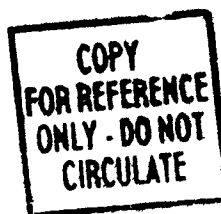


**United Nations**  
**GENERAL**  
**ASSEMBLY**

**THIRTY-NINTH SESSION**

**Official Records\***



FIFTH COMMITTEE  
47th meeting  
held on  
Wednesday, 12 December 1984  
at 10.30 a.m.  
New York

DEC 28 1984

**SUMMARY RECORD OF THE 47th MEETING**

Chairman: Mr. MAYCOCK (Barbados)

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

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Distr. GENERAL  
A/C.5/39/SR.47  
17 December 1984

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The meeting was called to order at 11.05 a.m.

AGENDA ITEM 17: APPOINTMENTS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER APPOINTMENTS (continued)

(f) INTERNATIONAL CIVIL SERVICE COMMISSION (A/39/106 and Add.1; A/C.5/39/54)

(i) APPOINTMENT OF MEMBERS OF THE COMMISSION

(ii) DESIGNATION OF THE VICE-CHAIRMAN OF THE COMMISSION

1. Mr. EL-SAFETY (Egypt) said that notwithstanding the suggestion by the Secretary-General that the vacancies on the International Civil Service Commission (ICSC) should be filled by reappointing incumbent members, his Government had decided to maintain the candidature of Mr. Omar Sirry for appointment to the Commission. Membership in ICSC should be open to nationals of all Member States who possessed the required competence. Since the 15-member Commission's establishment 10 years earlier, experts from only 18 Member States had been appointed to it. The widely accepted and well-established principle of rotation should be applied in the selection and appointment of candidates. It was not in the interest of the United Nations system or staff representatives for ICSC to appear to be a body intentionally closed to fresh approaches. Recent debates in the Committee on the report of ICSC had underscored that point.

2. The Egyptian candidate had been chosen with care and had executive responsibility for all matters dealing with the administration of the Foreign Ministry of his country, including the management of all diplomatic, administrative, clerical and technical personnel. His candidacy thus fully conformed with the conditions for membership set out in article 3, paragraph 1, of the statute of ICSC. Moreover, Mr. Sirry was the first candidate to be recommended by his country for appointment to the Commission. The Egyptian delegation requested that the election to fill the vacant posts should be based on all the names recommended by Governments.

3. Mr. EL-FATTAL (Syrian Arab Republic) said that the Committee was free to accept the Secretary-General's recommendations, or could hold an election if it so wished. The delegation of Pakistan was also free to maintain the candidature of Mr. Amjad Ali if it so desired. However, it was the practice in the United Nations to respect any consensus reached in the regional groups, and he appealed to all delegations to respect the consensus which had emerged regarding the Asian group vacancies.

4. Mr. BIRIDO (Sudan) confirmed that his Government maintained the candidature of Mr. Ismat Mustafa Abdel Halim for appointment to ICSC. The candidate possessed outstanding academic qualifications and practical experience relevant to the mandate of the Commission.

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(Mr. Birido, Sudan)

5. It was his delegation's understanding that the process of consultation by the Secretary-General, in particular with regional groups, called for in articles 4 and 5 of the Commission's statute had not taken place. Since the African group had not endorsed any of the five candidates for the two seats available to it, he urged strict adherence in the elections to the principle of rotation. The Commission's work would be enriched by the contribution of new members with the necessary qualifications and experience.

6. Mr. FAREED (Pakistan) said that he felt it was necessary to correct certain misconceptions. The names of candidates for seats on the Commission could be submitted directly to the Secretary-General without first going to the regional groups, and the endorsement of those groups was not essential. Once the Secretary-General had consulted with the appropriate parties, he made his recommendations, and Member States were entitled to disagree with those recommendations and to reiterate their support for any candidate. The fact was that the Asian group had not endorsed any candidate; the word "consensus" was a political term used to hide an absence of agreement.

