

United Nations
**GENERAL
ASSEMBLY**

THIRTY-FIRST SESSION

Official Records*



LIBRARY

114.11

COLLECTION

FIFTH COMMITTEE
41st meeting
held on
Friday, 3 December 1976
at 3 p.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. MUNTASSER (Libyan Arab Republic)

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

CONTENTS

AGENDA ITEM 100: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE
UNITED NATIONS: REPORT OF THE COMMITTEE ON CONTRIBUTIONS (continued)

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room LX-2332.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.5/31/SR.41
7 December 1976

ORIGINAL: ENGLISH

The meeting was called to order at 3.35 p.m.

AGENDA ITEM 100: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS: REPORT OF THE COMMITTEE ON CONTRIBUTIONS (A/31/11; A/C.5/31/L.7/Rev.2, L.8, L.10/Rev.1 and Corr.1, L.26/Rev.1, L.28, L.29, L.30; A/C.5/31/CRP.7, CRP.8) (continued)

1. The CHAIRMAN said that, in accordance with rule 131 of the rules of procedure, unless there was a decision to the contrary, the draft resolutions before the Committee would be voted on in the following order: the draft resolution submitted by the Committee on Contributions (A/31/11, para. 59); draft resolution A/C.5/31/L.7/Rev.2; draft resolution A/C.5/31/L.8; and draft resolution A/C.5/31/L.10/Rev.1. However, the representative of Kuwait had formally requested at the 39th meeting that priority should be given to the draft resolutions submitted by Member States over that of the Committee on Contributions. The Fifth Committee might wish to agree to that proposal without objection, or to take a vote on it and to proceed according to the result of that vote, bearing in mind rule 131 of the rules of procedure.
2. Mr. BOUAYAD-AGHA (Algeria) requested a postponement of the vote on the draft resolution submitted by the Committee on Contributions on the ground that his delegation intended to submit amendments to it at a later stage.
3. Mr. SERRANO AVILA (Cuba) said that, in the light of the information provided in document A/C.5/31/CRP.8, the first preambular paragraph of his delegation's draft resolution (A/C.5/31/L.8) should refer to 16 developing countries instead of 13 developing countries.
4. With respect to the questions raised by the delegation of the Upper Volta, he said that the countries which would benefit immediately from the provisions of his delegation's draft resolution would be Cuba and Malaysia. However, in the longer term, any developing country which was in a situation similar to that of Cuba and Malaysia at present would stand to benefit. The shortfall of 0.04 per cent that would result from reducing the assessment of Cuba and Malaysia to 0.02 per cent could be compensated either by assessing each of the two States recently admitted to membership at 0.02 per cent or, if that were technically unfeasible, by increasing infinitesimally the rates of assessment for developed countries.
5. He could not agree with the representative of Kenya that the draft resolution was restrictive; while its provisions embraced only two countries at the moment, it could be expected that in future there would be other developing countries whose principal export commodities would undergo drastic price declines. He could not accept that representative's view that the Cuban draft resolution violated the principle that the recommendation of the Committee on Contributions must be approved because it was based on the criteria approved by the General Assembly; the Cuban draft simply sought a few minor adjustments in the scale recommended by the Committee on Contributions, which had acted in good faith but which was not infallible.

(Mr. Serrano Avila, Cuba)

6. The representative of France had said that the new paragraph 4 (c) proposed in the Canadian amendment (A/C.5/31/L.26/Rev.1) to draft resolution A/C.5/31/L.7/Rev.2 took account of the principle on which the Cuban draft was based. But the Canadian amendment looked only to the future, whereas the Cuban draft resolution, if adopted, would come into effect immediately. The representative of France had also stated that it would not be easy to implement the Cuban draft resolution. His delegation did not agree; it could see little difficulty about applying the very minor adjustment it was recommending.

7. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to the proposal of the Kuwaiti delegation that the draft resolutions submitted by Member States should be given priority over that presented by the Committee on Contributions.

8. It was so decided.

9. Mr. ANVAR (Secretary of the Committee) said that in document A/C.5/31/L.29 the paragraph number should be changed from "6" to "7".

10. In document A/C.5/31/L.30, the third amendment should read: "3. Replace operative paragraph 4 by the following text: 'Further decides to expand the membership of the Committee on Contributions by five members, effective 1 January 1977.'"

11. Mr. STUART (United Kingdom), explaining how his delegation intended to vote on the proposals before the Committee, said that his delegation deeply regretted that it had proved impossible to reach a consensus on the question of the scale of assessments, particularly as a wide area of agreement already appeared to exist.

12. The United Kingdom delegation was unshakably attached to the fundamental principle that all questions relating to the scale of assessments should be decided by the General Assembly in the light of the expert and impartial advice and accurate information provided by the Committee on Contributions. The recommendations submitted by that Committee had been made in accordance with the criteria indicated by the General Assembly; it had therefore done its duty. The duty of the Assembly must be to approve the recommended scale so that it might be implemented until new criteria had been worked out and approved as the basis for a revised scale.

13. His delegation recognized that many delegations regarded the criteria given to the Committee on Contributions as imperfect and in need of urgent revision. It further recognized that some delegations had lost the confidence in the Committee on Contributions which was essential if the latter's recommendations were to be adopted by consensus.

14. In view of those developments, his delegation was of the view, first, that the new scale should be implemented for two years only while the problem of the criteria was urgently studied and a revised scale was worked out in the light of those studies and, second, that the Committee on Contributions should be enlarged to restore confidence among all Member States in its competence and integrity.

/...

(Mr. Stuart, United Kingdom)

Those two steps, in his delegation's view, represented a fair and reasonable response to the doubts and dissatisfaction of those Member States which were still insisting that the Fifth Committee should proceed by confrontation rather than conciliation. His delegation therefore supported whole-heartedly the eloquent appeal by the representative of Kenya to the sponsors of draft resolution A/C.5/31/L.10/Rev.1 to show magnanimity in order to save the United Nations from what might possibly be very grave damage.

