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CONTENTS

	Page
<i>Financial implications of the draft resolution submitted by the Sixth Committee in document A/6136 on agenda item 89. . . . .</i>	245
<i>Agenda item 12:</i>	
<i>Reports of the Economic and Social Council [A/5803, chapters XI (section VI) and XIV; A/6003, chapters XVII (section V) and XVIII]. . . . .</i>	247
<i>Agenda item 96:</i>	
<i>Review and reappraisal of the role and functions of the Economic and Social Council Request for comments of the Fifth Committee . . . . .</i>	248

*Chairman:* Mr. Najib BOUZIRI (Tunisia).

FINANCIAL IMPLICATIONS OF THE DRAFT RESOLUTION SUBMITTED BY THE SIXTH COMMITTEE IN DOCUMENT A/6136 ON AGENDA ITEM 89\* (A/6157; A/C.5/1044)

1. The CHAIRMAN pointed out that under the draft resolution submitted by the Sixth Committee (A/6136, para. 29) the General Assembly would decide to establish a programme in the field of international law consisting, first, of steps to encourage and co-ordinate existing international law programmes carried out by States and organizations, and secondly, of forms of direct assistance and exchange. In his note (A/C.5/1044), the Secretary-General had stated that no special budgetary provision would have to be made in 1966 to meet the costs of the first part of the programme. However, direct assistance called for under the second part would have to be financed from the regular budget in 1967 to the extent that its costs could not be met from voluntary contributions. Moreover, under the draft resolution, the Secretary-General would be authorized to undertake the necessary preparatory work for the programme in 1966. The Secretary-General had stated in paragraph 4 of his note that he would be able to carry out that work within the total level of appropriations requested for 1966. With regard to the financing of the second part of the proposed programme of assistance, the Secretary-General intended to include in section 12 (Special expenses) of his initial estimates, on a provisional basis, the total costs for the 1967 portion,

\*Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law; report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law.

subject to downward revision later in the year, depending on the outcome of his appeal for voluntary contributions. The Advisory Committee on Administrative and Budgetary Questions had recommended an alternative procedure (A/6157, para. 7).

2. Mr. TURINE (Belgium) recalled that although it endorsed the objectives of the proposed programme, his delegation had said in the Sixth Committee (859th meeting) that it would be unable to support the draft resolution in question if it required financing under the regular budget and had stressed the importance of avoiding duplication of the efforts of existing agencies to promote a wider knowledge and appreciation of international law. He regretted that a full analysis had not been made of such activities and of the documentation available on the teaching of international law. The Sixth Committee's draft resolution appeared to encourage precisely the kind of overlapping which the Fifth Committee sought to avoid.

3. Mr. POCOCK (Australia) reiterated the reservations expressed by his delegation in the Sixth Committee (868th meeting) concerning the wisdom and necessity of making special provision in the regular budget for the financing of the proposed programme. As explained by various Secretariat representatives in that Committee, some technical assistance in the field of international law could be sought under existing programmes, such as part V (Technical programmes) of the regular budget, or the Expanded Programme of Technical Assistance, provided States gave a sufficiently high priority to such requests. Moreover, while his delegation warmly supported the programme as such, in view of the serious financial situation of the United Nations and the urgent appeals to Member States for voluntary contributions to cover the current deficit and to finance peace-keeping operations, another appeal for such contributions to meet the costs of the proposed programme did not appear justified. Consequently, his delegation supported the procedure recommended by the Advisory Committee. But it would go further; it had reservations concerning the advisability of authorizing the inclusion of additional funds in the budget estimates for 1967 and 1968 when it was impossible to foresee what the financial situation of the United Nations would be at that time, how heavy its programme of work would be and what funds would be available to cover proposed expenditure.

4. Mr. Mohamed RIAD (United Arab Republic), emphasizing the importance attached by the Sixth Committee to technical assistance in the field of international law, particularly for the developing countries and the newly-independent States, pointed out that the draft resolution had been co-sponsored

by forty-nine States and adopted by the Sixth Committee by a vote of 75 to 2. Operative paragraph 5 requesting that provision should be made in the budget estimates for 1967 and 1968 for financing the proposed programme of assistance had been adopted by a vote of 55 to 6.

