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Agenda item 52

UNITED NATIONS UNIVERSITY

Report of the Fifth Committee

Rapporteur: Mr. Ernesto C. GARRIDO (Philippines)

1. At its 2161st plenary meeting, on 31 October 1973, the General Assembly decided to refer to the Fifth Committee article VII, paragraphs 4 and 6, and article VIII of the draft Charter of the United Nations University. The paragraph numbers so identified corresponded to the draft Charter in annex I, appendix III, of document A/9149. Subsequently, a revised text was issued in document A/9149/Add.2. Therefore, the articles before the Fifth Committee were article VIII, paragraphs 4 and 6, and article IX of the draft Charter in document A/9149/Add.2.
2. The Fifth Committee considered agenda item 52 at its 1617th meeting, on 4 December 1973. The Committee had before it a note by the Secretary-General (A/C.5/1550), the report of the Second Committee on its discussions under this item (A/9315) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/9368).
3. In his note (A/C.5/1550), the Secretary-General drew the attention of the Fifth Committee to draft resolution A/C.2/L.1300, as orally amended, the adoption of which was recommended to the General Assembly by the Second Committee. Under that draft resolution the General Assembly would adopt the Charter of the United Nations University contained in the second addendum to the report of the Secretary-General on the subject (A/9149/Add.2).
4. In its report (A/9368), the Advisory Committee endorsed the articles of the Charter referred to the Fifth Committee subject to some additional observations. In paragraph 4 of its report, the Advisory Committee stated that it had interpreted article IX, paragraph 1 (a), to mean that while Governments, for whatever reason, may choose to make their contributions to the University through the United Nations, the specialized agencies or the International Atomic Energy Agency, these organizations would merely be acting as intermediaries, and there would not, therefore, by virtue of this provision, be any charge on their regular budgets. In

paragraph 6, the Advisory Committee reported that it interpreted paragraph 9 of article IX as meaning that any identifiable extra costs to the United Nations regular budget incurred as the result of the University's utilization of United Nations backstopping facilities, would be refunded to the United Nations by the University. In paragraph 8, the Advisory Committee further stated that it interpreted article II, paragraph 1, as meaning that, in pursuing its academic programmes the University would, subject to the requirements of article IX, decide freely on the use of the financial resources allocated for the execution of its functions.

5. In the discussion on this item, one delegation reiterated its position as expressed in the debate on the United Nations University in the Second Committee regarding the short-comings of the draft Charter. Another delegation stated that it shared the views expressed by the Advisory Committee in paragraph 4 of its report on the subject.

#### DECISION OF THE FIFTH COMMITTEE

6. The Fifth Committee decided, by 71 votes to none, with 9 abstentions, to recommend to the General Assembly that it:

(a) Approve article VIII, paragraphs 4 and 6, and article IX of the draft Charter of the United Nations University contained in document A/9149/Add.2;

(b) Endorse the interpretation of the Advisory Committee in paragraphs 4, 6 and 8 of its report (A/9368).

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