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FIFTH COMMITTEE

79th meeting

held on

Wednesday, 12 December 1979

at 8.00 p.m.

New York

SUMMARY RECORD OF THE 79th MEETING

Chairman: Mr. PIRSON (Belgium)

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

CONTENTS

AGENDA ITEM 106: UNITED NATIONS PENSION SYSTEM (continued)

(a) REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD (continued)

(b) REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 97: PROGRAMME BUDGET FOR THE BIENNIUM 1978-1979 (continued)

Administrative and financial implications of the draft resolution submitted
by the Second Committee in document A/C.2/34/L.116 concerning
agenda item 57 (continued)

AGENDA ITEM 98: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1980-1981 (continued)

Administrative and financial implications of the draft resolution submitted
by the Third Committee in document A/C.3/34/L.39 concerning agenda item 72

Administrative and financial implications of the draft resolution submitted
by the Sixth Committee in document A/C.6/34/L.10/Rev.1 concerning
agenda item 114

Administrative and financial implications of the draft resolution submitted
by the First Committee in document A/C.1/34/L.55/Rev.1 concerning
agenda item 46

Administrative and financial implications of the draft resolution contained
in document A/34/L.55 concerning agenda item 55 (a)

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CONTENTS (continued)

AGENDA ITEM 104: PERSONNEL QUESTIONS (continued)

(a) OTHER PERSONNEL QUESTIONS: REPORTS OF THE SECRETARY-GENERAL (continued)

(b) COMPOSITION OF THE SECRETARIAT: REPORT OF THE SECRETARY-GENERAL
(continued)

AGENDA ITEM 105: REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION (continued)

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The meeting was called to order at 8 p.m.

AGENDA ITEM 106: UNITED NATIONS PENSION SYSTEM (continued)

- (a) REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD (continued)
(A/34/9 and Add.1, A/34/30, chapter III, A/34/721; A/C.5/34/56)
 - (b) REPORT OF THE SECRETARY-GENERAL (continued) (A/C.5/34/30; A/C.5/34/L.28/Rev.1, L.32/Rev.1 and L.39)
1. Mr. LAHLOU (Morocco) said that his delegation had abstained in the vote on draft resolution A/C.5/34/L.39 at the 78th meeting because it was too anodyne in character. The principles which it stressed were already well known and recognized by all, and it was not necessary to emphasize further that the Pension Fund's investments must serve the interests of participants and beneficiaries. The sponsors had ignored the intent of draft resolutions A/C.5/34/L.28/Rev.1 and L.32/Rev.1 and it was for that reason that there had been numerous abstentions.
 2. Mr. KUYAMA (Japan) said that his delegation had voted in favour of draft resolution A/C.5/34/L.39 because it was not opposed to investments being made in developing countries. It had, however, voted against draft resolution A/C.5/34/L.28/Rev.1 for the same reasons as it had voted against a similar resolution the previous year.
 3. Mr. RAMZY (Egypt), said that his delegation had voted in favour of draft resolution A/C.5/34/L.39 as it was convinced that the provisions of that draft resolution in no way contradicted draft resolutions A/C.5/34/L.28/Rev.1 and L.32/Rev.1.
 4. The CHAIRMAN drew attention to paragraph 6 of document A/C.5/34/56, in which it was stated that, should the General Assembly approve the estimate of administrative expenses contained in the report of the United Nations Joint Staff Pension Board, as amended by the Advisory Committee, additional appropriations would be required for the biennium 1980-1981, in the following amounts: \$157,200 under section 1 and \$120,000 under section 31 (Staff assessment), the latter amount to be offset by \$120,000 under income section 1. The net additional appropriation required would therefore be \$157,200.
 5. Mr. NSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had no comment to make on document A/C.5/34/56.
 6. The CHAIRMAN said that, if there were no objections, he would take it that the Committee approved the estimate in paragraph 6 of document A/C.5/34/56.
 7. It was so decided.
 8. Mr. SADDLER (United States of America) said that his delegation did not object to the estimate in document A/C.5/34/56; however, if there had been a vote, he would have abstained, as his delegation believed that the amount of \$157,200 could be absorbed within appropriations already approved in first reading.

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9. Mr. PALAMARCHUK (Union of Soviet Socialist Republics) said that his delegation had not objected to the adoption of the decision without a vote, but would have abstained if there had been a vote, as it believed that the amount involved could be absorbed within the resources to be made available under section 1.

10. Mr. LAHLOU (Morocco) said that his delegation accepted the estimate in document A/C.5/34/56. He wished, however, to renew his request that the Joint Staff Pension Board should take steps to co-ordinate its activities more closely with those of the International Civil Service Commission.

11. Mr. MAJOLI (Italy), speaking as Chairman of the Standing Committee of the United Nations Joint Staff Pension Board, said that he had already been in touch with the International Civil Service Commission with a view to co-ordinating the programmes of work of the two bodies for the following year.

12. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 106.

AGENDA ITEM 97: PROGRAMME BUDGET FOR THE BIENNIUM 1978-1979 (continued)

Administrative and financial implications of the draft resolution submitted by the Second Committee in document A/C.2/34/L.116 concerning agenda item 57 (continued) (A/C.5/34/90)

13. The CHAIRMAN said that he had received a letter from the Chairman of the Second Committee pointing out that the statement of financial implications submitted to the Second Committee in document A/C.2/34/L.58 and Corr.1 had contained no reference to General Assembly resolution 31/140.

14. Mr. MORET (Cuba) said that the Government of Cuba had decided to defray the additional costs arising from the interregional preparatory meeting of the Third General Conference of UNIDO and of the preparatory meeting at the ministerial level for that Conference.

15. As his country would be paying the difference in costs for those two meetings, it would not be necessary to seek a waiver to General Assembly resolution 31/140. The technical problem had thus been eliminated and he believed that the statement of financial implications in document A/C.5/34/90 could be approved by consensus.

16. Mr. RUEDAS (Assistant Secretary-General for Financial Services) said that, in the light of the statement by the representative of Cuba, it would no longer be necessary to seek a waiver to section I, paragraph 5, of General Assembly resolution 31/140. The additional estimated expenditure of \$264,712, mentioned in paragraph 6 of document A/C.5/34/90, should be revised to \$187,000. The final performance report on the programme budget for the biennium 1978-1979 would, if the draft resolution was adopted, reflect such additional expenditure under section 12.

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17. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, in view of the statements made by the representative of Cuba and the Assistant Secretary-General for Financial Services, he recommended that the Fifth Committee should inform the General Assembly that, should it adopt the draft resolution recommended by the Second Committee (A/C.2/34/L.115), conference servicing costs in an amount not exceeding \$187,000 would arise and that the expenditure would be reflected to the extent applicable in the performance report in respect of the biennium 1978-1979.

18. The recommendation of the Advisory Committee (para. 17 above) was adopted.

19. Mr. SADDLER (United States of America) said that, in the light of the statements made by the representative of Cuba, by the Assistant Secretary-General for Financial Services and by the Chairman of the Advisory Committee for Administrative and Budgetary Questions, his delegation would like to express its pleasure at the fact that section I, paragraph 5 of General Assembly resolution 31/140 would be maintained. The views which had been expressed were important in relation to the future work of the United Nations. His delegation endorsed the formula which had been recommended by the Chairman of the Advisory Committee on Administrative and Budgetary Questions.

20. Mr. LÖSCHNER (Federal Republic of Germany) said that his delegation had not opposed the consensus decision. It nevertheless continued to maintain the view that arrangements for regional or interregional meetings must respect the principle of universality and that, if any exceptions were made to the rule that meetings were to be held at the headquarters of the organ concerned, such meetings must be closely related, both in venue and time, with the conference for which they were preparing.

21. Mr. STUART (United Kingdom) said that his delegation had not opposed the consensus but that, if there had been a vote, it would have voted against the recommendation because of the views which his delegation had expressed on the subject of limited-access meetings. The meeting under discussion was too far removed from the Third General Conference of UNIDO to be regarded as part of the Conference.

22. Mr. DENIS (France) said that his delegation attached considerable importance to the principle of universality and would have voted against the recommendation if it had been put to a vote.

23. Mr. PAL (India) welcomed the consensus which had been reached. He believed that the Secretariat had been unfairly criticized owing to the misunderstanding which had arisen, and that the original fault had lain with the Second Committee. He therefore wished to retract the criticisms of the Secretariat which he had made earlier.

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AGENDA ITEM 98: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1980-1981 (continued)

Administrative and financial implications of the draft resolution submitted by the Third Committee in document A/C.3/34/L.39 concerning agenda item 72 (A/C.5/34/78)

24. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the request for travel was explained in paragraph 7 of document A/C.5/34/78.

25. The Advisory Committee on Administrative and Budgetary Questions recommended that the Fifth Committee should inform the General Assembly that, should it adopt the resolution recommended by the Third Committee, the Secretary-General should be authorized to enter into commitments not in excess of \$12,700 under section 6 and that such expenditure should be reflected in the performance report for the biennium 1980-1981.

26. The recommendation of the Advisory Committee (para. 25 above) was adopted.

27. Mr. LAHLOU (Morocco) said that, if the venue of the meeting proposed in paragraph 5 (a) of document A/C.5/34/78 had not yet been fixed, he would suggest that it should be either New York or Geneva, rather than Vienna.

28. Mr. PALAMARCHUK (Union of Soviet Socialist Republics) said that, if the recommendation had been put to a vote, his delegation could not have supported it, as the additional requirements should be met from the resources available under section 6.