5. Drawing attention to paragraph 7 of the Advisory Committee's report (A/6157), he pointed out that the Committee had not ruled out the possibility of including an amount in the 1967 budget estimates to meet the cost of the international law programme. It had merely remarked that it would be premature to do so until the Secretary-General had ascertained the extent of voluntary contributions and of assistance to be provided by other organs and agencies. On that understanding, he was prepared to support the Advisory Committee's recommendation.

6. Mr. GANEM (France) said that although his delegation supported the proposal to provide technical assistance to promote the study and appreciation of international law, it rejected the idea of financing any assistance programme under the regular budget. France had been one of the two members of the Sixth Committee to vote against the draft resolution, and it could not vote in favour of the Advisory Committee's recommendation.

7. Mr. BENDER (United States of America) concurred with the representative of the United Arab Republic regarding the importance of the proposed programme, of which his delegation had been one of the early promoters. However, his delegation considered that inclusion in the regular budget was not the appropriate method of financing such a programme. Moreover, only the Fifth Committee was authorized to recommend regular budget financing by the General Assembly, and he felt it would be a mistake, at the present stage, for the Committee to agree to the inclusion of the programme even in the initial budget estimates for 1967. The Advisory Committee was well advised in proposing that the Secretary-General should first explore fully other methods of financing and report on his efforts to the Assembly at its twenty-first session. Until his report and the relevant comments of the Advisory Committee came before the Fifth Committee, no action should be taken by the latter body. The United States would therefore support the Advisory Committee's recommendation.

8. Mr. CISS (Senegal) expressed surprise that some representatives should have questioned the wisdom of the Sixth Committee's decision to provide technical assistance in the field of international law to countries which urgently required such aid. That decision had been based on political considerations, and had taken into account technical and administrative factors. It was not within the province of the Fifth Committee, which was a strictly technical body responsible for assessing the financial possibilities for meeting the requests of the other Main Committees, to decide whether it was appropriate or timely to provide the proposed assistance. Senegal had co-sponsored the draft resolution in the Sixth Committee and would support the Advisory Committee's recommendation.

9. Mr. S. K. SINGH (India), recalling that India had also co-sponsored the draft resolution, expressed

gratification that the representatives of Belgium, Australia, France and the United States of America had formally endorsed the objectives of the draft resolution, although they were perhaps not prepared to give the proposed programme financial support at the present stage. Nevertheless, the regular budget of the United Nations had in the past included items of expenditure similar to those entailed by the draft resolution. Moreover, like the representative of the United Arab Republic, he interpreted the Advisory Committee's recommendation as not precluding the possibility of providing an additional amount in the 1967 budget estimates in the event that adequate resources could not be obtained through voluntary contributions or from UNESCO, the United Nations Development Programme and the United Nations Institute for Training and Research. On that understanding, India would support the Advisory Committee's proposal and hoped that the United States, despite its reservations, would have accepted that interpretation of the proposal by the time the question came up again in the Fifth Committee.

10. Mr. CUREÑO PEREZ (Mexico) also supported the Advisory Committee's proposal.

11. Mr. ABDI (Ethiopia) recalled that his delegation had abstained in the vote on the draft resolution in the Sixth Committee. For the reasons given at that time, it would also abstain on the Advisory Committee's recommendation.

12. Mr. BENDER (United States of America) remarked, for the benefit of the Indian representative, that nothing in the position taken by the United States delegation supported the inference that although the United States apparently favoured a technical assistance programme in the field of international law, it was unwilling to contribute to it.

