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New York

SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. AL-MASRI (Syrian Arab Republic)

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

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 137: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (A/44/605 and Add.1 and 2, A/44/725)

1. Mr. GOMEZ (Controller) introduced the reports of the Secretary-General contained in documents A/44/605 and Add.1 and 2, and outlined their contents. He emphasized that some of the conclusions and recommendations in document A/44/605 would have to be expanded upon by the Secretary-General in further reports before the adjournment of the forty-fourth session, and said that the study of reimbursement rates in document A/44/605/Add.1 was based on replies from troop-contributing States, not all of which had replied to the Secretary-General's inquiries on the subject.
2. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had made no specific observations concerning the report on the composition of groups of Member States for the apportionment of the costs of peace-keeping operations (A/44/605/Add.2); it believed that the subject should be addressed by the Fifth Committee directly. In its consideration of the Secretary-General's reports, it had been considerably helped by the visits it had paid to peace-keeping operations based in the Middle East. The consideration of different aspects of peace-keeping operations by the Fifth Committee, the Special Committee on Peace-Keeping Operations and the Special Political Committee should be regarded not as a duplication of efforts, but as a mutually beneficial exercise.
3. The report of the Secretary-General (A/44/605) had not addressed the fact that the largest portion of expenditure for peace-keeping operations related to military personnel. The Advisory Committee intended to take up that question when it considered the future requirements of individual peace-keeping operations.
4. The Advisory Committee had found a need for greater co-ordination among the various Secretariat units involved in preparing for and managing peace-keeping operations. It recommended a study of the feasibility of establishing a planning and monitoring group, comprising staff from each of the Secretariat units concerned. Forward plans, together with the measures recommended by the Special Political Committee, would greatly facilitate the starting up of peace-keeping operations once they had been approved by the appropriate legislative organ.
5. The Advisory Committee addressed the question of economies of scale in paragraphs 11 to 13 of its report (A/44/725). Not all items of peace-keeping operations lent themselves to economies of scale; where they did, however, the Advisory Committee believed that they were an essential component of efficient management, which should continue to be sought wherever possible. The problem was also closely related to that of start-up costs.
6. The Advisory Committee believed that greater use of civilian personnel would allow wider participation in peace-keeping operations by Member States unable to contribute military contingents. Since that notion was new to the United Nations,

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(Mr. Mselle)

a number of practical considerations would need to be addressed. The Advisory Committee recommended the introduction of standard administrative procedures to govern the provision of civilian personnel in peace-keeping operations, as proposed in paragraph 34 of the report of the Secretary-General. It was important for those procedures to be consistent with existing rules and practices.

7. On the subject of start-up costs, the Advisory Committee welcomed the Secretary-General's proposal to seek expert assistance for the development of techniques, systems and procedures that would enhance the ability of the Secretariat to develop and modify logistics and administrative support plans for prospective new peace-keeping operations (A/44/605, para. 43). The lessons learned in such an exercise could be applied by the planning and monitoring group to which he had already referred.

8. The Advisory Committee did not reject the Secretary-General's suggestion regarding a reserve stock of United Nations-owned equipment and supplies for peace-keeping operations, to be established at an approximate cost of \$15 million, but believed that it had not been adequately discussed, particularly in view of the management and procurement costs involved. It also believed that account must be taken of the proposal, endorsed by the Special Political Committee, that Member States should develop and maintain an inventory of resources, personnel, matériel, equipment, transport and other supplies which could be made available to the United Nations for peace-keeping purposes (A/44/605, para. 43 (c)). Accordingly, it requested the Secretary-General to develop the idea of a reserve stock further, for later consideration by the Advisory Committee and the General Assembly.

9. The Secretary-General's proposals for addressing the problem of start-up costs included an expansion of the Working Capital Fund by \$100 million and an increase in the commitment authority granted to the Advisory Committee and the Secretary-General. The Working Capital Fund amounted to only 6 per cent of the programme budget and the costs of peace-keeping operations combined; the time had come to increase its size. The Secretary-General was expected to substantiate his proposal for an increase in the Fund in his forthcoming report on the financial emergency of the United Nations; the Advisory Committee believed that the report should also indicate alternative options for financing the increase. It would submit its recommendations on whether to increase the Fund, by how much, and how to finance it, after considering that report.

