paragraph 8 of its report (A/36/44), it had been able to agree on a well-defined programme of work and to prepare an interim report for consideration at the current session. As indicated in paragraphs 18 to 33 of the report, the Committee had identified several key issues. However, the limited time available had not permitted adequate consultation with the full range of Secretariat officials and other knowledgeable persons and the Committee had been unable to examine in detail the issues identified.
14. The General Assembly should extend the mandate of the Committee of Governmental Experts so as to enable it to complete its consultations, to undertake, within its sphere of competence, the required detailed examination of the questions highlighted in its report and to prepare a more comprehensive report for consideration by the Assembly at the thirty-seventh session.
15. The CHAIRMAN drew attention to the statement (A/C.5/36/106) of the administrative and financial implications of draft resolution A/C.5/36/L.42. The Chairman of the Advisory Committee on Administrative and Budgetary Questions would be reporting to the Fifth Committee on the administrative and financial implications.
16. The document symbol in the second preambular paragraph of draft resolution A/C.5/36/L.42 should be corrected to read "A/36/44".
17. Mr. DUQUE (Secretary of the Committee), in reply to a question put by the Soviet representative, said that the report of the Committee of Governmental Experts was being considered under item 100, rather than item 107, Personnel questions, because it was customary for matters relating to the structure of the Secretariat, as distinct from matters affecting the staff, to be discussed in connexion with the proposed programme budget.
18. In reply to the question put by the United States representative concerning the JIU reports referred to in the third preambular paragraph of draft resolution A/C.5/36/L.42, he drew attention to annex I to the report of the Committee of Governmental Experts (A/36/44). The JIU reports in question were the report on relationships between the Director-General for Development and International Economic Co-operation and entities of the United Nations Secretariat (A/36/419), the report on the method of determining staff requirements (A/36/168 and Add.1), the report on the setting of priorities and the identification of obsolete activities in the United Nations (A/36/171 and Add.1) and the report on management services of the United Nations system (A/36/296).
19. Mr. BANGURA (Sierra Leone) said that it was his Government's view that the mandate of the Committee of Governmental Experts should be extended so that it

(Mr. Bangura, Sierra Leone)

could submit a report and recommendations to the General Assembly at its thirty-seventh session. That Committee should be afforded every opportunity to build upon the groundwork already laid; it should complete its work by April 1982 and submit its report and recommendations well before the convening of the thirty-seventh session. His delegation believed that the interim measures referred to in paragraph 4 of General Assembly resolution 35/211 should be maintained.

20. In the light of those considerations, Sierra Leone would support draft resolution A/C.5/36/L.42.

AGENDA ITEM 104: JOINT INSPECTION UNIT: REPORTS OF THE JOINT INSPECTION UNIT
(continued) (A/36/34; A/C.5/36/41; A/C.5/36/L.38)

Draft decision A/C.5/36/L.38

21. Mr. MAYCOCK (Barbados), introducing draft decision A/C.5/36/L.38 on behalf of the sponsors, announced that they had been joined by Australia. The draft decision was similar in format to General Assembly decision 35/427. In addition, however, the Secretary-General was requested to include in his comments on the JIU reports a summary indicating which recommendations he considered should or should not be implemented. It seemed from the Secretary-General's report on the implementation of the JIU recommendations (A/C.5/36/41) that the Secretariat sometimes found it difficult to determine when it had a clear legislative mandate to act on them. The summary requested in the draft decision should help to clarify the situation. Its preparation would not entail much additional work.

22. The implementation of the draft decision would be helpful both to the Fifth Committee and to the Secretariat.

23. Mr. BELYAEV (Byelorussian Soviet Socialist Republic) said that his delegation had serious reservations concerning the reference in the draft decision to the JIU report on the subregional offices of the Economic Commission for Latin America (ECLA) (A/36/102 and Corr.1), which had not been discussed by the Committee. His delegation would be able to support the draft decision if that reference was deleted.

