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Chairman: Mr. MacKay (New Zealand)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kuznetsov

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Agenda item 107: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Closure of the work of the Fifth Committee during the main part of the fifty-ninth session of the General Assembly

The meeting was called to order at 5.15 p.m.

Agenda item 112: Pattern of conferences *(continued)*
(A/C.5/59/L.23)

Draft resolution A/C.5/59/L.23

1. *Draft resolution A/C.5/59/L.23 was adopted.*

Agenda item 115: Joint Inspection Unit *(continued)*
(A/C.5/59/L.24)

Draft resolution A/C.5/59/L.24

2. **The Chairman** drew attention to draft resolution A/C.5/59/L.24, which had been submitted on his behalf by the representative of South Africa.

3. **Ms. Lock** (South Africa), Vice-Chairman, said that in the second line of paragraph 7 of the draft resolution, the word “following” should be deleted and the words “illustrated as follows” inserted after the word “fields”. Furthermore, in paragraph 8, the words “inter alia” in line 4 should be replaced by the word “including”; the word “through”, in line 8, should be replaced by the word “with”; and in line 9, the words “should submit” should be replaced by the word “submits”.

4. *Draft resolution A/C.5/59/L.24, as orally revised, was adopted.*

5. **Mr. Iossifov** (Russian Federation) said that his delegation would be grateful if the oral amendments made to the draft resolution could be explicitly indicated when it was submitted to the General Assembly.

6. **Ms. Goicochea** (Cuba), referring to paragraph 25 of the draft resolution, concerning translation and interpretation services, said that although her delegation had chosen not to oppose the inclusion of the phrase “within existing resources”, it had done so in the context of its belief that, as a point of principle, if a mandate was granted, then the necessary resources should also be granted.

Agenda item 116: United Nations common system
(continued) (A/C.5/59/L.26)

Draft resolution A/C.5/59/L.26

7. **Mr. Mazumdar** (India), coordinator of the negotiations on the draft resolution, said that the annex on page 7 of the draft text should be deleted.

8. *Draft resolution A/C.5/59/L.26, as orally revised, was adopted.*

9. **Mr. Iossifov** (Russian Federation) drew the attention of the Committee to section III A of the draft resolution, in which the General Assembly recalled its earlier request to the International Civil Service Commission to review the proposal for the introduction of the Senior Management Service in view of its intention to consider the question at its fifty-eighth session. The Assembly further recalled that the Commission had requested the United Nations System Chief Executives Board for Coordination (CEB) to keep it informed about the matter. CEB had not submitted any formal proposals to the Commission for the establishment of the Senior Management Service, but had instead simply taken a decision to establish it. The Commission had therefore not been able to bring the matter before the General Assembly. His delegation was concerned that the resolution of the General Assembly had been ignored by the Commission. That was a very serious matter, which might have very negative consequences for the Organization’s activities.

10. **Mr. Kramer** (Canada) said that the issue of improving the quality of management services and improving the functioning of managers was a matter of high priority. CEB and the Executive Heads of United Nations agencies had a responsibility to improve the management capacity and performance of their senior staff. In its current form, the Senior Management Service initiative fell within the prerogative of the Executive Heads, who were encouraged to take joint steps to improve the capacity of their senior managers.

11. **Ms. Goicochea** (Cuba) said that her delegation endorsed the comments made by the representative of the Russian Federation. The decisions of the General Assembly should be respected by the Secretariat.

12. **Ms. Udo** (Nigeria) said that when the General Assembly “took note” of information placed before it, it had yet to pronounce itself on the information in question. Similarly, when the General Assembly wished to give a policy directive, it used terms such as “endorses”, “approves” or “recommends”. The General Assembly supported the improvement of management and would continue to do so. However, the International Civil Service Commission had a responsibility to monitor any effort to improve management capacity and staff performance. The

Senior Management Service had not been endorsed by the General Assembly and her delegation looked forward to receiving the requested report on the matter.