13. Mr. KIRKBRIDE (Secretariat) said that if the Committee should endorse the Advisory Committee's recommendation (A/6157, para. 7), the Secretary-General, in order to meet the intent of operative paragraph 5 of the draft resolution submitted by the Sixth Committee, would provide for those purposes in the 1967 budget estimates pro memoria only. As suggested by the Advisory Committee, the Secretary-General would pursue his efforts for the financing of the operational part of the programme from the other sources mentioned and report to the General Assembly later in 1966. With regard to paragraph 8 of the Advisory Committee's report, the Secretary-General would undertake to review the requests for additional staff during 1966 in the light of developments that year, although supplementary funds might well be required; he would deal with that matter as well in his report to the General Assembly at its twenty-first session.

14. Mr. BANNIER (Chairman of the Advisory Committee on Administrative and Budgetary Questions) inquired whether the pro memoria provision to be made in the 1967 budget estimates meant merely that in the event that the funds raised by voluntary contributions and through other organs and agencies should prove insufficient, the Secretary-General would bear the matter in mind in preparing those estimates.

15. Mr. KIRKBRIDE (Secretariat) assured the Chairman of the Advisory Committee that he had interpreted the term correctly.

16. The CHAIRMAN put to the vote the recommendation of the Advisory Committee (A/6157, para. 7).

*The recommendation of the Advisory Committee was adopted by 44 votes to 2, with 16 abstentions.*

#### AGENDA ITEM 12

Reports of the Economic and Social Council [A/5803, chapters XI (section VI) and XIV; A/6003, chapters XVII (section V) and XVIII]

17. Mr. KIRKBRIDE (Secretariat) drew attention to chapter XI, section VI, of the Council's report for the year 1963-1964 (A/5803) and to chapter XV, section IV, of its report for the year 1964-1965 (A/6003), dealing with the preparation and submission of the budgets of the specialized agencies. In response to Council resolutions 1044 (XXXVII) and 1090 D (XXXIX) on that subject, inter-agency meetings had been held at which the United Nations had been represented. A further meeting was scheduled for early January 1966 to prepare, for presentation to the Council at its fortieth session, detailed proposals on the selection of items to be included in a document giving broad information on the expenditures of the United Nations system in relation to programmes. Those proposals would first be cleared with the Administrative Committee on Co-ordination by correspondence. In the light of discussions during the fortieth session, ACC would submit a further document, after consultation with the Advisory Committee on Administrative and Budgetary Questions, to the Council at its forty-first session. That same material might well be of value to the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, established by the General Assembly [resolution 2049 (XX)] in accordance with the proposal put forward by France.

18. In chapter XIV of the Council's report for the year 1963-1964, which dealt with the work programme and budgetary implications, three important points were raised.

19. The first related to the necessity to establish a procedure for screening the United Nations work programme in the economic, social and human rights fields in relation to their budgetary implications, and to the fact that implicit in any such procedure was the presentation by the Secretary-General of an integrated programme and budget at a timely stage of the calendar year (A/5803, para. 677). The Council had unanimously adopted resolution 1046 (XXXVII), in which it had underlined the necessity for proceeding each year to a careful analysis of the United Nations work programme in the economic, social and human rights fields in relation to its budgetary implications, and requested the Secretary-General to report to the Council at its thirty-eighth session on the progress made towards the presentation of a work programme with adequate information on its budgetary implications for 1966 in each major area of work and, in order to ensure the flexibility necessitated by the existing divergency between the programme and budget calendars, to study, in con-

sultation with the Advisory Committee on Administrative and Budgetary Questions, the possibility of presenting the work programme on a biennial basis (*ibid.*, para. 679).

20. In response to that request, the Secretary-General had, within the resources available to him, provided to the Economic and Social Council an interim report at its thirty-eighth session and a rather detailed report (E/4070 and Add.1)<sup>1/</sup> at its thirty-ninth session, giving an analysis of the United Nations work programme in the economic, social and human rights fields in relation to its budgetary implications. However, since that detailed report had had to be compiled by hand and had had to include an indication of the budgetary credits being requested for the financial year 1966, it had been produced only after the thirty-ninth session of the Council had opened, and therefore little time had been afforded the Advisory Committee to review it. Nevertheless, the Advisory Committee had submitted its observations also to the Council at its thirty-ninth session.