15. Turning to the draft resolutions themselves, he said that the United Kingdom delegation could accept the idea of lowering the floor assessment in accordance with the principle of relative capacity to pay, and would therefore vote for draft resolution A/C.5/31/L.7/Rev.2. It would also vote in favour of the amendments to that draft resolution proposed by Canada (A/C.5/31/L.26/Rev.1) and by the Federal Republic of Germany (A/C.5/31/L.29). It would vote against draft resolution A/C.5/31/L.8 in the light of the information provided in document A/C.5/31/CRP.1. For the reasons he had already stated, his delegation would oppose draft resolution A/C.5/31/L.10/Rev.1 unless the amendments proposed by the delegations of Canada (A/C.5/31/L.28) and the Federal Republic of Germany (A/C.5/31/L.30) were adopted. However, if the amendments to paragraphs 1, 3 (a) and 3 (c) were adopted, his delegation would be able to vote in favour of the draft resolution as a whole.

16. Miss FORCIGNANO (Italy) said that her delegation was in favour of the idea of lowering the floor to 0.01 per cent for the least developed among the developing countries and for those most seriously affected by the economic crisis and therefore intended to support draft resolution A/C.5/31/L.7/Rev.2. At the same time, it would have felt more at ease if it had known the consequences entailed by the proposal; it understood the words "the coming scale" in paragraph 3 as referring to the scale of the 1980-1982 triennium. Furthermore, it believed that, if the Committee on Contributions was asked to reconsider one of the basic elements for determining the scale of assessments, other factors connected with the world-wide economic crisis should also be taken into account, and therefore that the sponsors of the draft resolution should have accepted the amendment proposed by the Canadian delegation (A/C.5/31/L.26/Rev.1). Her delegation would vote in favour of that amendment because it supported the idea stated in the first four lines.

17. Mr. JOHANSSON (Iceland) said that Iceland over the years had been one of the highest-paying Member States in per capita terms, even though it had been assessed at the minimum rate. Moreover, Iceland depended almost entirely on the export of one commodity and its economy had many times been seriously affected by the price declines for that commodity and the resulting shortages in foreign currency. His delegation therefore fully understood the desire of many countries to lower the minimum rate and to take price declines of export commodities into special consideration, but at the same time it sincerely believed that the principle of collective financial responsibility placed a limit on the level of the minimum contribution.

18. Accordingly, his delegation believed that the benefits wrought by the action

(Mr. Johannsson, Iceland)

of the United Nations were greater than the monetary benefits that might eventually accrue to Iceland as a result of the adoption of some of the principles proposed in the draft resolutions. It feared that the principle of collective financial responsibility might be impaired if further restrictions were imposed on the scale of assessments. In urging restraint, it submitted that the lowering of the minimum rate should be applied only to the least developed among developing countries.

19. His delegation valued the principle of collective financial responsibility so highly and regarded it as so important to the further development of the United Nations that it would not be able to support any draft resolution that deferred a decision on the new scale or imposed restrictions on increases; furthermore, it was reluctant to support a draft resolution that categorically lowered the minimum rate, although it agreed that the question should be studied.

20. The Icelandic delegation appreciated the conscientious work of the Committee on Contributions and would give its full support to that Committee's recommendations.

21. Mr. de PINIES (Spain) said that his delegation supported the intent of the new paragraph 4 proposed in the Canadian amendment (A/C.5/31/L.26/Rev.1) to draft resolution A/C.5/31/L.7/Rev.2, since it was clear that an in-depth study of the criteria for drawing up the scale of assessments was urgently needed.

22. With respect to draft resolution A/C.5/31/L.10/Rev.1, his delegation hoped that paragraph 3 (c) would not be amended in the way proposed by the Federal Republic of Germany in document A/C.5/31/L.30. It regarded some ceiling figure as essential, and considered 30 per cent as reasonable for the purpose of avoiding exaggerated increases which might give rise to balance-of-payments difficulties and internal budgetary problems and yet permitting contributions to be increased in accordance with the principle of capacity to pay. His delegation also endorsed the idea of deferring a decision on the new scale of assessments, the impartiality and equity of which were in doubt. It would therefore support draft resolution A/C.5/31/L.10/Rev.1.

23. Mr. KRUMIN (Union of Soviet Socialist Republics) said that the Committee on Contributions, in working out the new scale of assessments, had based its calculations on criteria established by the General Assembly, namely Member States' national income and relative capacity to pay. Those were the criteria which had always been used, and the new scale had been unanimously approved by highly-qualified experts who had been chosen by the General Assembly and who represented all regional groups. No one questioned the fact that the new scale satisfied the criteria established by the General Assembly, but a group of countries, whose contribution was to be significantly increased as a result of the very considerable increase in their national income, had objected to the new scale and had put forward proposals which were inconsistent with the existing criteria and, in many cases, completely unjustified. His delegation strongly objected to such an approach, since an arbitrary decision on such an important question could have serious consequences for the United Nations.

/...

(Mr. Krumin, USSR)

24. His delegation favoured the adoption of the recommended scale of assessments, on the understanding that the Committee on Contributions would examine all relevant suggestions made in the Fifth Committee and report to the General Assembly. His delegation would vote against any decision on the scale of assessments that was arbitrary, economically unrealistic or inconsistent with the principles established by the General Assembly. It was to be emphasized that the rejection of the scale recommended by the Committee on Contributions would have far-reaching political and financial consequences, would disrupt the normal system of financing the United Nations, would interfere with the Organization's activities and would lead to a crisis. It was also possible that, should the recommended scale be rejected, some States might determine the size of their contribution for the period 1977-1979 on the basis of that new scale.