24. Mr. MAYCOCK (Barbados) said that his delegation had asked several questions concerning that JIU report, which had not yet been answered. The Guyanese delegation too had referred to that report. The representative of the Byelorussian SSR was technically correct; the report would not normally come before the Fifth Committee. However, some aspects of the report related to the organization of ECLA's subregional offices, particularly the Port of Spain office. It was in the light of those considerations that the report had been mentioned in the draft decision.

25. On behalf of the sponsors, he appealed to the representative of the Byelorussian SSR not to insist on the deletion. At the same time, the sponsors would not themselves insist on the inclusion of the reference.

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26. Mr. BELYAEV (Byelorussian Soviet Socialist Republic) said that while the report on the subregional offices was of interest to some delegations, the Fifth Committee had not actually discussed it. His delegation would be able to go along with a consensus on the draft decision if the sponsors agreed to delete the reference to document A/36/102.

27. The CHAIRMAN said that if he heard no objections, he would take it that the Committee agreed to delete the reference to the JIU report on the ECLA subregional offices, and to adopt the draft decision, as amended.

28. Draft decision A/C.5/36/L.38, as amended, was adopted by consensus.

AGENDA ITEM 107: PERSONNEL QUESTIONS (continued) (A/C.5/36/L.49)

(a) COMPOSITION OF THE SECRETARIAT: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/495; A/C.5/36/CRP.4)

(b) OTHER PERSONNEL QUESTIONS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/36/30, A/36/407 and Add.1, A/36/432 and Add.1-2; A/C.5/36/9, 19; A/C.5/36/CRP.2)

Draft decisions A/C.5/36/L.49

29. The CHAIRMAN said that the draft decisions on personnel questions (A/C.5/36/L.49) were of a procedural nature.

30. In draft decision I, on composition of the Secretariat, the words "with appreciation" should be deleted, for the sake of uniformity with the other draft decisions in the document.

31. With regard to draft decision II, on application of the principle of equitable geographical distribution, it had been pointed out that the General Assembly, at its thirty-seventh session, would be discussing the application of the principle, not merely the JIU report. The words "the report" in the last line should therefore be replaced by "this subject". In addition, the end of the sentence should be revised to read: "... thirty-seventh session, taking fully into account the limited progress which has been made in implementing that principle."

32. It was felt that draft decision III, on study of the concepts of career, types of appointment, career development and related questions, would be better balanced if the reference to resolution 35/210 could be placed elsewhere. The words "that were requested... resolution 35/210" should be deleted. The last line of the draft decision should read: "... and related questions, as requested in General Assembly resolution 35/210, at its thirty-seventh session."

33. It would be courteous to include another draft decision, entitled "Views of the staff", which would read as follows: "The General Assembly takes note of the views of the staff as contained in the report submitted by the Staff Unions and Associations of the United Nations Secretariat (A/C.5/36/19)."