10. The Advisory Committee alluded to the commitment authority granted to it and to the Secretary-General in paragraph 79 of its first report on the proposed programme budget for the biennium 1990-1991 (A/44/7). It would revert to the subject when the Secretariat provided the information it had requested.

11. Not all troop-contributing countries had provided the Secretary-General with information for inclusion in his report on the subject of reimbursement rates (A/44/605/Add.1). The Advisory Committee felt that the lack of information was a matter of concern and trusted that, in future, ways would be found to remedy the deficiency.

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12. Turning to the subject of voluntary contributions of supplies and services, he said that the Advisory Committee felt that any accounting system introduced to deal with such contributions should avoid further complicating an already complicated situation: the United Nations accounting system really needed to be simplified. In any event, the Committee believed that advances towards the costs of peace-keeping operations should not be regarded as voluntary contributions unless they were intended to be, and that equipment made available on loan should be treated as a loan. His remarks about simplifying the accounting system applied particularly to the loan of equipment.

13. Mr. GUPTA (India) invited the Advisory Committee to specify what alternative options the Secretary-General might consider for financing an increase in the Working Capital Fund, and asked how soon the Fifth Committee could expect the reports relating to the proposed increase in the commitment authority granted to the Secretary-General and the Advisory Committee.

14. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said it would not be appropriate for him to suggest options for the Secretary-General to consider. He hoped it would be possible to return to the subject of commitment authority in the context of the Secretary-General's forthcoming report on the financial emergency.

AGENDA ITEM 126: ADMINISTRATIVE AND BUDGETARY CO-ORDINATION OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY (continued)

(b) HARMONIZATION OF THE STATUTES, RULES AND PRACTICES OF THE ADMINISTRATIVE TRIBUNALS OF THE INTERNATIONAL LABOUR ORGANISATION AND OF THE UNITED NATIONS (continued) (A/C.5/44/L.5)

15. Mr. KALBITZER (Federal Republic of Germany), introducing the draft decision contained in document A/C.5/44/L.5, said that, for historical reasons, the administrative tribunals of the International Labour Organisation and of the rest of the United Nations system had remained separate. Efforts to establish a single tribunal or to harmonize the statutes, rules and practices of the two tribunals, which had begun in 1978, had been of no avail, and Member States had unanimously agreed to close discussion of the matter for the time being.

16. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft decision A/C.5/44/L.5 without a vote.

17. It was so decided.

AGENDA ITEM 123: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued)

Programme budget implications of draft resolution A/C.3/44/L.44 concerning agenda item 108 (A/C.5/44/28)

18. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) drew the Committee's attention to the Secretary-General's understanding,

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as stated in document A/C.5/44/28, that the draft convention on the rights of the child, as adopted by the Commission on Human Rights and subsequently amended by the Third Committee, indicated that the costs associated with its implementation should be met from the regular budget of the Organisation. In paragraphs 6 to 12 of his statement, the Secretary-General outlined the activities by which the requests contained in the draft resolution would be implemented. A meeting of the States parties to the Convention would be convened for one day in 1991 to elect members of the Committee on the Rights of the Child, which, in accordance with article 43, would consist of 10 experts and would meet annually at United Nations Headquarters or at any other convenient place as determined by the Committee. However, the Secretary-General believed that the principles embodied in General Assembly resolution 40/243 should be observed and that, consequently, the Committee should meet at the headquarters of its substantive secretariat, i.e., Geneva, and that that understanding should be reflected in the calendar of conferences for future biennia. Accordingly, the Secretary-General, subject to the entry into force of the Convention and the election of Committee members, intended to convene the first regular session of the Committee for a period of three weeks during the first half of 1991 at the United Nations Office at Geneva. Travel and subsistence costs, estimated at \$55,000, would need to be paid for the 10 members.

19. Article 43 of the Convention, as amended, also stated that the Secretary-General should provide the necessary staff and facilities for the effective performance of the functions of the Committee. It was the Secretary-General's view that those services could not be ensured without additional staffing resources being made available to the Centre for Human Rights. Since the Convention was not expected to enter into force until 1991, and the programme of work of the Committee had yet to be established, the Secretary-General proposed to provide for an amount of \$119,000 under temporary assistance in 1991 equivalent to 12 work-months at the Professional level and 6 work-months at the General Service level. Subsequent requirements would be presented to the General Assembly in the context of future budget proposals.