25. His delegation would vote for the Canadian amendment to draft resolution A/C.5/31/L.7/Rev.2, as contained in document A/C.5/31/L.26/Rev.1, and would vote for draft resolution A/C.5/31/L.7/Rev.2 if the amendment was adopted. If the amendment were not adopted, however, his delegation would abstain in the vote on that draft resolution. His delegation would also vote in favour of the amendments to draft resolution A/C.5/31/L.10/Rev.1 proposed by Canada and the Federal Republic of Germany (A/C.5/31/L.28 and L.30). He called upon the Fifth Committee to act in the interests of all Member States and to adopt the new scale of assessments proposed by the Committee on Contributions.

26. Mr. ADENIJI (Nigeria) said that his delegation would be able to vote for draft resolution A/C.5/31/L.8, although it regretted the narrow approach on which it was based. It would also vote for draft resolution A/C.5/31/L.7/Rev.2, in the belief that the provisions of paragraph 3 were intended to take effect after the expiry of the present scale of assessments, which it hoped would continue for at least two years.

27. The Canadian amendment in document A/C.5/31/L.26/Rev.1 caused his delegation some difficulty because it went further than the limited objective sought by the sponsors of draft resolution A/C.5/31/L.7/Rev.2, and because it was linked to the approval of the recommendation of the Committee on Contributions, thereby introducing an element of controversy into the draft resolution. Adoption of the recommendation of the Committee on Contributions would be inconsistent with the trend of the discussion in the Fifth Committee, in which it had been held that the rather steep increases in contributions of some countries and the equally sharp reductions in the contributions of others proposed by the Committee on Contributions were out of tune with the realities of the economic situation prevailing at the moment. His delegation therefore favoured the maintenance of the status quo until the Committee on Contributions had had an opportunity to review the situation in the light of the comments made by members of the Fifth Committee. Such a course of action would not, in his delegation's view, result in the collapse of the Organization, as had been suggested by some. Moreover, the rejection of the recommendation of the Committee on Contributions should not be regarded as a vote of no confidence in that Committee, but rather as the request to it to review the scale in the light of new facts brought to its attention. His delegation was therefore unable to vote for document A/C.5/31/L.26/Rev.1 or for the recommendation of the Committee on Contributions.

/...

28. Mr. THOMAS (Trinidad and Tobago) said that his delegation wished to explain its vote on draft resolution A/C.5/31/L.7/Rev.2, on the understanding that it could explain its vote on the other two draft resolutions at a later stage. His delegation would vote for draft resolution A/C.5/31/L.7/Rev.2 and for the amendment to that draft resolution submitted by Canada (A/C.5/31/L.26/Rev.1), paragraphs 4 and 6 of which were particularly pertinent. Its vote for the Canadian amendment would be on the understanding that that amendment did not in itself preclude consideration of paragraphs 3 (a) and (c) of draft resolution A/C.5/31/L.10/Rev.1, with which his delegation was in agreement.

29. Mr. DOUGLAS (Guyana) said that his delegation regretted that it had not been possible to reach a consensus on the new scale of assessments proposed by the Committee on Contributions. It understood the strong positions of principle adopted by a number of developing countries and was disappointed that the sincere and genuine efforts to resolve differences had not been successful. Each of the three draft resolutions before the Committee contained elements that his delegation viewed with sympathy. It welcomed, for example, the proposal to expand the membership of the Committee on Contributions contained in draft resolution A/C.5/31/L.10/Rev.1.

30. It was of crucial importance that the interests of developing countries be taken fully into account, particularly at a time when so many of them were experiencing serious economic difficulties. However, that concern was not entirely met by the draft resolutions, even though they were inspired by the worthiest of motives. Taken together, the drafts were vitiated by overlapping provisions and contradictory features. Taken singly, none was so formulated as to command his delegation's unqualified support. His delegation would therefore abstain in the vote on all three draft resolutions.

31. Mr. KITI (Kenya) said that his delegation supported the Canadian amendment to draft resolution A/C.5/31/L.7/Rev.2, as contained in document A/C.5/31/L.26/Rev.1. The proposed new paragraph 4 (a) was of great comfort, since the interpretation of the statistics submitted to the Committee on Contributions was open to question. It was for the Fifth Committee to call for additional indicators. The proposed new paragraph 4 (b) was also welcome, since the period used as the statistical base period for the scale of assessments recommended by the Committee on Contributions had been marked by considerable economic upheavals. He also supported the proposed new paragraph 4 (c), since it was important to take fluctuations in economic activity into account. He had some doubts with respect to the proposed new paragraph 5, since the Committee on Contributions might be asked to disclose other types of information, which would not be appropriate. However, he would not vote against the proposed paragraph 5. He had no objection to the proposed new paragraph 6.

32. The Committee on Contributions should be enlarged, and his delegation would have no objection to an increase of five members. With respect to draft resolution A/C.5/31/L.10/Rev.1, the amendment proposed to operative paragraph 3 (a) by the Federal Republic of Germany in document A/C.5/31/L.30 would cause difficulties for his delegation, and he hoped that the Federal Republic of Germany would not insist on a vote on that amendment.

/...

33. Mr. OUEDRAOGO (Upper Volta) said it was vital that the scale of assessments be adopted by consensus, particularly since 12 Member States contributed 80 per cent of the budget. Article 19 of the Charter provided a safeguard with respect to Member States in arrears but, if those 12 Member States could not accept the scale adopted and delayed their contributions for only one year, Article 19 would not apply and the Organization would be faced with a grave crisis.

34. In establishing the scale of assessments, the basic criterion must be relative capacity to pay. There was no doubt that capacity to pay could be more satisfactorily measured than at present, but the Committee on Contributions could do only what the General Assembly asked it to do. If all delegations had taken note of the warning given by the Committee on Contributions two years previously with respect to the possible consequences of continuing to implement the existing criteria, the current situation might have been avoided.