21. In chapter XVIII of its report for the year 1964-1965, the Council had, however, stated that it did not feel the Secretary-General's aforementioned report (E/4070 and Add.1) gave adequate treatment to the organic relation between activities and their financial implications. It had expressed regret that no information was yet available on the nature, duration and scheduling of each project and on the interrelationships of projects. It had hoped that in 1966 the Secretary-General would submit a more complete report on the work programme and budgetary resources (A/6003, para. 712). Those views of the Council had been incorporated in resolution 1093 (XXXIX). The Secretary-General had taken note of those criticisms, and plans had already been made and preparatory work started in an effort to improve the presentation of the material which was to be submitted to the Special Committee on Co-ordination, as now constituted under the terms of resolution 1090 G (XXXIX), when it met in May 1966 to examine the work programme in detail in the light of the 1967 budget estimates and to submit a report to the Council at its forty-first session.

22. The Secretary-General, while making every effort to improve the presentation, must point out, however, that once again the material would have to be compiled essentially on a manual basis, and while the work programme material might contain more detail in regard to each project being undertaken, the budgetary implications would of necessity have to follow fairly closely the presentation of his earlier report (E/4070 and Add.1). An attempt, however, would be made to interrelate the programme material with the budgetary aspects on a closer basis. Steps had also been taken with the introduction of an electronic computer centre at Headquarters to obtain more accurate information in 1966, in regard not only to expenditures related to the economic and social activities but to all other United Nations activities financed under the regular budget. The Secretary-General would, of course, in accordance with the Council's request,

<sup>1/</sup> See Official Records of the Economic and Social Council, Thirty-ninth Session, Annexes, agenda item 35.

consult with the Advisory Committee in the preparation and presentation of that material.

23. The second point which the Council had raised in chapter XIV of its 1963-1964 report related to its calendar of meetings. In its report the Council had decided to request the Secretary-General to prepare a study of the measures which could be taken to alleviate the problems faced by the United Nations as a result of the ever-increasing number of meetings held each year (A/5803, para. 687). The Secretary-General had dealt with that problem in some depth in his report to the General Assembly at its nineteenth session on the pattern and programme of conferences (A/5867 and Corr.1), prepared in response to General Assembly resolution 1987 (XVIII). In part II of that report the Secretary-General had set out in some detail the sequence of events which had taken place in connexion with his efforts to obtain some rationalization in the calendar of meetings of the Council and its subsidiary bodies. That report was still before the General Assembly for consideration under agenda item 78 (Pattern of conferences: reports of the Secretary-General), together with a more recent report (A/5979), which brought the earlier report up to date.

24. In the last-mentioned report, the Secretary-General again suggested the possibility of requesting the Council to reconsider whether it was necessary for all of its functional commissions—with the exception of the Statistical and Population Commissions, which already met on a biennial basis—to hold meetings every year. The Secretary-General could only reiterate that the placing of some limitation on the annual programme of meetings rested principally with the Member States themselves.

25. The third point which had been raised by the Council in chapter XIV of its report for the year 1963-1964 and again in chapter XVIII of its report for the year 1964-1965 related principally to the adequacy of the Council's procedures for discussing the financial implications of its actions, taking into account the relevant comments of the Advisory Committee on Administrative and Budgetary Questions on the budget estimates relating to economic, social and human rights activities (A/5803, para. 689). The Secretary-General believed that the action taken by the Council in resolution 1093 (XXXIX), as described in paragraph 716 of the later report (A/6003), should greatly facilitate the task of the Council in that regard.