Agenda item 114: Human resources management

(*continued*) (A/C.5/59/L.30)

Draft resolution A/C.5/59/L.30

13. *Draft resolution A/C.5/59/L.30 was adopted.*

14. **Mr. Al-Eryani** (Yemen), referring to paragraphs 3, 4 and 5 of section I of the draft resolution, said that previous resolutions had provided for the breaking up of the monopoly on United Nations posts and for opening up opportunities to candidates from developing countries. However, the reports of the Office of Human Resources Management indicated that there had been only negligible improvement in that regard. United Nations posts continued to be monopolized by a handful of States and it was no secret that the United Nations departments concerned continued to perpetuate that situation. Despite the increasing number of vacancies being advertised through Galaxy and the Integrated Management Information System (IMIS), many appointments, especially at senior levels, continued to be non-competitive. Reforms could not be limited to policies alone, but must also encompass various procedures of the Organization, including human resources management. It was time to take effective measures to break up the monopoly on appointments, which must reflect the universality of the Organization. His delegation was most disappointed at the continuing situation and hoped that the draft resolution would lead to genuine, tangible changes.

15. **Mr. Kennedy** (United States of America) said that, although the draft resolution was comprehensive and dealt with a number of human resources management issues, his delegation was disappointed that a long-term, viable solution to the problems relating to contractual arrangements for staff of peacekeeping missions had eluded the Committee. The United Nations could not continue to abdicate its responsibility for ensuring that those staff members were recognized for their contributions.

16. **Ms. Udo** (Nigeria) said that, although the resolution was very comprehensive, it failed to address some of her delegation's concerns. She trusted that the planned improvements to the Galaxy system would be

made expeditiously. The situation regarding the recruitment of women, particularly African women, was also a matter of concern and she hoped that there would be an improvement in that regard. With respect to the issues of mobility and the continuing high vacancy rates at duty stations, especially in Africa, her delegation had noted with concern certain comments made in the report of the Secretary-General on human resources management (A/59/263), and particularly the content of paragraph 91 of the report, which was referred to in section I, paragraph 16, of the draft resolution. The Secretariat should take specific note of the General Assembly's request to reassess the situation. Her delegation hoped that when the report was next considered by the Committee, there would be a marked improvement in the areas she had indicated. It, however, welcomed the fact that its desire to consider a report on further measures to prevent discrimination within the context of the administration of justice had been reflected in the draft resolution.

Agenda item 109: Programme planning (*continued*)

(A/C.5/59/26 and A/C.5/59/L.20)

Letter dated 20 December 2004 from the President of the General Assembly addressed to the Chairman of the Fifth Committee
(A/C.5/59/26)

17. **The Chairman** drew attention to a letter dated 20 December 2004 from the President of the General Assembly addressed to the Chairman of the Fifth Committee (A/C.5/59/26) relating to the outcome of the open-ended consultations on programme 19, Human rights, which had been allocated to the Third Committee for its consideration. He then drew attention to draft resolution A/C.5/59/L.20 and invited the representative of Iran, who had submitted the draft resolution on his behalf, to make the necessary oral amendments to the draft resolution in the light of the letter contained in document A/C.5/59/26.

Draft resolution A/C.5/59/L.20

18. **Mr. Mirmohammad** (Islamic Republic of Iran) said that the phrase "and concerning programme 19, Human rights" should be added to the end of the third preambular paragraph of the draft resolution. A tenth footnote, reading "A/C.5/59/26", should also be added. In the sixth line of paragraph 11, the phrase "programme 19, Human rights" should be added after

the word “development”. In paragraph 6, the word “considerations” at the end of the chapeau should be replaced by “criteria”. At the foot of page 4, the heading “Other matters” should be replaced by “Other conclusions and recommendations of the Committee for Programme and Coordination” and reinserted before paragraph 29 of the draft resolution.