20. Article 43, as amended, further stated that, with the approval of the General Assembly, the members of the Committee should receive emoluments from United Nations resources on such terms and conditions as the Assembly might decide. In determining the level of such emoluments the Secretary-General suggested that the Assembly might wish to be guided by its resolution 35/218. Under the terms of that resolution, an amount of \$5,000 per year was provided to the Chairman and \$3,000 per year to each of the members of the Human Rights Committee, which appeared to have been entrusted with functions similar to those that the Convention would entrust to the Committee on the Rights of the Child. Pending a decision by the Assembly, an amount of \$32,000 had been provisionally included in the statement of programme budget implications.

21. The full cost of requirements in respect of the activities provided for in the Convention amounted to \$984,500 for conference-servicing costs and \$206,000 for other costs. For the reasons set forth in paragraph 15 of the Secretary-General's statement, it was estimated that no additional resources would be required under

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(Mr. Maella)

section 29. With regard to other costs, section 23 of the proposed programme budget contained a provision in the amount of \$1,685,300 for activities in the field of human rights which might be mandated by the Economic and Social Council during its regular sessions. In the view of the Secretary-General, the amount required in respect of other costs should be provided for from the total amount included under that provision, thus making it unnecessary to request an additional appropriation. The Advisory Committee had subsequently been informed by representatives of the Secretary-General that the information contained in paragraph 19 of his statement was incorrect and that an additional appropriation under section 31 would not be required.

22. The Advisory Committee recalled that, under General Assembly resolution 2489 (XXIII), as reaffirmed in resolution 35/218, neither a fee nor any other remuneration in addition to subsistence allowances at the standard rate should normally be paid to members of organs or subsidiary organs other than as the result of an explicit decision by the General Assembly. The Advisory Committee was of the view that, should the Assembly decide to pay the proposed emoluments, they should be no greater than those paid to members of the Human Rights Committee. It also noted that the Secretary-General's proposal to meet the requirement under other costs from the provision for potential mandates from the Economic and Social Council was subject to the General Assembly's approval of section 23, inclusive of that provision, and that the expenditure under consideration was subject to the entry into force of the Convention. Accordingly, it recommended that the Fifth Committee inform the General Assembly that, should it decide to pay the proposed emoluments, the sum involved would amount to \$32,000 and that, should it adopt draft resolution A/C.3/44/L.44, no additional appropriations would be required under either section 23 or section 29.

23. Ms. GOICOHEA ESTENOZ (Cuba) said that her delegation had already, during the first reading of section 23, expressed doubts concerning a provision in the amount of \$1,685,300 for potential mandates from the Economic and Social Council. It therefore agreed that the Secretary-General's proposal should be subject to final approval of section 23, inclusive of that provision.

24. Mr. INOMATA (Japan) said that the Secretariat appeared to be inferring, from the decision under General Assembly resolution 35/218 to pay honoraria to the members of certain bodies, that a certain rule had been established. His delegation was adamant that an explicit decision was required indicating that such honoraria were paid only on an exceptional basis.

25. Mr. IRUMBA (Uganda) said that his delegation shared the concerns expressed by the representative of Cuba. The provision for potential mandates from the Economic and Social Council required further consideration, since its programmatic aspects remained unclear, and the practice of approving appropriations for potential rather than existing mandates was unsound. It was more appropriate that such expenditures be considered in the context of the contingency fund.

26. Mr. LADJOUZI (Algeria) said that his delegation endorsed the draft convention on the rights of the child, despite feeling that insufficient weight was given to the situation of Palestinian children. It strongly supported the views expressed by the representatives of Cuba and Uganda.

27. Mr. BOUR (France) said that, in the interests of adopting a decision based on full knowledge of the facts, it would be useful if members of the Fifth Committee were to be informed by the Secretariat what, if any, rules governed either the payment of emoluments as a result of the adoption of new conventions or proposals to absorb the costs of potential mandates under a particular budget section.