35. It was clear that all Member States must contribute to the Organization. However, it was obviously unjust that more than 80 countries, whose per capita income ranged from \$70 to \$12,000, made the same contribution of 0.02 per cent. However, rather than lower the minimum contribution to 0.01 per cent, it would have been better to apply the existing minimum rate to a smaller number of countries, namely those with the lowest capacity to pay. Accordingly, while he understood the reasons behind draft resolution A/C.5/31/L.7/Rev.2, he would abstain if a separate vote was taken on paragraphs 2 and 3; he would vote for the amendments to that draft resolution and for the draft resolution as amended.

36. With respect to draft resolution A/C.5/31/L.8, he could not understand why, in document A/C.5/31/CRP.8, paragraph 3, concerning Member States whose principal export commodities had undergone a sharp price decline since 1974, the figures for Malaysia showed a rise in prices for the period 1975-1976. His delegation would abstain in the vote on draft resolution A/C.5/31/L.8, since it was not clear how the Organization would recover the money it would lose by reducing some contributions.

37. Paragraph 1 of draft resolution A/C.5/31/L.10/Rev.1 presented difficulties, since it would mean that the contributions of some developing countries would be lowered at the expense of other developing countries. He would have preferred the adoption of the new scale for a limited time, and his delegation would abstain if a separate vote was taken on that paragraph. His delegation, which would have abstained on the original draft resolution as a whole, had some difficulty in accepting the Japanese amendment now incorporated in paragraph 2, since that amendment suggested that the proposals made in the Fifth Committee should provide the basis for new criteria. Paragraph 3 of the draft resolution gave a precise idea of what additional criteria should be examined by the Committee on Contributions, but the Japanese amendment would lead to confusion. His delegation would therefore find it difficult to vote in favour of paragraphs 2 and 3 as amended.

38. Some delegations had proposed that permanent members of the Security Council should be assessed at a special rate. However, his delegation had always opposed

(Mr. Ouedraogo, Upper Volta)

the establishment of special conditions for particular groups of Member States. It had been argued that the fact of being a permanent member of the Security Council was taken into account with respect to the financing of the United Nations Emergency Force. However, the General Assembly had decided that the permanent members of the Security Council should have special responsibilities in that connexion because the existence of the Emergency Force depended entirely on the wishes of members of the Security Council. The exception should not become the general rule, and his delegation could not support draft resolution A/C.5/31/L.10/Rev.1.

39. Mr. OUATTARA (Ivory Coast) said that his delegation would support draft resolution A/C.5/31/L.7/Rev.2, although without much enthusiasm. States Members of the United Nations must be prepared to accept the responsibilities that membership implied. He endorsed the Canadian amendment to draft resolution A/C.5/31/L.7/Rev.2, as contained in document A/C.5/31/L.26/Rev.1.

40. Even though his country was an exporter of many commodities, his delegation had some difficulty in accepting draft resolution A/C.5/31/L.8, since its adoption would make it difficult to apply the scale of assessments recommended by the Committee on Contributions. Furthermore, all decisions taken with respect to the scale of assessments should apply to all Member States.

41. Draft resolution A/C.5/31/L.10/Rev.1 was extremely difficult to accept. First, the criteria applied by the Committee on Contributions had been approved by the General Assembly and, second, it would be wrong to eradicate some injustices by creating others. It should not be forgotten that, although the contributions of some developing countries had increased, those of other developing countries had decreased. Paragraph 1 of draft resolution A/C.5/31/L.10/Rev.1 was therefore unacceptable. However, new criteria must be established and paragraphs 2, 4 and 5 of the draft resolution were acceptable. However, it was important not to limit the sphere of action of the Committee on Contributions. The membership of that Committee should be increased by five.

42. Mr. TALIEH (Iran) said that his delegation would support draft resolution A/C.5/31/L.7/Rev.2, although most of the provisions of that text were covered in draft resolution A/C.5/31/L.10/Rev.1. His delegation would vote against the Canadian amendment to draft resolution A/C.5/31/L.7/Rev.2, as contained in document A/C.5/31/L.26/Rev.1, since the amendment was meant to weaken, if not destroy, the draft resolution in question. Draft resolutions A/C.5/31/L.10/Rev.1 and A/C.5/31/L.7/Rev.2 were both aimed at providing the Committee on Contributions with clear instructions, whereas the Canadian amendment sought to confuse the situation still further.

43. Mr. BISHARA (Kuwait) said that his delegation supported draft resolutions A/C.5/31/L.8 and A/C.5/31/L.7/Rev.2. However, it was very strongly opposed to the Canadian amendment to draft resolution A/C.5/31/L.7/Rev.2, as contained in document A/C.5/31/L.26/Rev.1, since the aim of that amendment was to perpetuate the existing arbitrary scale. Furthermore, the thrust of the Canadian amendment was not in line with the principles set out in draft resolution A/C.5/31/L.10/Rev.1, and would lead to further confusion. There was no danger of the United Nations collapsing if the existing scale of assessments was maintained for a further two

(Mr. Bishara, Kuwait)

years. The Canadian amendment was aimed at destroying draft resolution A/C.5/31/L.7/Rev.2 completely, and his delegation would vote against it.

44. Mr. EL-SHIBIB (Iraq) said that his delegation disagreed with the report submitted by the Committee on Contributions, not because it doubted the ability of that Committee, but because the instruments given to the Committee on Contributions were outmoded. Everyone agreed that new criteria must be established by opposing the deferment of a decision on the new scale of assessments, but some delegations were advocating that the existing anomalies should be retained for a further two or three years. His delegation, however, wanted to defer a decision and to establish new guidelines, so that a scale of assessments acceptable to all could be established. His delegation supported draft resolution A/C.5/31/L.7/Rev.2, even though the ideas contained in that draft resolution were covered in draft resolution A/C.5/31/L.10/Rev.1. The Canadian amendment (A/C.5/31/L.26/Rev.1) would defeat the point of the draft resolution, since it referred to unspecified criteria, it was for the General Assembly to establish clear guidelines for the Committee on Contributions. Any amendment introduced at the end of such a long debate should be aimed at achieving consensus, but the Canadian amendment was not, and his delegation would vote against that amendment. If the amendment was adopted, his delegation would then vote against draft resolution A/C.5/31/L.7/Rev.2 as a whole.