7. Accordingly, his delegation maintained the candidature of Mr. Amjad Ali and supported the recommendations of the Secretary-General contained in paragraph 7 of document A/C.5/39/54.

8. Mr. KABEYA (Zaire) said that his delegation endorsed the views expressed by the representatives of Egypt and the Sudan. Since the Secretary-General had not honoured the principle of rotation, his Government had instructed him to maintain the candidature it had put forward and the Committee would therefore have to proceed to an election.

9. Mr. MA Longde (China) said that there was perhaps a misunderstanding regarding what had occurred in the Asian group. His delegation had participated in that group's discussions on the matter under consideration and, on 18 October, a general consensus had been reached on the two candidates recommended by the Secretary-General, but the Asian group had not specifically endorsed them. His delegation had suggested that the names of the three Asian candidates whose names appeared in paragraph 4 (b) of document A/C.5/39/54 should be communicated to the Secretary-General, and that had been done. It was now up to the Committee to elect whomever it wished on the basis of the list of candidates recommended by the Secretary-General following his consultations with the relevant parties.

10. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed that the candidatures in respect of the Asian and African groups should be put to a vote.

11. It was so decided.

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12. Mr. ORSATELLI (France) requested clarification on four points relating to the election of the Vice-Chairman. He wished to know, first, the procedure by which candidates were recommended for the post; secondly, what role the Secretary-General played in the selection of candidates; thirdly, whether ICSC had a role in the selection process; and, lastly, whether the Vice-Chairman served in his personal capacity or whether regional interests were taken into account.

13. Mr. RUEDAS (Under-Secretary-General for Administration and Management), replying to the questions by the representative of France, said, in response to the first query, that it had been the practice for Governments of Member States to submit the names of candidates for appointment as Chairman, Vice-Chairman or member of the Commission. Concerning the second question raised, he said that the role of the Secretary-General was spelt out in article 4 of the Commission's statute, which called upon the Secretary-General, after appropriate consultations, to compile a list of candidates for appointment. It had been the practice of the Secretary-General - with one exception, to his knowledge - to propose in his list only as many names as there were vacancies. The exception had occurred in 1980, when the names of two candidates had been suggested for the post of Chairman, and the Committee had proceeded to an election. Regarding the third question raised by the representative of France, he said that under the Commission's statute ICSC had no role in the selection of candidates for membership or the posts of Chairman or Vice-Chairman. The matter had been debated by the Commission and by the Fifth Committee, but the statute remained unchanged. As to the final point raised by the French representative, he noted that article 4 of the Commission's statute called on the Secretary-General to compile a list of candidates "after appropriate consultations". In drawing up the list, the Secretary-General also must clearly take into account article 3 of the statute, which required that members should be appointed in their personal capacity as individuals of recognized competence and experience.

14. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to recommend, by acclamation, the appointment of Mr. Carlos S. Vegega (Argentina) to replace Mr. Gastón de Prat Gay as member and Vice-Chairman of the International Civil Service Commission for a two-year term beginning on 1 January 1985.

15. It was so decided.

16. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to recommend, by acclamation, the appointment of Mr. Valery Tsybukov (Union of Soviet Socialist Republics) as a member of the International Civil Service Commission for a four-year term beginning on 1 January 1985.

17. It was so decided.

18. The CHAIRMAN invited the Committee to elect the candidates from the African and Asian groups of States by secret ballot.

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19. At the invitation of the Chairman, Mr. Pedersen (Canada), Mr. Abraszewski (Poland), Mr. Nagaga (Uganda), Mr. Al-Jarrah (United Arab Emirates), and Mrs. de Rodríguez (Venezuela) acted as tellers.

