



Fifteenth session
Agenda item 50

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1961

Payment of honoraria to the members of the Administrative Tribunal

Report of the Fifth Committee

Rapporteur: Mr. T.W. CUTTS (Australia)

1. The Fifth Committee considered at its 766th and 767th meetings, on 11 and 14 October 1960, the question of the payment of honoraria to the members of the Administrative Tribunal of the United Nations, on the basis of reports submitted, at the request of the Fifth Committee,^{1/} by the Secretary-General (A/C.5/814) and the Advisory Committee on Administrative and Budgetary Questions.^{2/}
2. In his report the Secretary-General proposed the payment of an annual honorarium of \$500 to the President of the Administrative Tribunal, together with an honorarium of \$250 each to the President and the other members in respect of each session of the Tribunal attended by them. While concurring in the proposal of the Secretary-General, the Advisory Committee stressed the importance of resisting further departures from the established principle of the General Assembly, according to which no element of fee or remuneration should enter into the payments made to members of organs or subsidiary organs serving in an individual personal capacity.
3. Summarily stated, the principal positions taken by delegations were the following:

^{1/} Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 759th meeting.

^{2/} Ibid., Fifteenth Session, Supplement No. 7 (A/4408), paras. 315-323.

(a) Appointment to expert bodies of the United Nations such as the Administrative Tribunal conferred distinction on the individual as well as honour of his country, and it was not fitting that any payment, other than for subsistence and travel expenses, should be made in respect of the services rendered.

Admittedly, the General Assembly, in derogation of its own principle, had on several occasions authorized the payment of honoraria in favour of a limited number of expert bodies. There had, however, been grounds for believing that a final solution of an undeniably difficult problem had been reached at the twelfth session in 1957, when the General Assembly established a list of authorized exceptions, and it had confidently been expected that the list would not thereafter be enlarged. Nothing that had occurred since that time warranted a reopening of the question.

(b) The principle of not authorizing the payment of honoraria was basically a sound one. A departure from that principle had, however, been sanctioned by the General Assembly in 1950, and again on subsequent occasions; since it was neither logically possible nor equitable to draw a distinction between the Administrative Tribunal and other expert bodies of the United Nations, the withholding of honoraria from the members of the Tribunal appeared discriminatory.

(c) The whole question of the payment of honoraria should be reviewed in relation to the position of principle originally taken by the General Assembly. Members supporting such a review were divided regarding interim arrangements pending completion of the review; some considered that honoraria should be paid to members of the Tribunal on a provisional basis for 1961, while others opposed any such payment pending the outcome of the review.

4. The Chairman of the Advisory Committee pointed out that if, as some representatives had perceived, the phrasing of the Committee's comments and recommendations revealed a diffident and cautious approach, that was because the Advisory Committee had consistently upheld the basic principle of the General Assembly and set its face against a system of honoraria. The Fifth Committee had, however, taken a different position in approving a series of exceptions to the rule, and it was therefore difficult for the Advisory Committee, in view of that circumstance, not to concur in proposals that provided for uniformity of treatment in the matter of honoraria.

5. The representative of the Secretary-General pointed out that in 1957 the Fifth Committee did not have full information concerning the work undertaken between sessions by members of the Tribunal. For the proper consideration of cases, the members were often called upon to study, in advance of a session, voluminous submissions, at times running to several hundred pages. There was no valid reason for drawing a distinction between the Tribunal, on the one hand, and the International Law Commission, the Permanent Central Opium Board and the Drug Supervisory Body, on the other. The Secretary-General had based his present proposals on the principle of uniformity of treatment of the members of the expert bodies under reference.

6. At the 766th meeting, the representative of Czechoslovakia, supported by the representative of Afghanistan, proposed, as an amendment to the recommendations of the Advisory Committee:^{3/}

(a) That no action on the question of honoraria for members of the Administrative Tribunal should be taken for the time being; and

(b) That the Secretary-General and the Advisory Committee should undertake a comprehensive review of the question of payment of honoraria to members of elected bodies and report with their special recommendations to the General Assembly at its sixteenth session.

7. The representative of Iraq proposed as an amendment to the Czechoslovak proposal that, pending the completion of the comprehensive review, the payment of honoraria to the President and members of the Administrative Tribunal, as recommended by the Advisory Committee, should be approved on an interim basis for the year 1961. The purpose of his proposal was, he explained, to remove an inequality and place the Administrative Tribunal on the same footing as other analogous bodies in relation to the proposed review. Some representatives felt that the Iraqi proposal would, on the contrary, tend to prejudice the review. The Fifth Committee and the Advisory Committee had moreover consistently sought to restrict exceptions to the basic rule of the General Assembly, and it could hardly be argued that - on the hypothesis of a favourable finding in 1961 - the members of the Tribunal would have suffered hardship in foregoing the honoraria for one year.

^{3/} Ibid., para. 323.

8. At the 767th meeting, the Iraqi amendment (see para. 7 above) having been withdrawn, the Committee voted, by parts, on the Czechoslovak proposal (see para. 6 above), with the following result:

The first part of the Czechoslovak proposal was rejected by 28 votes to 17, with 16 abstentions.

The second part of the Czechoslovak proposal was adopted by 30 votes to 11, with 21 abstentions.

9. The Committee then approved by 37 votes to 16, with 10 abstentions, the recommendations of the Advisory Committee^{4/} that an annual honorarium of \$500 should be paid to the President of the Administrative Tribunal and that, in addition, an honorarium of \$250 for each session should be paid to the President and each of the other members participating in the consideration of cases.

Recommendation of the Fifth Committee

10. The Fifth Committee therefore recommends that the General Assembly should decide:

(a) That an annual honorarium of \$500 should be paid to the President of the Administrative Tribunal of the United Nations, and that, in addition, an honorarium of \$250 for each session should be paid to the President and each of the other members participating in the consideration of cases submitted to the Tribunal;

(b) That the Secretary-General and the Advisory Committee on Administrative Questions should undertake a comprehensive review of the question of the payment of honoraria to members serving on organs and subsidiary organs of the United Nations in an individual, personal capacity, and submit their reports and recommendations to the General Assembly at its sixteenth session.

^{4/} Ibid.