45. Mr. MARPAUNG (Indonesia) said that his delegation would abstain in a vote on the scale of assessments recommended by the Committee on Contributions: although the proposed contribution of his country had decreased, that of some countries had increased beyond reason. His delegation would, however, support the other recommendations made by the Committee on Contributions. His delegation would vote in favour of draft resolution A/C.5/31/L.7/Rev.2, since it was only reasonable that the least developed among the developing countries should be assessed fairly. However, it would vote against the Canadian amendment to that draft resolution, as contained in document A/C.5/31/L.26/Rev.1, since that amendment introduced a new element not dealt with in the original draft resolution. Draft resolution A/C.5/31/L.7/Rev.2 was aimed at protecting low per capita income countries, whereas the Canadian amendment dealt with criteria for the Committee on Contributions. His delegation would vote in favour of draft resolution A/C.5/31/L.8, and would also support draft resolution A/C.5/31/L.10/Rev.1. He could not support the amendments to that draft resolution submitted by Canada and the Federal Republic of Germany (A/C.5/31/L.28 and L.30), except for the proposal to increase the membership of the Committee on Contributions by five.

46. The CHAIRMAN invited the Committee to vote on the draft resolutions submitted by Member States, and the amendments thereto

Amendment in document A/C.5/31/L.26/Rev.1

47. The CHAIRMAN indicated that a separate vote on the new paragraph 6 proposed in the Canadian amendment had been requested by the delegation of Japan at a previous meeting.

48. Mr. AKASHI (Japan) withdrew his delegation's request in order to expedite the work of the Committee.
49. At the request of the representative of Iraq, the vote was taken by roll-call.
50. Kuwait, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Luxembourg, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Poland, Portugal, Sierra Leone, Swaziland, Sweden, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Argentina, Australia, Austria, Barbados, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya.

Against: Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Republic, Mali, Malta, Mauritania, Morocco, Nigeria, Oman, Qatar, Saudi Arabia, Somalia, Spain, Sudan, United Arab Emirates, Venezuela, Yemen, Afghanistan, Albania, Algeria, Bahrain, Benin, Congo, Cuba, Democratic Yemen, Egypt, Grenada, Guinea-Bissau, Indonesia, Iran, Iraq, Jordan.

Abstaining: Lesotho, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Panama, Paraguay, Peru, Philippines, Romania, Rwanda, Senegal, Singapore, Sri Lanka, Surinam, Thailand, Togo, Turkey, Uganda, United Republic of Tanzania, Yugoslavia, Zaire, Bangladesh, Bhutan, Bolivia, Brazil, Burma, Burundi, Chad, Colombia, Cyprus, Ecuador, Gabon, Greece, Guyana, India, Jamaica.

51. The amendment in document A/C.5/31/L.26/Rev.1 was adopted by 50 votes to 33, with 39 abstentions.

Amendment in document A/C.5/31/L.29

52. Mr. LAVAU (Director of the Budget Division) indicated that the proposal of the Federal Republic of Germany to increase the membership of the Committee on Contributions by five members would entail additional expenditure of \$14,240. With regard to draft resolution A/C.5/31/L.10/Rev.1, the financial implications of increasing the membership of that Committee by three members would be \$8,600. The Secretary-General had provided assurances that despite the increased financial implications of the Federal Republic of Germany's amendment, the additional amount could also be absorbed within existing appropriations.

53. Mr. OUEDRAOGO (Upper Volta) said his delegation could vote in favour of the amendment of the Federal Republic of Germany. That did not, however, mean that his delegation approved of the current geographical distribution of seats in the Committee on Contributions. It continued to believe that no seats in the subsidiary organs of the General Assembly should be considered as being reserved for any particular country or group of countries.

54. Mr. TALIEH (Iran) pointed out that paragraph 4 of draft resolution A/C.5/31/L.10/Rev.1 would expand the membership of the Committee on Contributions by three members from the developing countries. His delegation would therefore abstain in the vote on the amendment proposed by the Federal Republic of Germany.

55. Mr. SEKYI (Ghana) said that there was a geographical imbalance in the current membership of the Committee on Contributions. For that reason, his delegation supported an increase in its membership. If, however, the number of members was increased by five, the current imbalance would remain. His delegation therefore was unable to vote in favour of the amendment proposed by the Federal Republic of Germany.

56. Miss FORCIGNANO (Italy) said that her delegation was in favour of maintaining the current membership of the Committee on Contributions. If, however, the membership of that Committee was to be increased, it would prefer the Federal Republic of Germany's proposal, which would maintain the existing balance and properly reflect the interests of all Member States in the important work of that Committee. Her delegation would, therefore, vote in favour of the amendment in document A/C.5/31/L.29.

57. Mr. BISHARA (Kuwait) said that the Federal Republic of Germany's amendment would add to the financial burden of the United Nations. Since it conflicted with paragraph 4 of draft resolution A/C.5/31/L.10/Rev.1, his delegation had no alternative but to vote against it.

58. Mr. ADENIJI (Nigeria) announced that his delegation would vote against the amendment proposed by the Federal Republic of Germany not because it objected in principle to expanding the membership of the Committee on Contributions - which, in fact, it supported, as was indicated by its sponsorship of draft resolution A/C.5/31/L.10/Rev.1 - but because it believed that that amendment was extraneous to the specific purpose for which draft resolution A/C.5/31/L.7/Rev.2 had been submitted.

59. Mr. MARPAUNG (Indonesia) observed that the Federal Republic of Germany's amendment would introduce an entirely new element in draft resolution A/C.5/31/L.7/Rev.2. He therefore sought the view of the Legal Counsel as to whether it could properly be treated as an amendment within the terms of the rules of procedure.