29. Mr. RUGWIZANGOGA (Rwanda) said that his delegation attached great importance to the International Youth Year and accordingly welcomed the specific programme and positive approach which had been suggested by the Third Committee. It was in that spirit that his delegation had co-sponsored draft resolution A/C.3/34/L.39. He intended to put forward his country's candidacy for the Advisory Committee referred to in paragraph 2 of document A/C.5/34/78.

30. His delegation approved the recommendation just adopted but considered that New York would have been a more suitable venue for the meeting of the Advisory Committee in view of the financial difficulties which might be encountered by developing countries in covering travel and subsistence costs to Vienna. He assumed that the decision to hold the meeting in Vienna was not yet final and proposed that the venue should be New York.

31. Mr. BRODODININGRAT (Indonesia) said that Vienna had been chosen because it was the headquarters of the Centre for Social Development and Humanitarian Affairs.

32. Mr. P. FALL (Senegal) said that he agreed with the representative of Indonesia and had no objection to the Advisory Committee meeting in Vienna.

Administrative and financial implications of the draft resolution submitted by the Sixth Committee in document A/C.6/34/L.10/Rev.1 concerning agenda item 114 (A/C.5/34/80)

33. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary

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Questions) said that the draft resolution would have the effect of enabling the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue its work in pursuit of its mandate. Costs in respect of conference servicing were estimated at \$320,400. Costs relating to the Repertory of Practice of United Nations Organs would, according to paragraph 10, be accommodated within existing resources to be made available under the programme budget for the biennium 1980-1981.

34. The Fifth Committee might therefore wish to inform the General Assembly that, should it adopt draft resolution A/C.6/34/L.10/Rev.1, costs in respect of conference servicing would arise in an amount of \$320,400, which would be considered by the General Assembly in the consolidated paper.

35. Mr. HOUNA GOLO (Chad) said that his delegation wished to thank the delegation of the Philippines for its generous offer to host the meeting of the Special Committee in Manila and that such an offer was completely consistent with section I, paragraph 5, of General Assembly resolution 31/140.

36. Mr. GARRIDO (Philippines) said that his delegation had no objections to the administrative and financial implications contained in document A/C.5/34/80. His Government was ready to assume the additional costs of holding the meeting in Manila in accordance with General Assembly resolution 31/140. He hoped that the Secretariat would keep down the number of staff sent with a view to minimizing expenditure.

37. The CHAIRMAN said that the Sixth Committee had already noted with satisfaction the invitation extended by the Government of the Philippines and that it was appropriate for the Fifth Committee to do likewise.

38. The recommendation of the Advisory Committee (para. 34 above) was adopted.

Administrative and financial implications of the draft resolution submitted by the First Committee in document A/C.1/34/L.55/Rev.1 concerning agenda item 46 (A/C.5/34/84)

39. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, in considering the financial implications of draft resolution A/C.1/34/L.55/Rev.1, as contained in paragraph 6 of document A/C.5/34/84, the Advisory Committee had noted that the estimate of \$71,000 for the travel of government experts had been made on the assumption that such experts would all be travelling to New York. Given the nature of the work involved, the Advisory Committee had felt that it was possible not all the experts would have to come from abroad and thus that less than \$71,000 might be required; however, the Advisory Committee had no substantive evidence to justify recommending a reduction in the estimate.

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(Mr. Mselle)

40. The Fifth Committee might wish to inform the General Assembly that, should it adopt the draft resolution in document A/C.1/34/L.55/Rev.1, the Secretary-General should be authorized to enter into commitments up to a maximum of \$71,000 to cover the travel and subsistence of government experts under section 2.B. Such commitments would be reflected, as appropriate, in the performance report for the biennium 1980-1981.

41. The recommendation of the Advisory Committee (para. 40 above) was adopted.

42. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that his delegation had voted for draft resolution A/C.1/34/L.55/Rev.1 in the First Committee. It did not oppose the suggestions made by the Secretary-General in document A/C.5/34/84, or the recommendation just approved, on the understanding that the report of the Secretary-General referred to in paragraph 3 of document A/C.5/34/84 would be prepared in consultation with Member States' representatives to the United Nations, including representatives from the various regional groups. That meant that the Secretary-General could be assisted in preparing the report by the staff of United Nations missions in New York and that, as a result, there would be no need to disburse \$71,000 to bring in experts from abroad.

43. Mr. SADDLER (United States of America) said that, had a vote been taken on the administrative and financial implications of draft resolution A/C.1/34/L.55/Rev.1, his delegation would have voted against an additional provision of \$71,000, since it believed that the cost of the experts could be absorbed within existing resources. It had already stated its position to that effect in the First Committee.

44. Mr. VAN NOUHUYS (Netherlands) said that his delegation had abstained in the vote on the draft resolution in the First Committee, chiefly because of the financial implications. Accordingly, had the financial and administrative implications of the draft resolution been put to the vote in the Fifth Committee, his delegation would have abstained.

