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SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. HADID (Algeria)

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

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The meeting was called to order at 7.35 p.m.

AGENDA ITEM 168: PERSONNEL QUESTIONS (continued) (A/C.5/48/5)

1. Mr. SPAANS (Netherlands), speaking as Coordinator of the informal consultations on the item, reported that no agreement had been reached on a text in the informal consultations.
2. The CHAIRMAN said that it was understood that the issue of desirable ranges would be taken up at the resumed forty-eighth session of the General Assembly, with the expectation that all relevant documents would be available in advance.
3. He proposed that the Committee should recommend to the General Assembly that it take note of the report (A/C.5/48/5) submitted by the Secretary-General on behalf of and with the approval of the members of the Administrative Committee on Coordination.
4. Mr. RAE (India) proposed that the General Assembly should also take note of the statement made by the Security Coordinator on the matter.
5. The CHAIRMAN said that he took it that the Committee wished to adopt his proposed recommendation, as amended by India.
6. It was so decided.
7. Mrs. GOICOCHEA (Cuba), supported by Mr. CHUINKAM (Cameroon), speaking in explanation of position, observed that, in future, the Committee should restrict itself to discussing the question only as it concerned officials of the United Nations and the specialized agencies and related organizations and their privileges and immunities, and should leave the legal issues and the organizational aspects of peace-keeping to the Sixth Committee and the Fourth Committee respectively.

AGENDA ITEM 138: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (A/48/470, A/48/622 and A/48/757)

8. Mr. MICHALSKI (United States of America) said that the United States could support the recommendations on the support account for peace-keeping operations in the report of the Secretary-General (A/48/470) as amended in the report of the Advisory Committee (A/48/757), but had serious problems regarding staffing and other support for the Department of Administration and Management. He therefore proposed that the Committee should accept the recommendations concerning the Department of Peace-keeping Operations and the Field Operations Division and postpone all other decisions until the resumed forty-eighth session of the General Assembly.

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9. Mr. MADDENS (Belgium), supported by Mr. SPAANS (Netherlands), Mr. MILLER (Canada), Mr. BOIN (France), Miss PEÑA (Mexico) and Mr. MANCINI (Italy), said that, having had an opportunity to read only the Secretary-General's report and not the ACABQ report because of the documentation delay, proposed that both of those important documents should be deferred for proper consideration at the resumed session.
10. Mr. KELLY (Ireland), supported by Mr. FRANCIS (Australia), urged that the question of peace-keeping should be taken up as soon as possible at the resumed session.
11. Mr. GJESDAL (Norway), supported by Mr. MOSALA (Lesotho), concurred with the proposal for deferral, observing that the Secretary-General must be given the resources needed to carry out the peace-keeping operations already in place and to meet the requirements agreed to by Member States in the various General Assembly resolutions on the question.
12. Ms. SAEKI (Japan) agreed that consideration of the support account should be deferred to the resumed session. Furthermore, since no ACABQ report had been supplied in conjunction with the Secretary-General's report on the Peace-keeping Reserve Fund (A/48/622), that issue needed to be deferred as well. Japan had serious problems with the latter document.
13. Mr. DANKWA (Ghana), supported by Ms. HOLLAND (United Kingdom), wondered what would be the practical effect on ongoing peace-keeping operations - to which all States attached great importance - of postponing consideration of the reports of both the Secretary-General and ACABQ until the resumed session.
14. Mr. MICHALSKI (United States) observed that over the past session the Secretariat had managed to carry on with or without General Assembly approval and would no doubt continue to make arrangements for funding if needed.
15. Mr. TAKASU (Controller), referring to the effect of a deferral of consideration of the support account for peace-keeping operations, noted that ACABQ had, as an interim measure, approved all 194 posts requested in annex I of the Secretary-General's report (A/48/470) as well as the 72 additional temporary posts requested in annex II. The Secretary-General was not therefore proposing to take unilateral action. The Secretary-General in his report proposed the establishment of a total of 199 posts, whereas the Advisory Committee had accepted 148 posts, as indicated in paragraphs 30 and 31 and the detailed tables at the end of its report (A/48/757).
16. If the Committee deferred the issue until the resumed session, the 194 posts listed in annex I of the Secretary-General's report would be available, but not the proposed 72 additional posts. That would have a devastating effect on essential peace-keeping activities throughout the Secretariat.