20. A vote was taken by secret ballot.

Candidates of States of the African group

<u>Number of ballot papers:</u>	135
<u>Invalid ballots:</u>	2
<u>Number of valid ballots:</u>	133
<u>Abstentions:</u>	none
<u>Number of members voting:</u>	133
<u>Required majority:</u>	67
<u>Number of votes obtained:</u>	
Mr. Omar Sirry	95
Mr. Michael O. Ani	72
Mrs. Halima Warzazi	52
Mr. Ismat Mustafa Abdel Halim	28
Mr. Kabeya Milambu	15

21. Mr. Omar Sirry (Egypt) and Mr. Michael O. Ani (Nigeria) having obtained the required majority, the Committee decided to recommend their appointment as members of the International Civil Service Commission for a four-year term beginning on 1 January 1985.

Candidates of States of the Asian group

<u>Number of ballot papers:</u>	134
<u>Invalid ballots:</u>	1
<u>Number of valid ballots:</u>	133
<u>Abstentions:</u>	2
<u>Number of members voting:</u>	131

Required majority: 66

Number of votes obtained:

Mr. Amjad Ali 94

Mr. M. A. Vellodi 82

Mr. Ahmad Fathi Masri 70

22. Mr. Amjad Ali (Pakistan) and Mr. M. A. Vellodi (India) having obtained the required majority, the Committee decided to recommend their appointment as members of the International Civil Service Commission for a four-year term beginning on 1 January 1985.

23. The CHAIRMAN, on behalf of the Committee, congratulated the members recommended for appointment or reappointment to ICSC and wished them success in their difficult task. He also expressed the Committee's appreciation to the outgoing members of the Commission for their dedicated service during their term of office.

24. Mr. RUEDAS (Under-Secretary-General for Administration and Management) said that the representative of the Sudan had indicated that, in his opinion, the consultation procedures referred to in articles 4 and 5 of the International Civil Service Commission's statute had not obtained in the case of the candidatures submitted by the African group of States. As pointed out in paragraph 6 of the Secretary-General's note (A/C.5/39/54), the Secretary-General had been advised by the group that none of the five nominations put forward by individual Member States had received endorsement by the group as a whole. The Secretary-General had thus clearly been in contact with the African group and engaged in consultations with them, in accordance with the procedures envisaged in the statute.

25. Mr. BIRIDO (Sudan) said that the matter of appointments to the International Civil Service Commission had been discussed in the African group and the Chairman of the group had been asked to consult the five candidates and to convey the outcome to the Secretary-General. He had been informed by the outgoing Chairman of the group and by the current Chairman that there had been no contact with the African group after that meeting.

AGENDA ITEM 109: PROGRAMME BUDGET FOR THE BIENNIUM 1984-1985 (continued)

Programme budget implications of draft resolution A/39/L.35 concerning agenda item 34 (A/C.5/39/73 and Corr.1)

26. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's oral report, said that the Secretary-General's statement of programme budget implications (A/C.5/39/73 and Corr.1) concerned the servicing of the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea. The Preparatory Commission had scheduled two sessions for 1985. As indicated in

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(Mr. Mselle)

paragraph 2 of the Secretary-General's statement, resources for servicing the regular session of the Preparatory Commission, to be held in Kingston, Jamaica, from 11 March to 14 April 1985, had already been provided for in the programme budget for the biennium 1984-1985. No budgetary provision had been made, however, for servicing the four-week summer session, to be held, depending on the decision taken at the regular session, in Geneva, Kingston or New York. As noted in paragraph 5, the related conference-servicing costs had been estimated on a full-cost basis at \$1,096,400 for Geneva and \$1,580,300 for Kingston or New York. A statement of actual requirements would be submitted at the current session of the General Assembly.

27. Non-conference-servicing costs, which would also depend on the venue, were indicated in paragraph 6. The additional cost was estimated at \$145,200 for Geneva, \$439,900 for Kingston and \$44,700 for New York. In paragraph 7, the Secretary-General requested a maximum additional appropriation of \$439,900. If the decision of the Preparatory Commission regarding the venue of the summer meeting subsequently entailed a lower level of expenditure, the unexpended amount would be reported in the context of the final performance report for the 1984-1985 biennium.