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34. Mrs. de HEDERVARY (Belgium) said that the new draft decision should also refer to the report submitted by the Federation of International Civil Servants Associations.
35. The CHAIRMAN said that, if the Fifth Committee so wished, there could be such a reference. However, the most appropriate place would be in a draft decision submitted in connexion with the report of the International Civil Service Commission.
36. Mr. PAL (India) said that the Chairman's proposed changes to draft decision II seemed to go into the substance of the matter. He asked why it was necessary to introduce substantive points into a purely procedural decision and why the Committee should do so in the case of draft decision II but not in draft decision III, which also dealt with a report of the Joint Inspection Unit.
37. Mr. EL SAFTY (Egypt) supported the representative of India and suggested that the words "limited progress" should be replaced by "level of progress" - a more neutral formulation which would not pre-empt the discussion on the topic at the thirty-seventh session.
38. Mr. PAPENDORP (United States of America) said that he supported the representative of Egypt. He suggested, however, that there was no need to qualify the word "progress" at all.
39. The CHAIRMAN said that, of the two amendments suggested, he accepted that of the representative of Egypt as the more neutral, since the United States proposal seemed to go in the opposite direction.
40. Mr. PAL (India) said that his delegation could accept either the Egyptian or the United States amendment. He noted, however, that the Committee had before it two procedural decisions on reports of the Joint Inspection Unit. On draft decision II, on equitable geographical distribution, a matter in which national interests were involved, it was being asked, in effect, to express a certain concern, while on draft decision III, a matter of great interest to staff, no such concern was expressed. That gave the impression of callousness. He therefore suggested that the phrase concerned should be deleted at the end of draft decision II, and that the words ", which take fully into account the level of progress in implementing that principle," should be added after the mention of the report of the Joint Inspection Unit and the comments of the Secretary-General on that report. The sentiment expressed would thus be attributed to the reports and the comments, and the Committee's position would be neutral.
41. Mr. PEDERSEN (Canada), supported by Mr. EL SAFTY (Egypt), said that the phrase "take fully into account" might need correction, since comments on the matter from the ICSC had not been taken into account in the reports in question. He therefore proposed that the word "fully" should be omitted.
42. The CHAIRMAN said that he accepted the proposal of the representative of India, as amended by the representative of Canada, for the amendment of draft decision II.

43. Mr. BANGURA (Sierra Leone), speaking on draft decision III, said that he felt that the wording "and decides to discuss at its thirty-seventh session the subject of the concepts of career, types of appointment, career development and related questions as requested in General Assembly resolution 35/210" would be clearer than the formulation proposed by the Chairman.

44. The CHAIRMAN said that he accepted the change proposed by the representative of Sierra Leone.

45. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics), speaking on draft decision IV, asked whether the amendments to the Staff Rules had financial implications. If so, he felt that the decision should take account of them.

46. Mr. DUQUE (Secretary of the Committee) said that there were no financial implications in the General Assembly taking note of the amendments to the Staff Rules. A number of those Rules did indeed have financial implications but for the most part they reflected decisions adopted at the previous session of the General Assembly.

47. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that his delegation opposed the new draft decision proposed orally by the Chairman since it felt that it was inappropriate for the Committee to adopt a decision taking cognizance of the views of the staff; under the Charter, the Secretary-General alone had the authority to put forward views or comments to the General Assembly. If such a decision was taken, it would be tantamount to placing a report of the staff organizations on a par with reports of the Secretary-General. That was quite unacceptable to his delegation.

48. Mrs. de HEDERVARY (Belgium) said that the Fifth Committee had authorized the staff to submit their views and had considered them in document A/C.5/36/19. It was a matter of simple courtesy to include a reference to those views in its decisions.

49. Mr. LAHLOU (Morocco) said that it was a point of law that everything should be done through the Secretary-General. He therefore supported the comments made by the representative of the Union of Soviet Socialist Republics.

50. Mr. de SILVA (Sri Lanka) drew the attention of the Committee to the note by the Secretary-General (A/C.5/36/19) which stated that that document had been submitted in pursuance of General Assembly resolution 35/213. He therefore could not agree with the representative of the Soviet Union that it would be improper to adopt the draft decision in question.

51. Mr. PAL (India) supported the representative of Sri Lanka. The document concerned had been considered by the Committee and the Committee must take note of it in its decisions.

52. Mr. PEDERSEN (Canada) said that, after consultations with the representative of the Soviet Union, he was in a position to suggest a possible compromise. He

(Mr. Pedersen, Canada)

proposed that, rather than adopting a separate decision on the views of the staff, the title of draft decision III should be amended to read simply "Concepts of career, types of appointment, career development and related issues" and that the following second paragraph should be added: "The General Assembly also takes note of the document submitted by the Secretary-General (A/C.5/36/19) containing the views of the staff."

53. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that he could agree with the constructive proposal made by the delegation of Canada.

54. The CHAIRMAN said that if he heard no objection, he would take it that the Committee approved the draft decisions contained in document A/C.5/36/L.49, as revised and amended.

55. It was so decided.

The meeting rose at 1.10 p.m.