17. Mr. SPAANS (Netherlands) assured the Controller that if delegations were urging deferral of the question it was not being done casually. The issue required the kind of careful consideration that was precluded by the late issuance of documents. The Netherlands itself, which was current in its peace-keeping assessments and had many troops in peace-keeping operations, was following the support account issue closely.

18. Mr. RAE (India), supported by Mr. CHUINKAM (Cameroon) and Ms. HOLLAND (United Kingdom), said that he agreed that the reports on the support account needed further study but wondered whether some provisional arrangement could not be made to ensure the continuance beyond 1 January 1994 of the peace-keeping operations already in place. In the past, it had been left to the Advisory Committee to authorize posts. Perhaps the number of posts could be approved at the current session, as well as the two points referred to by the United States, and the policy decisions could be left for the resumed session.

19. Mrs. OSODE (Liberia) suggested deferring consideration simply to the following week rather than to the resumed session.

20. Mr. DANKWA (Ghana) drew attention to the two main issues relating to the support account with which the Fifth Committee was expected to deal: a policy decision on the use of the support account, and the need to finance peace-keeping operations. The Advisory Committee, aware of the political ramifications of the use of the support account but also aware of the urgency of funding peace-keeping operations, had discussed funding modalities in paragraphs 33 and 34 of its report (A/48/757) and consequently recommended approval of 148 posts for a limited six-month period.

21. Deferral could have serious political repercussions, and delegations should be given a few days in which to study the two reports and take a decision.

22. Mr. MSELLE (Chairman, Advisory Committee on Administrative and Budgetary Questions) said that the report (A/48/757) was one of the most difficult that the Advisory Committee had had to prepare because it dealt with issues of policy which required guidelines from the General Assembly and with the question of what role, if any, should be played by the regular budget in providing support for peace-keeping operations. Since the proposals made in the report of the Secretary-General (A/48/470) in effect expanded the scope of the support account, the Advisory Committee, because of the time constraint, had considered deferring its consideration but had concluded that doing so would adversely affect ongoing peace-keeping operations.

23. In its report, the Advisory Committee recommended deferring action on paragraph 39 (a) and (b) of the Secretary-General's report and made recommendations in relation to paragraph 39 (c), on the question of authorizing expenditure in 1993 and 1994. Expenditure for 1993 was already covered by the authorization given by the Advisory Committee. However, as of 1 January 1994, the Secretariat would need authority to finance 194 posts, some of which dated back more than four or five years. Of the remaining 199 posts, including 72 posts which the Advisory Committee had temporarily approved in July 1993, the

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(Mr. Mselle)

Advisory Committee recommended that 148 should be financed. The total manning table would therefore be 342 posts. The Advisory Committee also recommended that the posts should be financed just for six months in 1994. Because of the policy issues relating to the opening of the support account, the Advisory Committee recommended that the Secretary-General should submit a report which would include the information the Committee had requested.

24. The support account contained funds that had already been approved by the General Assembly on the basis of recommendations by the Committee. Every time a peace-keeping operation was authorized, funds were appropriated for transfer to the support account. Currently the support account was used by the Secretary-General with the prior concurrence of the Advisory Committee for established posts. In recent years, use of the account had been expanded to include other items and common service costs. Fundamental differences of opinion had emerged in the Advisory Committee and in the Fifth Committee on what should be financed by the support account. The report of the Secretary-General did not contain clear criteria that would permit either Committee to make a determination on what exactly should be funded from the support account and what should be funded from the regular budget. In view of that situation and of issues related to the methodology for the support account, including the question of funding, the Advisory Committee had decided that that issue should be reviewed.