19. Addressing the representatives of the Office of Programme Planning, Budget and Accounts (OPPBA), he noted that the draft resolution requested the Secretary-General to prepare the proposed programme budget for the biennium 2006-2007 based on the priorities set out in paragraph 8. In paragraph 9 of its resolution 58/269, the General Assembly decided also that the programme narratives of the programme budget fascicles should be identical to the biennial programme plan. In that regard, and with reference to rules 105.4 and 104.1 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, it had rarely been his experience that programme managers received instructions from OPPBA prior to the approval of the plan or that changes had not been duly taken into account after the adoption of the plan. In order to avoid any recurrence of that difficulty, if the representatives of OPPBA noted that their fascicles were not formulated in accordance with the draft resolution, they should inform the programme managers. Instead of involving itself in realigning texts with the relevant resolutions, the Fifth Committee should provide overall direction and evaluation, in accordance with its terms of reference.

20. *Draft resolution A/C.5/59/L.20, as orally revised, was adopted.*

21. **Mr. Kennedy** (United States of America) said that his delegation did not accept the definition of “right to development” as that term was often used within the United Nations context. In joining the consensus on the draft resolution, his Government understood “right to development” to mean that each individual should enjoy the right to develop his or her intellectual or other capabilities to the maximum extent possible through the exercise of a full range of political and civil rights.

Agenda item 108: Programme budget for the biennium 2004-2005 (*continued*) (A/C.5/59/L.25)

Draft resolution A/C.5/59/L.25

22. **The Chairman** drew attention to draft resolution A/C.5/59/L.25. Sections A to L of the draft resolution covered a range of special subjects.

23. **Mr. Abelian** (Secretary of the Committee) pointed out that paragraphs 10 and 11 of the draft text, which had been agreed upon by the Committee during informal consultations, had been omitted from the final version of the draft resolution. The Fifth Committee’s report to the General Assembly would contain the full version of the draft text.

24. *Draft resolution A/C.5/59/L.25 was adopted.*

25. **Mr. Elji** (Syrian Arab Republic), referring to section G of the draft resolution, on strengthening the Department of Public Information, emphasized the need to support and enhance the United Nations web site in all official languages of the Organization. The Arabic language site required additional resources as it used non-Latin and bi-directional scripts. He therefore hoped that the P-3 vacancy would be filled as soon as possible to enable the Department to fulfil its mandate and that the Secretary-General would allocate the necessary resources to ensure that all official languages were treated equally. With regard to section I, on the first performance report on the programme budget for the biennium 2004-2005, he urged the Secretary-General to fill the vacant positions for web-site assistants expeditiously.

Draft resolution A/C.5/59/L.32

26. **Mr. Elji** (Syrian Arab Republic), coordinator of the informal consultations on draft resolution A/C.5/59/L.32, said that the words “other” in the first preambular paragraph and “system” in the fourth preambular paragraph should be deleted. In the sixth preambular paragraph, the words “of and approving” should be replaced by “and approval of”. In paragraph 8, the words “implementing of those” should be replaced by “implementation of these”. The word “system” should be deleted from paragraph 12. In paragraph 13 (c), “security department” should be changed to “department of safety and security”. In both paragraphs 15 and 16, the phrase “taking disciplinary action” should be replaced by “disciplinary action to be taken”. The word “post” should be inserted between

the words “temporary” and “basis” in paragraph 26. In paragraph 35, the phrase “assessing threat and risk” should be replaced by “order to produce threat and risk assessment”. Lastly, the word “review” should be inserted before the word “process” in paragraph 38.

27. *Draft resolution A/C.5/59/L.32, as orally revised, was adopted.*

28. **Mr. Løvold** (Norway) said that the Secretary-General had urged Member States on several occasions to fund his comprehensive and well-justified proposal on a strengthened and unified security management system for the United Nations. Member States must be willing to cover the costs of ensuring the safety and security of United Nations personnel. Although many delegations had spoken about the importance of strengthening the protection of United Nations personnel, the draft resolution just adopted fell short of what was needed.