60. Mr. AKASHI (Japan) said that, for the reasons stated at the preceding meeting, his delegation would support the Federal Republic of Germany's amendment. He asked whether it was correct to assume that should that amendment be approved it would replace paragraph 4 of draft resolution A/C.5/31/L.10/Rev.1.

/...

61. The CHAIRMAN said that logically that would seem to be the case, but that the matter would be decided when a vote was taken on draft resolution A/C.5/31/L.10/Rev.1.

62. Mr. VANDERGERT (Sri Lanka) said that, since his delegation would vote in favour of paragraph 4 of draft resolution A/C.5/31/L.10/Rev.1, it would vote against the amendment proposed by the Federal Republic of Germany.

63. Mr. KRUMIN (Union of Soviet Socialist Republics) noted that, according to rule 128 of the rules of procedure, after the Chairman had announced the beginning of voting, no representative should interrupt the voting except on a point of order in connexion with the actual conduct of the voting.

64. The CHAIRMAN said that he considered the representative of Indonesia to have spoken on a point of order. Moreover, the vote on each draft resolution or amendment was a separate procedure.

65. Mr. SUY (Legal Counsel) said that the question asked by the representative of Indonesia was a delicate one. A technical definition of an amendment was to be found in the last sentence of rule 130 of the rules of procedure. Since the Federal Republic of Germany's amendment was an addition to an existing proposal, it did constitute an amendment within the terms of rule 130, even though draft resolution A/C.5/31/L.7/Rev.2, as amended by the Canadian proposal, did not deal with the question of the membership of the Committee on Contributions.

66. The amendment in document A/C.5/31/L.29 was adopted by 50 votes to 36, with 33 abstentions.

Draft resolution A/C.5/31/L.7/Rev.2, as amended

67. Mr. EL-SHIBIB (Iraq) said that his delegation had originally supported draft resolution A/C.5/31/L.7/Rev.2 and would have voted in favour of it had it not been amended. The amendments which had been adopted, however, had radically changed the nature of that draft resolution and his delegation would therefore abstain in the vote on it.

68. Mr. TALIEH (Iran) said that his delegation would abstain in the vote on draft resolution A/C.5/31/L.7/Rev.2, because it had been altered by the Canadian amendment.

69. Mr. HOUNA (Chad) said that, unlike paragraph 4 of draft resolution A/C.5/31/L.10/Rev.1, the Federal Republic of Germany's amendment did not specify that the new members of the Committee on Contributions should be selected from the developing countries. His delegation therefore had voted against that amendment and would abstain on draft resolution A/C.5/31/L.7/Rev.2, as amended, as a whole.

70. Mr. de PINIES (Spain) said that his delegation had wanted to vote in favour of draft resolution A/C.5/31/L.7/Rev.2 but would not be able to do so because of

/...

(Mr. de Pinies, Spain)

the amendments which had been adopted. It would therefore abstain in the vote on the draft resolution as a whole, since draft resolution A/C.5/31/L.10/Rev.1 also contained a provision to expand the membership of the Committee on Contributions which would remedy the existing situation.

71. Draft resolution A/C.5/31/L.7/Rev.2, as amended, was adopted by 74 votes to none, with 47 abstentions.

72. Mr. KITI (Kenya) said that his delegation had voted in favour of draft resolution A/C.5/31/L.7/Rev.2, as amended. It was its understanding, however, that the decision to expand the membership of the Committee on Contributions did not mean that one seat would automatically be given to each region. Since the developing countries felt that the Group of 77 was under-represented on that Committee, he expected the distribution of the new seats to be subject to negotiation.

73. Mr. VELLA (Malta) said that, although his delegation had voted against the amendments to draft resolution A/C.5/31/L.7/Rev.2, its overriding interest in the draft resolution had led it to vote in favour of the text even as amended. Together with other delegations, it supported the philosophy behind the operative paragraphs, since it felt that the present scale of assessments placed a great burden on a number of countries. Although his delegation sympathized with the plight of the least developed among developing countries and the most seriously affected countries, it feared that the present wording of the draft resolution could be interpreted as excluding some other countries which deserved equal consideration and could not agree that the floor should be lowered only for the two groups of countries referred to. It was his delegation's understanding that the sponsors expected the preambular paragraphs to have a wide rather than restrictive application.

74. Mr. PLASEK (Czechoslovakia), speaking on behalf of several socialist countries, said that those countries understood that the amendment in document A/C.5/31/L.29 had been adopted on the basis of the maintenance of equitable geographical balance. In the negotiations on the expansion of the Committee on Contributions, each geographical group should have the right to apply for a seat.

Draft resolution A/C.5/31/L.8

75. Mr. THOMAS (Trinidad and Tobago) requested a clarification before the vote on draft resolution A/C.5/31/L.8. Paragraph 1 of that draft resolution would maintain the current rates of assessment of certain developing countries for three years, while paragraph 1 of draft resolution A/C.5/31/L.10/Rev.1 would maintain the present scale for two years and the Canadian amendment to that resolution (A/C.5/31/L.28) would adopt the new scale of assessments recommended for 1977 and 1978. If the Committee adopted draft resolution A/C.5/31/L.8, did that mean that it could not vote to defer a decision for two years having already decided to maintain the current rates of certain countries for three years.

76. Mr. RHODIUS (Netherlands) said that a number of questions had been asked with

/...

(Mr. Rhodius, Netherlands)

regard to draft resolution A/C.5/31/L.8 and, although some oral and written information had been provided, a number of points were still not clear. One thing was clear, however: that Cuba's assessment would not increase. Would that also be the case with Malaysia? What criteria would be used to define a "sharp price decline"? Who would pay the share of the countries which benefited from the draft resolution? One of the ground rules of the United Nations was that the financial implications of a draft resolution must be clear before it was adopted. Furthermore, the scale of assessments should be drawn up in accordance with carefully worked out guidelines. Since the draft resolution in question unfairly exempted only a few countries from the application of such guidelines, his delegation would vote against it.