25. If the Committee decided to postpone consideration of the Secretary-General's report, the Secretary-General would be entitled to go back to the Advisory Committee and request commitment authority for whatever amounts he deemed appropriate to cover expenses until the Fifth Committee and Advisory Committee considered the proposals. If the Committee approved the posts in question for a shorter period, it would have to meet very early in 1994. The Advisory Committee had decided on a six-month period so as to allow time for the Secretary-General to prepare a report and for the Advisory Committee and the Fifth Committee to consider it. If the Committee decided to approve the posts for a shorter period, it would still have to give commitment authority to the Secretary-General.

26. Mr. BOIN (France) said that the use of the support account raised fundamental questions, especially with regard to the proposed extension of the utilization of that account. He proposed that the Committee should recommend that the General Assembly should agree on a provisional basis to finance the posts in the Department of Peace-keeping Operations, pending a complete review of the question by the Advisory Committee - in his view, the review should take place during the first quarter of 1994 - and that it should defer consideration of the requests relating to posts in the Department of Administration and Management.

27. Mr. MADDENS (Belgium) said that his delegation attached great importance to peace-keeping operations and therefore felt that the Committee should defer its consideration of the matter until the following week.

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28. Mr. OWADE (Kenya) said that the Committee must consider the matter during the current session; it would be disastrous to defer consideration to the resumed session.

29. Ms. ROTHEISER (Austria) said that her delegation strongly supported peace-keeping operations and did not want to see them endangered. She suggested that the Committee should support the Advisory Committee's recommendations for the first six months of 1994 and defer consideration of the policy issues until the resumed session.

30. Mr. TAN (Cambodia) agreed that the Committee should approve the Advisory Committee's recommendations.

31. Mr. MICHALSKI (United States of America) said that his delegation did not agree with the observation in paragraph 14 of the Secretary-General's report (A/48/622) that arrears in payments could not be credited to the Peace-keeping Reserve Fund.

32. The late consideration of so important an issue as the support account was indicative of the disastrous state of management in the United Nations. Much had been said about building confidence in the management and financing of the Organization; if decisions on matters of such importance were taken at the late minute confidence in the Organization would be further undermined.

33. Referring to the comments made by the Controller, he said that far too many documents were being issued late; if the Committee was unable to reach agreement on financing the posts in question, it would be because the Secretariat had failed to present solid, well-based proposals for consideration by the Committee.

34. He wished to underscore his delegation's grave concern about the manner in which highly important financial decisions were being taken. United States taxpayers would be appalled to find out how their tax dollars were being wasted.

35. Mrs. GOICOCHEA (Cuba) said that the item was so important that the Committee should take a provisional decision before the end of the session.

36. Mr. SPAANS (Netherlands) said that his delegation agreed that the report on the Peace-keeping Reserve Fund should be submitted to the Advisory Committee for comments, and it supported the statement by the United States representative regarding the manner in which documentation was being provided and the way in which Member States were being asked by the Secretariat to agree to important decisions on very short or no notice.

37. Mr. MANCINI (Italy) said that the question could not be deferred even though the relevant documents had been supplied rather late.

38. The CHAIRMAN said that the Committee would clearly need to have informal consultations on the question of the support account in order to arrive at a decision.

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(The Chairman)

39. He took it that the Committee wished to defer to the resumed forty-eighth session the consideration of the report of the Secretary-General on the Peace-keeping Reserve Fund (A/48/622).

40. It was so decided.

AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (A/C.5/48/36, A/C.5/48/44 and A/48/765)

41. Mr. MSELLE (Chairman, Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee's report (A/48/765) was very brief. For the reasons explained in that report, it was recommending that the General Assembly should authorize the Secretary-General to enter into commitments not exceeding \$5,594,000 for the funding of the International Tribunal. It was also recommending that the General Assembly should determine the mode of financing of the Tribunal. There were a number of issues that needed to be clarified, including the conditions of service of judges. The Advisory Committee had not yet had an opportunity to consider the report on conditions of service and allowances of the Members of the International Tribunal (A/C.5/48/36) and was surprised that it had taken so long for a three-page document to be submitted.