Administrative and financial implications of the draft resolution contained in document A/34/L.55 concerning agenda item 55 (a) (A/C.5/34/89)

45. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) observed that document A/C.5/34/89 mistakenly referred to draft resolution A/34/L.14/Rev.1. It should refer to draft resolution A/34/L.55.

46. The Fifth Committee might wish to inform the General Assembly that, should it adopt the draft resolution in document A/34/L.55, the Secretary-General should be authorized to enter into commitments up to a maximum of \$28,300 to cover the costs of staff travel under section 5, and that such commitments should be reflected in the performance report for the biennium 1980-1981.

47. The recommendation of the Advisory Committee (para. 46 above) was adopted.

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48. Mr. HOUNA GOLO (Chad) expressed the hope that the Director-General for Development and International Economic Co-operation would be able to use his discretion in deciding whether or not to travel first class, in view of the heavy demands of his job and notwithstanding the Committee's decision at the thirty-second session to apply certain time criteria to the entitlement to use first-class travel facilities.

AGENDA ITEM 104: PERSONNEL QUESTIONS (continued)

(a) OTHER PERSONNEL QUESTIONS: REPORTS OF THE SECRETARY-GENERAL (continued)
(A/C.5/34/29; A/C.5/34/CRP.5 and 6; A/C.5/34/L.36 and L.37)

49. Mr. BUJ-FLORES (Mexico) recalled that the working group established to hold informal consultations on the question of access by staff representatives to the Fifth Committee had met between 30 November and 3 December, at which point it had become clear that there was no possibility of achieving a consensus and putting forward a uniform point of view. On 3 December, it had been decided that delegations were free to prepare their own draft resolutions on the item. As a result of that decision, two draft resolutions, A/C.5/34/L.36 and 37, had been prepared which unfortunately presented two very different options. On 3 December, it had also been suggested that, as the item had been discussed fully both in the Committee and in informal consultations, there was no point in reopening the debate on it. He appealed therefore to the sponsors of the draft resolutions to comply with that suggestion.

50. Mr. VAN NOUHUYS (Netherlands), introducing the proposal in document A/C.5/34/L.36 on behalf of the six sponsors, said that the text was in fact a draft decision. As the representative of Mexico had recalled, the item had already been discussed at length in both the Committee and in informal consultations and there was no point in reopening the debate. The draft decision was based on the conviction that practical and psychological benefits would accrue from allowing the staff to put their views directly to the Fifth Committee. That conviction was in fact in line with the conclusions reached by the Secretary-General in paragraph 8 of document A/C.5/34/29.

51. In paragraphs 11 and 12 of that document, the Secretary-General had gone on to suggest how the staff might be given direct access to the Committee. While the sponsors had not gone as far in their suggestions as the Secretary-General, they had agreed that some limited form of staff access to the Fifth Committee would be beneficial. Realizing the delicate nature of the issue, they had taken care to suggest procedures which were relatively restricted, so as to allay delegations' fears that such procedures would threaten existing lines of authority within the Secretariat. The draft decision also intentionally left the way open for future Fifth Committee decisions on how to proceed in that regard; thus it did no more than provide a restricted basis for future work.

52. It could be argued that subparagraphs (a) and (c) of the draft decision were superfluous since they merely reflected existing practice. However, the sponsors had felt that by embodying that practice in a formal decision they would be enhancing its effectiveness.

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(Mr. Van Nouhuys, Netherlands)

53. If the draft decision was adopted, in practical terms it would mean that -- pending any subsequent decision by the General Assembly -- when the item on personnel questions was considered at future sessions, the Chairman of the Fifth Committee would schedule one appearance by a staff representative to introduce a paper setting out the staff's views on matters affecting them under that item. That paper would have been submitted to the Committee beforehand. Once he had introduced the paper, the staff representative would withdraw and would not participate further in the debate or the decision-making process on that item.

54. In the course of the informal consultations, a number of delegations had asked how the sponsors of draft decision A/C.5/34/L.36 thought that the procedure it proposed could be maintained if delegations wished to put questions to the staff representative after he had introduced the staff paper.

55. Mr. AYADHI (Tunisia), speaking on a point of order, observed that the representative of the Netherlands should limit himself to introducing the draft decision and should not report on the informal consultations.

56. Mr. VAN NOUHUYS (Netherlands) observed that what he had just said was necessary to an understanding of the draft decision. In response to delegations' queries regarding the proposed procedure, he wished to point out that it would be similar to the procedure followed whenever a report was introduced. Delegations would be able to speak on the paper presented by the staff and their questions could be answered after the debate, in accordance with arrangements to be decided upon by the Committee at that juncture. He also wished to point out that, even if the staff paper was not introduced in person by a representative of the staff, delegations might still wish to raise questions in that regard.