77. Mr. BOUAYAD-AGHA (Algeria) said that the problem referred to by the representative of Trinidad and Tobago was being created not by draft resolution A/C.5/31/L.8 but by the Canadian amendment to draft resolution A/C.5/31/L.10/Rev.1. Furthermore, to be valid, that amendment should have included the scale of assessments recommended by the Committee on Contributions.

78. Mr. SERRANO AVILA (Cuba), speaking on a point of order, said that draft resolution A/C.5/31/L.8 must be put to the vote.

79. The CHAIRMAN felt that the Committee should first hear the comments of the Legal Counsel concerning the point raised by the representative of Trinidad and Tobago.

80. Mr. STOFOROPoulos (Greece) suggested that a vote should be taken on draft resolution A/C.5/31/L.8 and that the problem should be dealt with when the Committee took up draft resolution A/C.5/31/L.10/Rev.1.

81. Mr. OUEDRAOGO (Upper Volta) said that nothing the Legal Counsel might say concerning the apparent contradiction between the two draft resolutions would change the fact that draft resolution A/C.5/31/L.8 took priority in the voting over draft resolution A/C.5/31/L.10/Rev.1.

82. Mr. SUY (Legal Counsel) said that paragraph 1 of draft resolution A/C.5/31/L.8 maintained the current rates for three years for certain developing countries, while in accordance with paragraph 1 of draft resolution A/C.5/31/L.10/Rev.1 a decision on the new scale would be deferred and the present scale would be extended to 1977 and 1978. If draft resolution A/C.5/31/L.8 was adopted, it would be necessary to draw a distinction between the scale of assessments for developing countries and that for other countries. In addition, in accordance with draft resolution A/C.5/31/L.8, the current rates for developing countries would be continued for three years while, in accordance with draft resolution A/C.5/31/L.10/Rev.1, they would be continued for only two years. That contradiction should be resolved by adjusting the scale of assessments for developing countries in the third year. The question was an extremely delicate one, particularly since there was yet another draft resolution to be voted on.

83. Mr. VARGAS SABORIO (Costa Rica), speaking in explanation of vote, said that his delegation viewed draft resolution A/C.5/31/L.8 with sympathy, since it recognized

/...

(Mr. Vargas Saborio, Costa Rica)

the difficult situation of developing countries suffering the consequences of price fluctuations. However, since the Committee on Contributions had been requested in the resolution just adopted to bear in mind the fact that the capacity to pay of the Member States might be subject to severe fluctuations in economic activity, and since his delegation supported the report of the Committee on Contributions, it would abstain in the vote on draft resolution A/C.5/31/L.8, particularly because of paragraph 1.

84. Mr. TALIEH (Iran) said he did not agree with the Legal Counsel that draft resolution A/C.5/31/L.8 drew a distinction between developing and developed countries. On the contrary, that draft resolution would affect one or a few countries, not all developing countries.

85. Miss FORCIGNANO (Italy) said that her delegation would vote against draft resolution A/C.5/31/L.8, not because it opposed the basic purpose of the text but because its adoption would result in two scales of assessments and lead to intolerable confusion.

86. Mr. SUY (Legal Counsel) said that, on the basis of figures he had just been able to study, draft resolution A/C.5/31/L.8 would maintain the current rates of assessment for three years for only two countries, Cuba and Malaysia. Draft resolution A/C.5/31/L.10/Rev.1 would maintain the status quo for all countries, but for only two years.

87. Draft resolution A/C.5/31/L.8, as orally revised, was adopted by 34 votes to 26, with 62 abstentions.

88. Mr. HOUNA (Chad) said that his delegation had abstained in the vote, not because it disagreed with draft resolution A/C.5/31/L.8 but because it had not wanted to participate in the grave error which the Fifth Committee was about to commit by instituting two parallel systems of contributions. When a vote was taken on draft resolution A/C.5/31/L.10/Rev.1, he was sure that it too would be adopted. The sponsors of the two resolutions should have been requested to communicate with each other and adjust the dates. That had not been done, however,

89. Mr. STOFOROPOULOS (Greece) said that his delegation had abstained in the vote because it had not been certain whether Cuba and Malaysia were the only countries referred to in paragraph 1. It had not voted against the draft resolution, since it had received assurances from the representative of Cuba when he had revised the first preambular paragraph that Greece would be one of the countries which would not be adversely affected, in accordance with paragraph 2, since Greece was one of the 16 countries mentioned in A/C.5/31/CRP.8.

Draft resolution A/C.5/31/L.10/Rev.1

90. Mr. EL-SHIBIB (Iraq) said that the Committee was in an unusual situation which called for a ruling. The Canadian amendment (A/C.5/31/L.28) to draft resolution A/C.5/31/L.10/Rev.1, which proposed that the new scale of assessments recommended by the Committee on Contributions should be adopted, had already been rejected

/...

(Mr. El-Shibib, Iraq)

by the Fifth Committee when it had decided that those recommendations were not valid at least in respect of two countries. The Canadian amendment should therefore be withdrawn.

91. Mr. THOMAS (Trinidad and Tobago) agreed that, having decided in draft resolution A/C.5/31/L.8 to maintain the present scale of assessments for two countries, the Committee could not now decide to adopt the new scale for two years.

92. Mr. SCHMIDT (Federal Republic of Germany) said that his understanding of the situation was that, since draft resolution A/C.5/31/L.8 had been adopted, neither the old scale of assessments nor the new one could be approved. Both the Canadian amendment and draft resolution A/C.5/31/L.10/Rev.1 were incompatible with draft resolution A/C.5/31/L.8.

93. Mr. SEKYI (Ghana) said that draft resolution A/C.5/31/L.7/Rev.2, as amended, laid down guidelines concerning the scale of assessments and that draft resolution A/C.5/31/L.10/Rev.1 contained another set of guidelines which, if approved, would also be transmitted to the Committee on Contributions. He wondered whether, having adopted one set of guidelines, the Committee should proceed to vote on another set.