42. Mr. MADDENS (Belgium), speaking on behalf of the European Union, said that the European Union had already expressed its position on the substance of the question at the resumed forty-seventh session of the General Assembly, and that position remained unchanged. While accepting, with difficulty, the recommendation of the Advisory Committee, the European Union wished to note that it attached the greatest importance to the work of the Tribunal and was gratified that it had begun work at The Hague and had initiated consultations on a number of practical modalities. The question of the financing of the Tribunal was therefore urgent. That question could only be resolved through implementation of General Assembly resolution 47/235. The current situation could not continue. The General Assembly must ensure that the provisional financing did not have negative consequences on the work of the Tribunal.

43. Mr. MOLIN (Sweden), speaking on behalf of the five Nordic countries, said that the Nordic countries noted that the Secretary-General, in paragraph 61 of his report (A/C.5/48/44), stated that the nature of the activities to be undertaken required core financing through assessed contributions. To the Nordic countries, the financing of the Tribunal through assessed contributions was a question of principle; the administration of justice by the United Nations must be in the name of the Organization and should therefore be the responsibility of all Member States. That was the only way to safeguard the absolute independence of the Tribunal. The financing of the Tribunal must be an integral part of the regular budget of the Organization. It was imperative to ensure full financing of the activities of the Tribunal.

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(Mr. Molin, Sweden)

44. Since there were a number of outstanding issues that would affect the real costs of the activities of the Tribunal, the Nordic countries agreed with the Advisory Committee's recommendation, but wished to stress that that did not alter their position of principle on the mode of financing.

45. Mrs. GOICOCHEA (Cuba) said she fully supported the recommendations of the Advisory Committee in its report. However, she wondered how the Committee could proceed to consider the question of financing of the Tribunal when it had not had sufficient time to study the details of the Secretary-General's report on the matter. As matters stood, Cuba could not take a decision on that question.

46. The CHAIRMAN said that, as he understood the discussion in the Committee to that point, delegations would accept with reluctance the recommendations of ACABQ in document A/C.5/765, but wished to have their opinions concerning the mode of financing of the Tribunal to be taken into account at a later date, perhaps during the resumed session.

47. Mr. KELLER (United States of America) said that his delegation strongly supported the proposal to establish the Tribunal and urged the Assembly to ensure that the necessary funding was provided by 31 December 1993. It also endorsed the view of the Nordic countries that the Tribunal should be funded from the regular budget. Since the Tribunal was not a peace-keeping operation it should not be funded from voluntary contributions.

48. While the United States was generally concerned that the funds provided would not suffice for full and vigorous prosecutions, it could accept the proposal subject to certain reservations. Those reservations concerned, first and foremost, the selection of appropriate office space for the Tribunal in The Hague. In addition, the United States wanted to be certain that, upon the appointment of a Prosecutor, the work of the War Crimes Commission of Experts established pursuant to resolution 780 (1991) would be folded into the office of the Prosecutor.

49. Mr. ELZIMAITY (Egypt) said that his delegation's views with respect to the Tribunal tallied with those expressed inter alia by the Organization of the Islamic Conference, which had declared that the Tribunal should be given all the resources necessary to begin its work as soon as possible. However, it was prepared to accept the recommendations of the Advisory Committee until such time as a final decision on the financing of the Tribunal could be made.

50. Mr. BEN HAMIDA (Tunisia) supported the recommendations of the Advisory Committee in document A/48/765, but stressed the urgent need to find a permanent solution to the funding problem.

51. Ms. SAEKI (Japan) reiterated the position of her Government that expenses relating to the Tribunal should be charged to the regular budget.