57. The procedure which he had just outlined would also apply with regard to the item entitled "Report of the International Civil Service Commission", when a representative of FICSA would be able to introduce a FICSA paper on the ICSC report.

58. No one could, in all honesty, maintain that the proposed procedure would hamper the Committee's work or undermine existing lines of authority or the authority of the Secretary-General.

59. With regard to draft resolution A/C.5/34/L.37, the sponsors of draft decision A/C.5/34/L.36 regretted that two proposals had been submitted on the same subject.

60. Mr. THOMAS (Trinidad and Tobago), speaking on a point of order, observed that until draft resolution A/C.5/34/L.37 had been formally introduced it was not in order for the representative of the Netherlands to make comments on it.

61. Mr. VAN NOUHUYS (Netherlands) said that the sponsors of draft decision A/C.5/34/L.36 regretted the fact that another draft on the same subject had been submitted, despite the efforts made to reconcile members' differences of view.

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(Mr. Van Nouhuys, Netherlands)

Some members of the Committee believed that the staff should be given a minimum of direct access to the Committee, while others disagreed. The latter had said that, if the sponsors of draft decision A/C.5/34/L.36 were prepared to delete the provision relating to direct access from their draft, a consensus could be achieved. Such a consensus would be a sham, however, for, as the sponsors of draft decision A/C.5/34/L.36 had ascertained from the informal consultations, only a few delegations were opposed to the principle of direct access. There was no reason why the sponsors of the draft decision should yield to a minority view.

62. The consensus hinted at by the opponents of any form of direct access by the staff to the Fifth Committee would also be an unwise consensus, for, if a response to the problem of staff access to the Fifth Committee was postponed, the problem would only fester and might finally erupt in a form far less manageable than at present. The fact that channels for indirect access existed did not justify the decision to delay the granting of direct access, and a decision on direct access must be taken forthwith. He hoped that delegations would face up squarely to that fact and would vote accordingly.

63. Mr. THOMAS (Trinidad and Tobago), introducing the proposal in document A/C.5/34/L.37, said that it was actually a draft decision and that Uganda had joined the list of sponsors.

64. The 14 sponsors believed that their proposal represented a balanced cross-section of members' views. There had been extensive consultations and it was hoped that, given a measure of co-operation, the draft decision would gain wide acceptance. Essentially it acknowledged the need to ascertain the views of the staff in the pre-legislative, legislative and evaluative processes on personnel questions and other staff concerns. The mechanisms for such access were already in existence, and the purpose of draft decision A/C.5/34/L.37 was to test the adequacy of those forms of access, without, however, in any way withdrawing recognition of the overriding responsibility of the Secretary-General as the chief administering officer of the Organization. If the existing forms of access were inadequate - and it had not yet been shown that they were - the Committee could consider other possible mechanisms and request a report on the matter.

65. The question of direct access of staff representatives was one which required caution and prudence, and it was precisely for that reason that the sponsors of draft decision A/C.5/34/L.37 believed the Committee should concentrate on a review of the existing forms of access. It was also important that the issue should not divide the Committee. The 14-nation proposal reflected the sponsors' desire to avoid precipitate decisions on the matter.

66. The CHAIRMAN drew the Committee's attention to rule 131 of the rules of procedure, which stated that, if two or more proposals related to the same question, the Committee should, unless it decided otherwise, vote on the proposals in the order in which they had been submitted. He therefore suggested that the Committee should vote first on draft decision A/C.5/34/L.36.

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67. Mr. WILLIAMS (Panama) proposed a change in the procedure so that the first vote could be taken on draft decision A/C.5/34/L.37.

68. The CHAIRMAN suggested that the Committee should first of all vote on the Panamanian motion to give priority to the vote on draft decision A/C.5/34/L.37.

69. Mr. VAN NOUHUYS (Netherlands) said that rule 131 implied that the first proposal to be submitted would normally also be the first to be voted on unless the Committee felt that there were exceptional circumstances which would lead it to decide otherwise. He could not in the current instance see any reason for reversing the sequence of voting. He pointed out that the basic difference between the two proposals was that one (A/C.5/34/L.36) would establish a slightly greater degree of access for staff representatives to the Fifth Committee than the other (A/C.5/34/L.37).

70. Mr. JASABE (Sierra Leone) endorsed the views expressed by the representative of Panama on the sequence of voting.

71. Mr. ICMAL (Pakistan) also supported the Panamanian motion. He took the view that the provisions of draft decision A/C.5/34/L.36 would be prejudicial to the authority of the Secretary-General, notwithstanding the assurance given in the first sentence. The result of its adoption would be to place the staff directly in contact with the representatives of an intergovernmental body and, although it was intended that such access should be limited, the question of limitation would tend to become progressively more difficult.