28. The Advisory Committee concurred in the need for an additional appropriation for conference-servicing requirements. Its examination of the elements included in the estimated non-conference-servicing costs had left it unconvinced of the full need for two amounts: the \$72,000 for general temporary assistance, to cover the cost of 75 short-term local employees, and the \$186,800 for travel and subsistence costs of 49 substantive staff, seven more than previously budgeted for. In the light of the additional information provided on their proposed functions, the Advisory Committee questioned the need for the attendance of so large a number. The figure included four staff members from the Office of Personnel Services and four from the Security Service, to interview and process the recruitment of short-term employees and to supervise the security arrangements for the session, respectively. The Advisory Committee accordingly recommended a reduction of \$69,900 in the sum proposed, leaving a recommended additional appropriation of \$370,000 under section 2A.C of the programme budget for the biennium 1984-1985.

29. Mr. KOCATÜRK (Turkey) said that his delegation could not endorse the financial implications of the draft resolution. It believed that the proposed expenditures should be covered not from the regular budget of the United Nations but by the parties to the Convention on the Law of the Sea. Accordingly, his delegation would request a recorded vote.

30. Mr. MURRAY (United Kingdom) said that, despite the recommendations of ACABQ with regard to non-conference-servicing costs, his delegation still had difficulties with the proposed expenditures. The Secretary-General's statement indicated that the Group of 77 would meet prior to the third session of the Preparatory Commission in March 1985 and again before the summer meeting. He requested clarification as to the financial implications of that arrangement.

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31. Mr. NANDAN (Assistant Secretary-General, Special Representative of the Secretary-General for the Law of the Sea) replied that the Group of 77 had requested permission from the Preparatory Commission to hold meetings prior to each of the two sessions and the Commission had agreed. The Secretariat would provide the necessary services, including interpretation, and those costs would be met from the regular budget. The provision of such services had been normal practice since 1974, and meetings of the kind proposed would facilitate the work of the Conference and the Preparatory Commission.

32. Mr. MURRAY (United Kingdom) requested information on the additional cost of providing those pre-session services.

33. Mr. TOMMO MONTHE (Cameroon) wished to have further clarification of the respective costs of holding meetings in Kingston and Geneva.

34. Mr. FORAN (Controller) indicated that the cost of providing interpretation services for the pre-session meetings was \$6,410 at current per diem allowance rates. As to the respective costs of holding meetings in Kingston and Geneva, the difference in the two estimates reflected the higher daily subsistence allowance for Kingston, which amounted to \$100, as against Geneva, where the rate was \$66.

35. The CHAIRMAN proposed that, on the basis of the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/39/L.35, an additional appropriation of \$370,000 would be required under section 2A.C of the programme budget for the biennium 1984-1985. Conference-servicing requirements would arise which were estimated, on a full-cost basis, at a maximum of \$1,580,300. The actual additional appropriations that might be required in that respect would be considered in the context of the consolidated statement of conference-servicing requirements to be submitted at a later stage during the current session. He announced that a recorded vote had been requested.

36. Mr. NYGARD (United States of America), speaking in explanation of vote before the vote, said that the United Nations was again being asked to finance from its regular budget the activities of a body which was legally independent and distinct from the Organization. The expenses of the Preparatory Commission should be borne by those nations which were parties to the Convention on the Law of the Sea and not by Member States as a whole, since that practice was inconsistent with Article 17 of the Charter.

37. Mr. QUINLAN (Australia) said that the Preparatory Commission had an important role to play in the evolution of the law of the sea and his delegation would therefore endorse the programme budget implications of the draft resolution, on the understanding that every effort would be made to achieve savings in that regard.