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52. Mr. ZAINUDDIN (Malaysia), supported by Mr. MGBOKWERE (Nigeria), Mr. NDOBOLI (Uganda), Miss PEÑA (Mexico) and Mr. ONURSAL (Turkey), said that the resources provided to the Tribunal must be sufficient to enable it to carry out its activities without interruption. Moreover, in view of the time constraints facing the Committee, and, in the absence of a permanent arrangement for financing, his delegation could accept, on a provisional basis, the recommendations in paragraphs 8 and 9 of the Advisory Committee's report.

53. Miss PEÑA (Mexico) said her delegation also supported the provisional recommendations of ACABQ concerning financing of the Tribunal. Mexico was also prepared to consider permanent financing arrangements at the resumed session, despite its reservations about funding from the regular budget.

54. The CHAIRMAN said he took it that the Committee wished to recommend to the General Assembly that it should take note of the report of the Secretary-General in document A/C.5/48/36; endorse the recommendations of ACABQ in paragraphs 8 and 9 of the Advisory Committee's report (A/48/765); and decide to continue to consider, at its resumed session, the issue of the mode of financing of the Tribunal.

55. It was so decided.

AGENDA ITEM 121: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/C.5/48/L.6)

56. The CHAIRMAN introduced the draft resolution contained in document A/C.5/48/L.6 which he was submitting following informal consultations.

57. Mr. ELZIMAITY (Egypt) said that, although his delegation would not oppose the adoption of the draft resolution, it believed that section II, paragraph 9 was ambiguous and gave rise to a wide range of interpretations, some of which were in conflict with the position of Egypt. He would like the record to show that Egypt understood the reference in that paragraph to an "additional independent entity" as referring to an entity in addition to the Office for Inspections and Investigations established by the Secretary-General.

58. The CHAIRMAN said that he took it that the Committee wished to adopt draft resolution A/C.5/48/L.6.

59. It was so decided.

60. Mrs. GOICOCHEA (Cuba), explaining her delegation's position, said that her delegation attached particular importance to Section I, Part A, paragraph 1, and that, with regard to Part B, it understood that the Committee's adoption of paragraph 5 concerning the format of the medium-term plan would not prejudice the plan itself in any way. Cuba looked forward to reviewing the proposed new format when it became available.

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(Mrs. Goicochea, Cuba)

61. With regard to Part B, paragraph 6, she expressed the hope that the Secretariat would follow the regulations governing programme planning when preparing the proposed revisions to the medium-term plan and, with regard to Part C, she said that the analytical report on the restructuring of the Secretariat was especially urgent, since such restructuring could have a significant impact on programmes.

62. As to section II, Cuba attached particular importance to the second preambular paragraph and to paragraphs 2, 3, 4 and 10, and agreed with the comments made by the representative of Egypt with respect to paragraph 9. Finally, with regard to section III, she said that Cuba attached importance to paragraph 3 concerning equitable geographical representation.

63. Mr. DAMICO (Brazil) said that he had been pleased to note the discussion in Section I, Part A concerning mandates and prerogatives. With regard to Part B, he said that Brazil attached importance to paragraph 5 and hoped that the new format for the medium-term plan would be provided in the near future. Moreover, it was unfortunate that the request made in General Assembly resolution 47/42 B of 6 May 1993 had had to be reiterated.

64. As to section II, Brazil attached particular importance to paragraph 6 on the need to respect the separate and distinct functions of external and internal oversight mechanisms. He also endorsed the fifth preambular paragraph on the need for adequate intergovernmental programme evaluation and shared the views of Cuba with respect to the second preambular paragraph. While agreeing that the wording of paragraph 9 was ambiguous, he pointed out that, in that instance, ambiguity was not necessarily a bad thing. Brazil was gratified to see from the second preambular paragraph of section III that alleged cases of fraud in the United Nations would be addressed in an impartial manner.

65. Mr. ROSTING (Denmark), speaking on behalf of the five Nordic countries, welcomed the adoption by consensus of draft resolution A/C.5/48/L.6. With respect to section II concerning oversight mechanisms, the Nordic countries believed that a review of both internal and external oversight mechanisms would be appropriate in order to enhance efficient management. The Nordic countries welcomed the appointment of an Assistant Secretary-General for inspections and investigations and viewed that office as an important part of the process which had been initiated with the adoption of the draft resolution.