72. In considering the matter the traditions and practice of the Fifth Committee must also be borne in mind. He recalled, for example, that a similar question had arisen two years previously in the Committee's proceedings during a discussion of a report of ICSC on General Service salaries in Geneva. In the course of the debate the representative of France had said that on that occasion there was no need for the direct access of staff representatives to the Fifth Committee. Also, at an earlier meeting to discuss the same subject, the representative of the Federal Republic of Germany had stressed that his Government felt that both the authority of the Secretary-General and the employer-employee relationship must be respected, although the role of the General Assembly was not to be disregarded.

73. In his own view, the existing relationship was complex but workable; it had been established over a substantial period of time and should not hastily be abandoned.

74. Mr. STUART (United Kingdom) said it was his understanding that the Committee was not discussing the substance of the two draft decisions but rather the sequence in which it should vote on them. It was obvious that those who favoured draft decision A/C.5/34/L.36 wished to see a vote taken on it first, while those who advocated adoption of draft decision A/C.5/34/L.37 would prefer the sequence of voting to be reversed.

75. The CHAIRMAN invited the Committee to proceed to a vote on the Panamanian motion that precedence in voting should be given to draft decision A/C.5/34/L.37.

76. At the request of the representative of Spain, a recorded vote was taken.

In favour: Afghanistan, Australia, Austria, Bahamas, Bahrain, Barbados, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Hungary, Iraq, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Mongolia, Mozambique, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Poland, Romania, Rwanda, Sierra Leone, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, United States of America, Yugoslavia, Zambia.

Against: Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guinea, India, Ireland, Israel, Italy, Netherlands, New Zealand, Portugal, Senegal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Abstaining: Algeria, Belgium, Bolivia, Burundi, Cape Verde, China, Guyana, Indonesia, Japan, Jordan, Mauritania, Philippines, Thailand, United Republic of Cameroon, Upper Volta, Uruguay, Zaire.

77. The Panamanian motion was adopted by 51 votes to 19 with 17 abstentions.

78. The CHAIRMAN invited the Committee to proceed to a vote on draft decision A/C.5/34/L.37.

79. Draft decision A/C.5/34/L.37 was adopted by 68 votes to 11, with 11 abstentions.

80. Mr. PICO DE COAÑA (Spain) said that his delegation had abstained in the voting on the draft decision because it believed that the access it proposed was too restricted.

81. Mrs. SANDIFER (Portugal) said that her delegation had voted in favour of draft decision A/C.5/34/L.37 because it considered that its provisions were, if insufficient, at least better than nothing at all.

82. Mr. TORRES (Brazil) said that he had voted in favour of the draft decision in view of his delegation's understanding that the primary responsibility for the conduct of relations between the staff and the Administration rested with the Secretary-General, as envisaged in Article 97 of the Charter. Any decision to diminish the Secretary-General's responsibility would be in contravention of the Charter.

83. Mr. P. FALL (Senegal) said he had voted against the draft decision, which, he believed, afforded no substantive solution to the question. He also thought that paragraphs 4 and 5 were very inexplicit, at least in the French version.

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84. Mr. LÖSCHNER (Federal Republic of Germany) said that, although his delegation had been among the first to express support for staff access to the Committee, it had voted against draft decision A/C.5/34/L.37 because it favoured draft decision A/C.5/34/L.36. Had a consensus emerged, however, on the latter proposal, it would willingly have joined it.

85. Mr. PEDERSEN (Canada) said that his delegation likewise believed that the staff should have access to the Committee. It had hoped for a consensus on a single proposal, as that would have been more desirable in terms of staff morale. Bearing in mind the need to retain managerial responsibilities for personnel matters within the Secretariat, his delegation had voted in favour of draft decision A/C.5/34/L.37.

86. Mr. McMAHON (Ireland) said that if draft decision A/C.5/34/L.36 had been put to the vote first his delegation would have voted in favour of it. In the circumstances, however, it had voted in favour of draft decision A/C.5/34/L.37 on the grounds that some access was better than none at all.

87. Mr. PALAMARCHUK (Union of Soviet Socialist Republics) explained that his delegation had voted in favour of the draft decision but would have abstained on paragraphs 6 and 7 had they been put to the vote separately. It believed that the existing forms of contact between the staff and the Committee were sufficient. He hoped that, in future, steps would be taken to ensure that papers were not circulated in the Committee advocating the adoption or rejection of particular proposals before it.

88. Mr. BRODODININGRAT (Indonesia) explained that his delegation had voted in favour of the 14-nation proposal because it did not close the door on future consideration of the matter.

89. Mr. GARRIDO (Philippines) expressed his delegation's belief that draft decision A/C.5/34/L.36 should have been put to the vote first. He hoped, however, that there would be further consideration of other forms of access of the staff to the Committee in the future.