28. Mr. BAUDOT (Director, Programme Planning and Budget Division), replying to the representative of France, said that there were no general rules governing the payment of emoluments to members of treaty bodies; such questions were, accordingly, decided on a case-by-case basis. Concerning the location of meetings, he said that, as there were certain exceptions to the headquarters rule, formulated in General Assembly resolution 40/243, the Secretary-General wished the procedure to be clearly defined for the purposes of the Convention. It might be helpful if, in future, the Secretariat provided the Fifth Committee with an overview of the manner in which rules relating to conventions were established and implemented.

29. Replying to the representatives of Cuba, Algeria and Uganda, he said that the costs related to the Secretary-General's proposal, which had been endorsed by the Chairman of the Advisory Committee, would be included in the appropriation requested for Economic and Social Council mandates. The use of the contingency fund would be discussed in informal consultations. The Secretary-General had treated the item as a perennial one and the activities proposed came within the scope of the Secretary-General's proposals. As for the question of acting in advance of a mandate, the mandate in question was the establishment of the Convention itself, and the Fifth Committee was concerned with the financial implications of implementing that mandate during the period 1990-1991. The Committee could not act before decisions were taken by a preparatory committee, but it could establish a procedure whereby the preparatory committee could operate. Any decision taken by the preparatory committee would be dealt with in the Secretary-General's proposals for the budget for 1992-1993.

30. The CHAIRMAN said that, based on the statement of programme budget implications submitted by the Secretary-General and on the recommendations of the Advisory Committee, he proposed that the Fifth Committee should recommend that the General Assembly approve, on an exceptional basis, the payment of honoraria, as authorized in General Assembly resolution 35/218, to members of the Committee on the Rights of the Child, and inform the General Assembly that, if it decided to approve the payment of such emoluments, the sum involved, as proposed by the Secretary-General, would amount to \$32,000, and that, if it should adopt draft resolution A/C.3/44/L.44, no additional appropriation would be required.

31. Mr. VISLYKH (Union of Soviet Socialist Republics) asked whether the Committee was required to take a decision exempting meetings of the Committee on the Rights of the Child from the headquarters rule. If so, the question arose as to whether a corresponding decision would have to be taken with respect to treaty bodies in

(Mr. Vislykh, USSR)

general. The General Assembly should insist that bodies established under the regular budget should conform to the rules applicable to all bodies.

32. Ms. GOICOHEA ESTENOZ (Cuba) said that the Committee should specify to the General Assembly that final approval of the amount was subject to the approval of section 23 of the proposed programme budget, taking into account the points raised by the Chairman of the Advisory Committee and by delegations.

33. Mr. HALBWACHS (Programme Planning and Budget Division), replying to the representative of the Soviet Union, drew attention to article 43, paragraph 10, of the draft convention annexed to draft resolution A/C.3/44/L.44. That paragraph specified that the Committee on the Rights of the Child would hold its meetings "at United Nations Headquarters or at any other convenient place". In adopting the draft resolution, the Assembly would be adopting that paragraph as well. In its report, the Fifth Committee could specify that it was its understanding that the Committee on the Rights of the Child would meet in Geneva. It could not, however, recommend that the General Assembly adopt the draft resolution and, at the same time, take another decision which contradicted an article of that resolution.

34. The CHAIRMAN said that he wished to revise the last part of his proposal to read "no additional appropriations would be requested under either section 23 or 29 of the proposed programme budget for 1990-1991".

35. Mr. IRUMBA (Uganda) said that his delegation would have no objection to the Chairman's proposal, provided that it included the changes suggested by the representative of Cuba.

36. Mr. BOUR (France) said that, based on the reply given by the Director of the Programme Planning and Budget Division, it was his delegation's understanding that the provisional appropriations under section 23 corresponded to perennial activities, in keeping with a practice which the Committee had adopted in 1987. It was therefore surprising that certain delegations took different approaches to such appropriations, depending on the section of the budget under which they were requested. When a statement of programme budget implications had been approved for section 29, no one had pointed out that it included provisional appropriations, or that section 29 itself had not yet been approved. The Committee must apply the same procedure to all sections of the budget.