29. His delegation was very disappointed that Member States had been unable to provide the funding that had been requested and, in particular, that the present cost-sharing arrangement between United Nations funds, programmes and other entities had been retained. The cost-sharing arrangement should be abolished. A strengthened security system should not depend on voluntary contributions earmarked for development assistance. All Member States must share responsibility for funding such a system.

30. **Mr. Simancas** (Mexico) said that his Government attached great importance to the security and safety of United Nations personnel, for whom all United Nations bodies must assume responsibility. As his delegation had stated during the general debate, Mexico had sponsored Security Council resolution 1502 (2003) on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones. His Government was committed to ensuring the security and protection of United Nations personnel and facilities. The Committee now had an opportunity to assume its responsibility for providing the necessary basis for a strengthened and unified security management system, and he welcomed the fact that a compromise had been reached. His delegation had hoped to play a more active role in the negotiations, which had not been possible for a number of reasons that he hoped would not recur. Nevertheless, it had approached the current negotiations with a constructive attitude.

31. **Ms. Bertini** (Under-Secretary-General for Management) said that the Secretary-General had considered his proposal for a strengthened and unified security management system for the United Nations to be arguably the most important proposal he had ever made to the General Assembly. She was pleased to be able to tell him that a substantial part of that proposal had been adopted. She wished to follow up on the statement made by the representative of Norway by urging delegations to send a message to agencies, funds and programmes that their Governments would provide the necessary funds to meet cost-sharing requirements. All United Nations entities were concerned about the continued cost-sharing process and delegations should assure those entities that they attached importance to their security and would provide the increased resources needed to meet the challenge of implementing the strengthened and unified security management system.

Draft decisions contained in document A/C.5/59/L.21

32. **The Chairman** drew attention to the draft decisions on the programme budget implications of five draft proposals that had been adopted in the Main Committees of the General Assembly and which were contained in document A/C.5/59/L.21.

33. *The draft decisions contained in document A/C.5/59/L.21 were adopted.*

34. **Mr. Kennedy** (United States of America), speaking on section E, Rights of the child: programme budget implications of draft resolution A/C.3/59/L.29/Rev.1, said that his Government had always been supportive of the rights of the child and respected and appreciated the contributions of other nations and organizations to promoting and protecting the rights of children. However, his delegation was opposed to the manner in which the idea was promoted in draft resolution A/C.3/59/L.29/Rev.1. It opposed any provisions with financial implications, especially the very high cost of the proposal for the Committee on the Rights of the Child to work in two chambers.

35. **Mr. Mumbey-Wafula** (Uganda) said that his delegation had joined the consensus on the draft decisions on the understanding that the Office of the Special Representative of the Secretary-General for Children and Armed Conflict would submit accurate reports and that the Secretary-General would address

his delegation's concerns about the type of leadership needed for that Office.

Draft decision A/C.5/59/L.27

36. *Draft decision A/C.5/59/L.27 was adopted.*

37. **Ms. Goicochea** (Cuba) said that her delegation had agreed to the adoption of draft decision A/C.5/59/L.27 without a vote on the understanding that the Committee would resume its consideration of the item after the Secretary-General had provided a report on the programme budget implications of the eventual implementation of a cost accounting system. She was concerned about the possible substantial financial costs of such a system. While her delegation did not oppose implementing other systems, any system adopted should make the Organization more efficient and should be cost-effective.

Contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/59/27)

38. **Mr. Sach** (Director of the Programme Planning and Budget Division), introducing the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/59/27), said that it was a routine report submitted in accordance with General Assembly resolution 42/211. The new charges against the contingency fund amounted to \$3,888,200 and would be distributed across the eight sections of the programme budget listed in paragraph 3 of the report. The Fifth Committee might wish to request the General Assembly to note that a balance of \$7,854,800 would remain in the contingency fund.

39. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Secretary-General's report was purely technical in nature, reflecting the consolidation of programme budget implications considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). Accordingly, the Advisory Committee was recommending that the General Assembly should take note of the report.

40. **The Chairman** suggested that the Fifth Committee should recommend to the General Assembly that it should note that a balance of \$7,854,800 remained in the contingency fund.

41. *It was so decided.*

Draft report of the Fifth Committee (A/C.5/59/L.33)

42. **The Chairman** drew the Committee's attention to paragraph 43 of part IV of the draft report of the Fifth Committee (A/C.5/59/L.33), which contained the Committee's recommendations. All sections of draft resolution I, entitled "Questions relating to the programme budget for the biennium 2004-2005", had already been adopted by the Committee. Draft resolution II, entitled "Programme budget for the biennium 2004-2005", was divided into three sections, A, B and C, relating to revised budget appropriations for the biennium 2004-2005, revised income estimates for the biennium 2004-2005 and financing of the appropriations for the year 2005, respectively.

43. *Draft resolution II was adopted.*

44. **The Chairman** recalled that draft decisions I and II had already been adopted by the Committee. If there was no objection, he would take it that the Committee wished to adopt the draft report of the Committee on the programme budget for the biennium 2004-2005, as contained in parts I and II of document A/C.5/59/L.33, without a vote.

45. *The draft report was adopted.*

Agenda item 118: Report of the Secretary-General on the activities of the Office of Internal Oversight Services (continued) (A/C.5/59/L.17 and L.18)

Draft resolution A/C.5/59/L.17

46. *Draft resolution A/C.5/59/L.17 was adopted.*

47. **Ms. Thorpe** (Australia), speaking also on behalf of Canada and New Zealand, said that she had been puzzled at the appearance of the word "endorses" in paragraph 7 of the draft resolution in question, since she did not recall having agreed to that wording. Out of respect for the working methods of the Fifth Committee, she had not blocked the adoption of the draft resolution, but wished to express her strong disagreement with the use of the term "endorses". The Fifth Committee had always taken note of recommendations made by the Office of Internal Oversight Services (OIOS), since endorsing or negotiating them would undermine both the operational independence of the Office and paragraph 28 of annex

VI to the rules of procedure of the General Assembly, which stated that the General Assembly, including its Main Committees, should merely take note of those reports of the Secretary-General which did not require a decision by the Assembly.

48. **Mr. Kennedy** (United States of America) said that his delegation was deeply disappointed with both the process and the outcome of negotiations on draft resolution A/C.5/59/L.17. The inclusion of the word “endorses” in paragraph 7 of the text represented a significant departure from past practice which his delegation could not and would not accept. His delegation had not blocked consensus on the issue on the understanding that the erroneous wording in paragraph 7 would not affect the reporting processes of OIOS.

49. **Mr. Elkhuizen** (Netherlands), speaking on behalf of the European Union, endorsed the remarks made by the representative of the United States of America. He expressed dismay at the way in which the negotiations on draft resolution A/C.5/59/L.17 had taken place, at the fact that it had been adopted in the plenary meeting when it had not been approved in informal informals, and at the objectionable language in paragraph 7 of the draft text. He felt let down by recent events, and deeply regretted the position taken by some delegations in order to force agreement. The Fifth Committee worked on the basis of consensus and respect and he rejected the practice of holding up negotiations in an attempt to impose a particular point of view.

50. Recommendations made by OIOS should not be endorsed by the General Assembly and the provisions of draft resolution A/C.5/59/L.17 did not imply any change to current practices.

51. **Ms. Zobrist Rentenaar** (Switzerland) endorsed the remarks made by the representatives of Australia, the United States of America and the Netherlands. She strongly disagreed with the language used in paragraph 7 of the draft resolution, since it could potentially undermine the work of OIOS, but pointed out that it did not create a precedent. In future, her delegation would be extremely vigilant in order to prevent similar occurrences.