90. Mr. HAMZAH (Syrian Arab Republic) said that his delegation had voted in favour of draft decision A/C.5/34/L.37, the provisions of which in no way conflicted with those of draft decision A/C.5/34/L.36.

91. Mr. LAHLOU (Morocco) said that, had his delegation been present during the vote, it would have voted in favour of the draft decision.

92. Mr. SESSI (Italy) said that his delegation would have preferred draft decision A/C.5/34/L.36, but had voted in favour of the 14-nation proposal, which would, at least, give the staff some access.

93. Mr. BAMBA (Upper Volta) inquired if draft decision A/C.5/34/L.36 was to be put to the vote.

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94. The CHAIRMAN said that it was still before the Committee.

95. Mr. VAN NOUHUYS (Netherlands) said that, had draft decision A/C.5/34/L.36 been put to the vote first and not been adopted, its sponsors would have voted in favour of draft decision A/C.5/34/L.37 on the grounds that it was better than no proposal at all. In the circumstances, the sponsors of draft decision A/C.5/34/L.36 had decided to withdraw it. However, they hoped that its spirit would pervade further discussions of the matter and that the access it provided for might at some future date become one of the other forms of communication mentioned in paragraph 7 of draft decision A/C.5/34/L.37. He knew that there were a few delegations who genuinely believed that that paragraph would open the door to greater access by the staff, while others saw it as a very convenient door which could be slammed later.

96. Mr. AYADHI (Tunisia) rejected the partisan and inaccurate interpretations made by the representative of the Netherlands with respect to the intentions of the sponsors of draft decision A/C.5/34/L.37. He expressed his delegation's readiness to hear the views of the staff on the statutory conditions affecting them. That position was based on respect for certain fundamental principles; pursuant to Article 101 of the Charter, the Secretary-General, who was responsible for appointing the staff, was the staff's only authorized spokesman.

97. Mr. GODFREY (New Zealand) stated that he wished to clarify, in the light of the withdrawal of the six-nation proposal, that his delegation had voted against draft decision A/C.5/34/L.37 because it had intended to vote in favour of draft decision A/C.5/34/L.36, not because it was against access for the staff.

98. Mr. BAIMBA (Upper Volta) expressed his delegation's readiness to study any proposals from the Secretary-General with regard to access by staff representatives. He regretted that it had not been possible to reach a consensus; in the circumstances, he hoped that the draft decision would be considered as a transitional measure, pending consideration of the report requested in paragraph 6.

99. Mr. PICO DE COAÑA (Spain) said that, when he had explained his vote earlier, he had been unaware that draft decision A/C.5/34/L.36 was to be withdrawn. He wished to place on record the fact that his delegation would have preferred that draft decision.

100. Mr. MARTORELL (Peru) said that, had his delegation been present, it would have voted against draft decision A/C.5/34/L.37, not because it was against access for the staff, but because it believed that the six-nation proposal would have better served the interests of the staff. He very much regretted that it had not been possible to reach a consensus on the submission of a single proposal.

101. Mr. PAL (India) explained that his delegation had abstained because it had intended to vote in favour of draft decision A/C.5/34/L.36, had it been put to the vote.

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102. Ms. GILES (Australia) expressed appreciation to the sponsors of draft decision A/C.5/34/L.36 for withdrawing it, but said that, had it been put to the vote first, her delegation could have supported it. It was her delegation's firm conviction that the adoption of a proposal which commanded widespread support would be in the best interests of all concerned.

103. Mr. OKOLO (Nigeria) said that his delegation had voted in favour of the 14-nation proposal because it had been very much impressed with paragraph 7, which would cause no offence either to the staff or to the members of the Committee.

104. Mr. KEMAL (Pakistan) expressed sincere appreciation to the sponsors of draft decision A/C.5/34/L.36 for their constructive and statesman-like attitude. The proposal adopted did not preclude the possibility of other forms of communication between the staff and the Fifth Committee, but such forms would obviously depend on the future course of events.

105. Mr. DENIS (France), speaking in exercise of the right of reply, said that earlier in the meeting (cf. para. 72 above) the representative of Pakistan had tried to claim that there was a contradiction between the position of the French delegation some years previously and its current stand with regard to access for the staff. The world changed, the balance of forces changed, and opinions changed. He challenged the Government of Pakistan to prove that it had never altered its views. Only fools never changed their minds.

106. Mr. KEMAL (Pakistan), replying to the representative of France, clarified that it had not been his intention to cast any blame. He had cited the views expressed by two delegations in 1977 precisely because he considered them to be authorities on the procedures of the Committee.