66. The Nordic countries endorsed in principle many of the ideas contained in the proposal of the United States for the creation of an office of inspector-general. However, as the Nordic countries had stated previously, further discussions on that question would be necessary in order to clarify certain details. He therefore welcomed the comprehensive analytical process that was foreseen in the resolution and hoped that a consensus would emerge so that a decision on the establishment of the new entity could be taken in the very near future.

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(Mr. Rosting, Denmark)

67. The Nordic countries intended to participate constructively in discussions on the modalities of the proposed "additional independent entity". With regard to the relationship between the Secretary-General and the new entity, the Nordic countries held the view that the Secretary-General, as the chief executive of the Organization, would remain ultimately responsible for the efficiency of the United Nations activities including, for example, internal control. The Nordic countries believed that the mandate of the new entity should encompass the United Nations regular budget, peace-keeping operations and related extrabudgetary programmes. With respect to external oversight functions, he believed that, notwithstanding the solution that would eventually emerge, in the future, some of the oversight responsibility of the General Assembly should be shared by the Board of Auditors.

68. Mr. TANG Guangting (China) said that while China had reservations regarding the contents of sections II and III, in view of the cooperative spirit shown by delegations in the course of the informal consultations, it would not impede the adoption of the draft resolution. However, it was his delegation's understanding that the independent entity referred to in section II would be financed from extrabudgetary resources.

69. Mr. ELZIMAITY (Egypt) said he hoped that, in the future, delegations would follow the long-standing tradition of informal consultations and refrain from submitting individual completed draft resolutions without prior notice.

AGENDA ITEM 123: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995
(continued)

Programme budget implications of draft resolution A/C.5/48/L.6 concerning agenda item 121

70. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), read out paragraphs 1, 2, 4 and 6 of section III of draft resolution A/C.5/48/L.6, as well as paragraphs 3 (a) and (b) of the statement of programme budget implications of the draft resolution (A/C.5/48/56) in which the Secretary-General requested funds for the activities to be undertaken. The Advisory Committee had considered that statement and thought that the supplementary staff resources were somewhat high. It noted that half of the estimated requirements represented travel of members of the Working Group. It further noted that the activities to be undertaken, as outlined in section B of document A/C.5/48/56, would be managed under section 25A of the proposed programme budget for the biennium 1993-1994, section 25 being the section which had the largest resource allocation (proposed at \$927 million and revised downward by ACABQ to \$889.1 million). The Secretary-General had the authority to transfer within that section, but if he transferred between sections he needed the concurrence of ACABQ.

71. While the Advisory Committee felt that the services indicated in the Secretary-General's statement should be provided, it could not, at that stage, recommend an exact additional figure. The Secretary-General should try to

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(Mr. Mselle)

absorb much of the estimated expenditure under that item: if, between January and the time of preparation of his first performance report, he encountered any difficulties, he should be authorized to seek ACABQ concurrence for such additional commitments as he might require. The Advisory Committee also requested the Secretary-General to have recourse to any voluntary contributions made pursuant to the request in the draft resolution.

72. It recommended that the General Assembly should be informed that, should it adopt draft resolution A/C.5/48/L.6, no additional appropriations would be required at that stage, and that the Secretary-General would seek the concurrence of ACABQ if any additional commitments, as reflected in the performance report, were needed.

73. Mr. TANG Guangting (China) observed that paragraph 1 (c) of document A/C.5/48/L.56 differed from the original text submitted to the Committee: the term "equitable representation" should read "equitable geographical representation".

74. The CHAIRMAN took note of the observation and proposed, based on the statement of programme budget implications submitted by the Secretary-General, and on the recommendations of the Advisory Committee, that the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.5/48/L.6, no additional appropriation would be requested at that stage for servicing of the Working Group.

75. It was so decided.

The meeting rose at 10.30 p.m.