52. **Mr. Kozaki** (Japan) endorsed the remarks made by the representatives of Australia, the United States of America, the Netherlands and Switzerland. He expressed concern about the tendency to link the issue in question to other unrelated topics.

53. **Ms. Goicochea** (Cuba) deplored the fact that the main part of the Assembly’s current session was closing on an unpleasant note and rejected the comments on tactics that had just been made, which appeared to refer to the conduct of her delegation. Cuba had always acted in good faith and on the basis of the principles of equality and respect. Like other delegations, it had taken part in negotiations on the draft resolution at issue, but its views had not been reflected in the text drafted by the Secretariat. In that connection, Cuba maintained its constant position on the role of the General Assembly in the consideration of reports submitted to it.

54. **Mr. Elji** (Syrian Arab Republic) expressed concern that the working practices of the Fifth Committee had been undermined by the inclusion in the draft resolution of a number of amendments that had not been agreed upon. He recalled that paragraph 4 of General Assembly resolution 54/244 described the role of the General Assembly in the consideration of OIOS reports.

55. **Mr. Mazumdar** (India) said that the remarks made by some delegations had caused him considerable distress. He felt that all delegations had acted in good faith during the negotiations and expressed the hope that such remarks would not be repeated in future.

56. **Mr. Terzi** (Turkey) said that his delegation wished to associate itself with the statements made by the representatives of the United States of America, the Netherlands, Switzerland and Japan.

57. **Ms. Udo** (Nigeria) observed that all the draft texts before the Committee had been prepared by the Secretariat in accordance with the wishes of the delegations that had participated in the relevant negotiations. At no time had she, in her capacity as coordinator of various negotiations, drafted any texts.

Draft resolution A/C.5/59/L.18

58. *Draft resolution A/C.5/59/L.18 was adopted.*

Agenda item 119: Review of the implementation of General Assembly resolutions 48/218 B and 54/244 (continued) (A/C.5/59/L.28)

Draft resolution A/C.5/59/L.28

59. *Draft resolution A/C.5/59/L.28 was adopted.*

Agenda item 107: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*) (A/C.5/59/L.29 and L.31)

Draft resolution A/C.5/59/L.29

60. **Mr. Abelian** (Secretary of the Committee) drew attention to paragraph 6 of draft resolution A/C.5/59/L.29 and informed the Committee that the figure of \$3,621,900,000 should be inserted after the words “a preliminary estimate of”. Referring to paragraph 10 of the same document, he said that the figure of \$27.2 million should be inserted after the words “namely, at”.

61. *Draft resolution A/C.5/59/L.29, as orally revised, was adopted.*

Draft decision A/C.5/59/L.31

62. **The Chairman** informed the Committee that the resumed fifty-ninth session would be held in two parts, from 7 March to 1 April 2005 and from 2 to 27 May 2005.

63. *Draft decision A/C.5/59/L.31 was adopted.*

Closure of the work of the Fifth Committee during the main part of the fifty-ninth session of the General Assembly

64. After an exchange of courtesies, in which **Mr. Al-Ansari** (Qatar), speaking on behalf of the Group of 77 and China, **Mr. Guardia** (Panama), speaking on behalf of the Group of Latin American and Caribbean States, **Mr. Kramer** (Canada), speaking also on behalf of Australia and New Zealand, **Mr. Elkhuisen** (Netherlands), speaking on behalf of the European Union, **Ms. Udo** (Nigeria), speaking on behalf of the African Group, **Ms. Onisii** (Romania), speaking on behalf of the Group of Eastern European States, and **Mr. Kozaki** (Japan) took part, **the Chairman** declared that the Fifth Committee had completed its work for the main part of the fifty-ninth session of the General Assembly.

The meeting rose at 7.20 p.m.