37. Mr. UPTON (United Kingdom) agreed with the representative of France. Referring to the statement by the USSR representative, he said that the explanation provided by Mr. Halbwachs should be incorporated in the Fifth Committee's recommendation to the General Assembly. It must be clear that the Committee expected the headquarters rule to be observed, notwithstanding the text of the Convention. That was also made clear in the revised version of the Chairman's proposal, which made specific reference to sections 23 and 29.

38. Mr. KALBITZER (Federal Republic of Germany) agreed with the United Kingdom representative with regard to the headquarters rule. It was true that the

(Mr. Kalbitzer, Federal Republic of Germany)

Committee could not alter the text of the Convention but it could withhold appropriations for travel to any part of the world.

39. Ms. GOICOCHEA ESTENOZ (Cuba) said that her delegation agreed with the statement by the French representative, albeit for different reasons. "Potential mandates", at least in Spanish, meant any new mandate which might arise, even if it was not necessarily envisaged in the Organization's current programmes. While her delegation had supported the Convention in the Third Committee, that did not mean that it felt that the Fifth Committee could violate a procedure. A proposal should be submitted to the General Assembly to approve the programme budget implications of the Convention subject to the approval of section 23. The \$1.7 million proposed under section 23 for Economic and Social Council mandates should actually be charged to the contingency fund.

40. Mr. IRUMBA (Uganda) said that his delegation had questions concerning the interpretation of "potential mandates", which it would discuss in informal consultations. The Cuban proposal was acceptable. Paragraph 17 should be approved on the understanding that the procedure outlined in General Assembly resolution 42/211 would be applied.

41. Mr. BOUR (France) said that the Cuban proposal did not fully conform to the Committee's normal procedure. For the time being, the Committee was taking note of statements of budget implications, which, as his delegation understood it, would not be formally approved until the consolidated statement of all sections had been reviewed. Therefore, there was no need as yet to make recommendations to the General Assembly concerning the approval of a particular section.

42. The CHAIRMAN asked the Committee if it wished to adopt his proposal in order to facilitate the adoption of the draft resolution by the General Assembly. All observations made in the debate would be taken into account and considered in informal consultations. If he heard no objection, he would take it that the Committee wished to adopt his proposal.

43. It was so decided.

44. Mr. INOMATA (Japan) said that his delegation had reservations regarding the programme budget implications of the draft resolution. As an intergovernmental body established after the entry into force of a convention, the Committee on the Rights of the Child should be financed by the States Parties concerned. Although, in the past, certain bodies had been financed from the regular budget, that should not establish a precedent, since the Organization already had many priority programmes to implement under its regular budget. The constraints on the regular budget were another factor to be taken into account. In that context, the General Assembly might conduct a thorough review of the financing of treaty body expenses by the Organization. His delegation's reservations concerning the programme budget in no way diminished its support for the Convention and its basic objectives.

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45. Mr. GROSSMAN (United States of America) said that his delegation had supported the draft resolution on the adoption of the Convention, but, like the Japanese delegation, did not believe it should be financed by all Member States under the regular budget. His delegation was also concerned over certain elements in document A/C.5/44/28 and regretted, in particular, the Secretary-General's intention to seek additional staffing for the Centre for Human Rights. In view of the goal to reduce overall Secretariat staffing by 15 per cent, any such increases would have to be offset by reductions in other United Nations regular budget programmes. His delegation noted that additional costs relating to the Convention would be included in the allocation under section 23 for Economic and Social Council mandates, rather than being charged to the contingency fund. Had a vote been taken, his delegation would have opposed the programme budget implications of the draft resolution.

46. Mr. VISLYKH (Union of Soviet Socialist Republics) expressed his delegation's full support for the Convention and the draft resolution. Had a vote been taken on the programme budget implications, his delegation would not have supported the payment of emoluments to Committee members. The practice was outdated, was not suited to the current international political climate and would only require unnecessary expenditures from the regular budget.

47. Ms. GOICOCHEA ESTENOZ (Cuba) said that her delegation had accepted the Chairman's proposal on the understanding that if the \$1.7 million requested by the Secretary-General under section 23 for Economic and Social Council mandates were not approved in informal consultations and on second reading, the Secretariat would be able to reallocate resources in order to meet the required expenses.

The meeting rose at 12.15 p.m.