38. At the request of the representative of Turkey, a recorded vote was taken on the Chairman's proposal.

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In favour: Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, German Democratic Republic, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Germany, Federal Republic of, Italy, Netherlands, Peru, Venezuela.

39. The proposal was adopted by 105 votes to 3, with 6 abstentions.

40. Mr. MURRAY (United Kingdom), speaking in explanation of vote, wished to restate his delegation's view that the Preparatory Commission was a body of limited membership which should not be funded from the regular budget. In addition, his delegation had reservations about providing conference services for a single group at the expense of Member States as a whole.

41. Mr. ORSATELLI (France) said that, while his delegation endorsed the financial implications of the draft resolution, it nevertheless hoped that efforts would be continued to ensure that the Conference performed its tasks in the most effective and least costly manner.

42. Mr. KHALEVINSKI (Union of Soviet Socialist Republics) said that his delegation had voted in favour of the proposal because of the importance it attached to questions of the law of the sea and in the light of the reduced costs recommended by the Advisory Committee. At the same time, he had serious reservations about the scale of the conference-servicing requirements. Objections had been raised in previous years in that regard and it would have been logical to expect lower estimates to be submitted at the current session. However, the numbers of Secretariat staff to service the meetings had, in fact, increased and local staff

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(Mr. Khalevinski, USSR)

requirements also appeared to be inflated. He hoped that the Secretariat would exercise greater restraint in the preparation of future estimates.

Programme budget implications of draft resolution A/39/L.26 concerning agenda item 35 (A/C.5/39/84 and Add.1)

43. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's oral report, said that, by operative paragraphs 5 and 6 of draft resolution A/39/L.26, the General Assembly would decide that the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy should hold its sixth session at Vienna from 21 October to 1 November 1985 and that the Conference itself should be held at Geneva from 10 to 28 November 1986. The Secretary-General's statement of programme budget implications (A/C.5/39/84) provided detailed information on the estimated costs of preparatory activities, while indicating that a number of changes had been made in the assumptions relating to the convening of the Conference. For example, its duration had been extended from two to three weeks, documentation had been increased, and the standard rates for salaries, common staff costs and conference-servicing requirements had been updated. At the same time, alternate arrangements for technical servicing would be made, and the number of DPI staff members from New York who would service the Conference had been reduced. Accordingly, no additional appropriation was being requested to cover the estimated requirement of \$16,100 in 1985, which could be absorbed as indicated in paragraph 23 of the Secretary-General's statement. Conference-servicing requirements for 1985 were estimated at \$689,600 and requests for any additional appropriations would be submitted to the General Assembly at a later stage during the current session in the context of the consolidated statement of conference-servicing requirements. Additional requirements for 1986 were estimated at \$212,200, which amount would be included in the proposed programme budget for the biennium 1986-1987. Conference-servicing requirements for 1986 estimated at \$2,028,700 would be submitted to the General Assembly at its fortieth session in the context of the consolidated statement of conference-servicing requirements for 1986.

44. The Advisory Committee commended the Secretary-General of the Conference for his sound management of resources intended for the preparatory phase and welcomed his assurances that every effort was being made to achieve further economies. It also encouraged the Secretariat, in consultation with the Secretary-General of the Conference, to reappraise conference-servicing requirements for 1986 with a view to making additional economies without affecting quality of service.

45. The CHAIRMAN proposed that, on the basis of the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/39/L.26, no additional appropriations would be required under the programme budget for the biennium 1984-1985 at the current stage. Conference-servicing requirements would arise which were estimated, on a full-cost basis, at \$689,600. The actual additional appropriations which might be required in that respect would be considered in the context of the consolidated

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(The Chairman)

statement of conference-servicing requirements to be submitted at a later stage during the current session. Requirements for 1986 would be considered in the context of the proposed programme budget for the biennium 1986-1987. If he heard no objection, he would take it that the Committee wished to adopt that proposal.

46. It was so decided.

The meeting rose at 1.30 p.m.