(b) COMPOSITION OF THE SECRETARIAT: REPORT OF THE SECRETARY-GENERAL (continued)
(A/34/408)

107. Mr. KUYAMA (Japan) said that his delegation wanted to take advantage of the presence of the Assistant Secretary-General for Personnel Services to reiterate its deep regret at the continued delay in holding the competitive examination for the recruitment of Japanese professionals. There had already been two postponements, and there were now reports that there might be difficulties in holding the examination in March 1980 because of the postponement of the specialized paper of the competitive examination for promotion from the General Service to the Professional category. Time was short and the examination had to be advertised. He therefore requested detailed information on the matter from the Assistant Secretary-General and a firm decision as to the date of the examination.

108. He drew attention to the fact that General Assembly resolution 33/143 did not discriminate, in terms of priority, between examinations for external recruitment and those for internal promotion. He hoped, therefore, that the same importance would be attached to the external examination for the recruitment of Japanese professionals as to the internal examinations.

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AGENDA ITEM 105: REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION (continued)
(A/34/30)

109. Mr. JONAH (Assistant Secretary-General for Personnel Services) drew the Committee's attention to a problem that would arise in the implementation of the provisions concerning the repatriation grant contained in draft resolution A/C.5/34/L.23, as amended, which the Committee had adopted at its 62nd meeting.

110. The decision that effective 1 January 1980 no staff member would be entitled to any part of the repatriation grant unless evidence of relocation away from the country of the last duty station was provided would have the effect of superseding the existing rule, based on a prior decision of the International Civil Service Commission, which would have permitted staff members to retain their service credit to repatriation grants accrued prior to 1 July 1979. The net result of the new decision would be to nullify the notion of such service credit and make all payments of the repatriation grant subject to the uniform requirement of evidence of relocation.

111. The Secretary-General would issue an administrative instruction as soon as the draft resolution was formally adopted by the General Assembly, but that would leave very little time for the staff to be duly informed of the decision before it entered into effect. The lack of notice might give rise to a question of equity with regard to those staff members who were about to be separated from service, in that it would make an arbitrary distinction in terms of entitlement to repatriation grants between staff members in similar circumstances, depending on whether their separation occurred before or after 1 January 1980. Furthermore, staff members who had counted on the receipt of the repatriation grant in drawing up financial plans for the period following their separation from service would suddenly find themselves deprived of that benefit, without being given an opportunity to consider the alternative of resignation before the General Assembly resolution came into effect.

112. To enable the Secretary-General to carry out that decision in an orderly and equitable manner, it appeared essential to allow a period of transition in the form of a grace period of one month during which all staff members, including those at distant duty stations, would have received notice of the decision and been in a position to assess its impact on their terminal benefits. Should any staff member feel that their interests were seriously affected, they would be permitted to resign before the end of that month without losing their entitlement to the repatriation grant under existing arrangements. Staff members who submitted their resignations before 31 January 1980 or who terminated their service during that month would therefore be exempt from the application of the new decision.

113. If the Committee found his suggestions acceptable, it might wish to take note of the statement and thereby concur in the transitional arrangements.

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114. The CHAIRMAN said that he, personally, was unenthusiastic about the Assistant Secretary-General's proposal, not least because the increase in pensionable remuneration would actually increase the repatriation grant as of 1 January 1980.

115. Mr. GARRIDO (Philippines) asked whether the Assistant Secretary-General could give any indication of the number of staff likely to take advantage of the proposed transitional arrangements.

116. Mr. PEDERSEN (Canada) said that, before the Committee could make a decision, it was essential that it should know how much the proposed transitional arrangements would cost. He was afraid that there might be a rush to collect the grant. His delegation did not favour any further delay in implementing the decision, which was in any case long overdue.

117. Mr. PALAMARCHUK (Union of Soviet Socialist Republics) said that he was at a loss to understand why the Committee was discussing the matter at the present juncture.

118. The CHAIRMAN explained that the Assistant Secretary-General had requested the opportunity to make a statement.

119. Mr. BUJ FLORES (Mexico) said that he would be very surprised if the decision taken by the Committee with respect to the repatriation grant had not reached the ears of all members of the staff. The staff closely followed the deliberations of the Committee and such news spread like wildfire, even to the other duty stations. As the Assistant Secretary-General's proposal called for the reversal of a decision already taken by the Committee, it required serious consideration and should not be acted on immediately.

120. Mr. SADDLER (United States of America) endorsed the view that the Committee required more time to study the matter raised by the Assistant Secretary-General.

121. Miss MUCK (Austria) asked that the full text of the Assistant Secretary-General's statement be made available to members of the Committee.

122. The CHAIRMAN said that it could certainly be distributed in the original language.

123. Mr. WILLIAMS (Panama) drew attention to the provisions of section VIII, paragraph 6, of General Assembly resolution 33/116 B and requested that a statement should be made by a member of the Secretariat at the Committee's next meeting with regard to the review of compensation for full-time officials of the International Civil Service Commission and the Chairman of the Advisory Committee, given that the rise in the consumer price index was fast approaching 10 per cent.

The meeting rose at 11.20 p.m.