26. Finally, under chapter XVII, section V, of the Council's report for the year 1964-1965, which dealt with the documentation of the Council, the Secretary-General wished to inform the General Assembly that in response to Council resolution 1090 E (XXXIX) a study had been undertaken by the Administrative Management Service of the Office of the Controller, with some assistance by an outside expert, of the problems of providing documentation for the Council's consideration, including, *inter alia*, an analysis of the existing mechanical and organizational arrangements. The study would be completed shortly, and after consultation with the Under-Secretary for Economic and Social Affairs and the Under-Secretary for Conference Services, it would be sub-

mitted with relevant comments for consideration by the Advisory Committee on Administrative and Budgetary Questions so that a report might be made to the Council at the earliest convenient date.

27. Mr. BANNIER (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had been concerned for many years with the question of budget presentation. He welcomed the initiative taken by the Secretary-General in submitting the whole complex of desirable changes in regard to budget presentation and the relations between programmes and budgets. He hoped that the Fifth Committee would have an opportunity, early in the twenty-first session, to study the relevant chapters of the reports and resolutions of the Economic and Social Council. The Advisory Committee would be happy to co-operate with ACC, as requested in Council resolution 1090 D (XXXIX).

28. The CHAIRMAN suggested that the Rapporteur might be authorized to inform the General Assembly of the various developments to which the representative of the Secretary-General had drawn attention, in order to enable it to complete its action on item 12 of the agenda.

*It was so decided.*

#### AGENDA ITEM 96

Review and reappraisal of the role and functions of the Economic and Social Council (A/5920, A/6109; A/C.2/L.838)

#### REQUEST FOR COMMENTS OF THE FIFTH COMMITTEE

29. The CHAIRMAN recalled that in its first report at the current session (A/5988, para. 10), the General Committee had decided to recommend, in accordance with a suggestion by the Economic and Social Council, that agenda item 96, which was on the agenda of the Second Committee, should also be referred to the Third and Fifth Committees for comment; the General Assembly had approved that recommendation at its 1336th plenary meeting.

30. In its resolution 1091 (XXXIX), the Council had requested the Secretary-General to submit to the General Assembly at its twentieth session an analytical summary of comments received from Governments on that subject at the Council's request as well as of the views expressed during the thirty-eighth and thirty-ninth sessions of the Council. The Secretary-General's report on that subject was contained in document A/5920. The Council had further requested the Secretary-General to submit a report containing his own views, conclusions and recommendations; that report was contained in document A/6109. Finally, the Council had requested the General Assembly to consider that question at its twentieth session, taking into account the debates in the Council, the views of Governments, and the reports of the Secretary-General on that subject.

31. The Second Committee currently had before it a draft resolution (A/C.2/L.838) drawing attention to the contents of the above-mentioned documents, and requesting the Secretary-General to submit detailed proposals to the Council at its forty-first

session and to the General Assembly at its twenty-first session on ways in which the Council might adapt its procedures and working methods so as to enable it effectively to fulfil its role.

32. Mr. KIRKBRIDE (Secretariat) stated that in complying with the request contained in the last operative paragraph of draft resolution A/C.2/L.838, it would be the Secretary-General's intention to associate the Advisory Committee on Administrative and Budgetary Questions with the work of the Special Committee on Co-ordination, and to consult with the Advisory Committee as appropriate, particularly since his proposals to the Council might well involve organizational, administrative and budgetary considerations.

33. Mr. BANNIER (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had not had time for a thorough study of the subject and was not therefore in a position to express its views. However, it was much interested in the whole subject, and

stood ready to assist the Secretary-General and the Council in their further study of the question.

34. Mr. ZODDA (Italy) noted that the Second Committee itself had concluded that further discussion of the subject should be postponed until the twenty-first session. Moreover, the function and powers of the Economic and Social Council were clearly defined in Articles 62 to 66 of the Charter of the United Nations. His delegation therefore did not see what comments the Fifth Committee could make at the present stage.

35. The CHAIRMAN suggested that he should send a letter to the Chairman of the Second Committee informing him of the positions taken by delegations and the statements made by the Chairman of the Advisory Committee and the representative of the Secretary-General.

*It was so decided.*<sup>2/</sup>

The meeting rose at 4.50 p.m.

<sup>2/</sup> The text of the letter was circulated as document A/C.2/L.858.