94. Mr. LAPOINTE (Canada) said, with reference to the comments made by the representative of Iraq, that there was a simple way of solving the problem. He was prepared to change the Canadian amendment in document A/C.5/31/L.28 by adding words such as the following: "taking account of resolution A/C.5/31/L.8".

95. Mr. TALIEH (Iran) said that the Committee must vote on the amendments to draft resolution A/C.5/31/L.10/Rev.1 before voting on the draft resolution itself. That would help to clarify the situation. It was now too late for the representative of Canada to revise his amendment, since the Committee had already begun the process of voting.

96. Mr. BOUAYAD-AGHA (Algeria), speaking on a point of order, requested the sponsors of draft resolution A/C.5/31/L.10/Rev.1 to delete paragraph 4 of their resolution, since it had already been decided to expand the membership of the Committee on Contributions by five members. As to the Canadian amendment, the Fifth Committee should decide whether it was an amendment under rule 130 of the rules of procedure.

97. Mr. LAPOINTE (Canada) said that he was not prepared to withdraw his amendment and requested a legal opinion on its validity.

98. Mr. THOMAS (Trinidad and Tobago) said that, since the Committee had already adopted draft resolution A/C.5/31/L.7/Rev.2, paragraph 3 (b) of draft resolution A/C.5/31/L.10/Rev.1 was no longer relevant.

99. Mr. EL-SHIBIB (Iraq) said that it was pointless to press for a vote on the Canadian amendment - whether or not it was actually an amendment - since the Committee would be voting on something which had already been rejected.

/...

100. Mr. OUEDRAOGO (Upper Volta), supported by Mr. HOUNA (Chad), said he was not sure whether the Committee, having already adopted draft resolution A/C.5/31/L.8, could now vote on either draft resolution A/C.5/31/L.10/Rev.1 or the Canadian amendment to it. It would perhaps be wiser to adjourn the meeting and give further thought to the situation before taking a decision.

101. Mr. TALIEH (Iran), while reserving the right of the sponsors to answer questions about draft resolution A/C.5/31/L.10/Rev.1 at a later stage, requested the Chairman to rule on whether the Committee could legally adjourn the meeting now that the process of voting had begun.

102. Mr. OUEDRAOGO (Upper Volta), supported by Mr. THOMAS (Trinidad and Tobago), formally moved that the meeting should be adjourned. The discussion which had just taken place indicated more than ever that the Committee was not yet able to vote.

103. Mr. BISHARA (Kuwait) said he would not object to adjourning the meeting provided that the Committee's next meeting was to be a day meeting, rather than a night meeting which might jeopardize the vote.

104. Mr. TALIEH (Iran) said that he would agree to adjourning the meeting only if, at its next meeting, the Committee continued the process of voting and held no more substantive discussions.

105. Mr. STOTTLEMYER (United States of America) said that a formal motion for adjournment was before the Committee and that a decision should be taken on it without any further discussion.

106. Mr. EL-SHIBIB (Iraq) said that, since the Committee was already operating under rule 128 of the rules of procedure, rule 118 could no longer be invoked. However, if the Chairman decided that the present meeting should be adjourned, he would not object.

107. Mr. SUY (Legal Counsel) said that the Canadian representative's oral addition to the Canadian amendment was inadmissible, since the Committee was in the process of voting on that amendment.

108. With regard to the question whether document A/C.5/31/L.28 constituted an amendment within the terms of the rules of procedure, he indicated that rule 130 defined an amendment as something which added to, deleted from or revised part of an existing proposal. The definition set out in rule 130 was a technical one and there was no reason why an amendment might not have as its purpose to change completely part of the original proposal. There was no requirement that an amendment must be in agreement with the substance of the original proposal or that its purpose must be limited solely to adding details or specifications. If the changes proposed to a paragraph did not affect the substance of other paragraphs, it would seem that such changes constituted an amendment. However, if a proposed change, although relating to a single paragraph, would deprive the other paragraphs of their meaning, it would not constitute an amendment.

(Mr. Suy)

Accordingly, the Canadian text was an amendment within the terms of rule 130 of the rules of procedure. In the event of doubt, however, the Committee could always decide otherwise.

109. Mr. TALIEH (Iran) said that the Legal Counsel had not yet provided an answer to the question whether, having adopted draft resolution A/C.5/31/L.8, the Committee could then take a decision which was contrary to it.

110. Mr. SUY (Legal Counsel) said that, if the Committee should decide to adopt the Canadian amendment, that amendment would have to be read in the light of paragraph 1 of draft resolution A/C.5/31/L.8.

111. Mr. THOMAS (Trinidad and Tobago) asked the opinion of the Legal Counsel as to whether paragraph 1 of draft resolution A/C.5/31/L.10/Rev.1 was admissible, in that it would defer the taking of a decision on the new scale of assessments for two years although, by adopting the Cuban draft resolution (A.C.5/31/L.8), the Committee had decided to maintain the current rates of assessment of two developing countries for three years.

112. Mr. SUY (Legal Counsel) said that legally it was quite possible for the Committee to decide to adopt the existing scale of assessments for two years in respect of all Member States except Cuba and Malaysia.

113. Mr. BOUAYAD-AGHA (Algeria) said that the Committee by adopting A/C.5/31/L.8 had to some extent rejected the conclusions submitted by the Committee on Contributions. It seemed to his delegation that, if the Canadian amendment was put to the vote, its adoption should require a two-thirds majority. He would appreciate the Legal Counsel's opinion on that point.

114. Mr. SUY (Legal Counsel) said that the situation as it existed, not only from a legal standpoint, but also from a financial and technical standpoint, required further reflection in order to provide a sufficiently detailed answer to advance the Committee's work.

115. The CHAIRMAN suggested that the Committee should resume on Monday afternoon explanations of vote before the vote on draft resolution A/C.5/31/L.10/Rev.1 in order to allow the Secretariat further time for reflection.

116. It was so decided.

The meeting rose at 7.45 p.m.