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RESERVATION EXCLUSIVELY FOR PEACEFUL PURPOSES OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, UNDERLYING THE HIGH SEAS BEYOND THE LIMITS OF PRESENT NATIONAL JURISDICTION AND USE OF THEIR RESOURCES IN THE INTERESTS OF MANKIND, AND CONVENING OF A CONFERENCE ON THE LAW OF THE SEA

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1974-1975  
AND MEDIUM-TERM PLAN FOR THE PERIOD 1974-1977

Administrative and financial implications of the draft resolution recommended by the First Committee (A/9278 and Corr.1 and 2, para. 20)

Report of the Fifth Committee

Rapporteur: Mr. Ernesto C. GARRIDO (Philippines)

1. At its 1600th to 1602nd meetings, on 15 and 16 November 1973, the Fifth Committee, in compliance with rule 155 of the rules of procedure of the General Assembly, considered the statement of the Secretary-General (A/C.5/1541) on the administrative and financial implications of the draft resolution recommended by the First Committee (A/9278 and Corr.1 and 2, para. 20).

2. Under the terms of the draft resolution the General Assembly would:

(a) Confirm its decision in paragraph 3 of resolution 3029 A (XXVII) of 18 December 1972 and decide to convene the first session of the Third United Nations Conference on the Law of the Sea in New York from 3 to 14 December 1973 inclusive for the purpose of dealing with matters relating to the organization of the Conference, including the election of officers, the adoption of the agenda and the rules of procedure of the Conference, the establishment of subsidiary organs and the allocation of work to these organs and any other purpose within the scope of its mandate;

(b) Decide to convene the second session of the Conference, for the purpose of dealing with the substantive work of the Conference, for a period of 10 weeks from 20 June to 29 August 1974 at Caracas, and, if necessary, to convene not later than 1975 any subsequent session or sessions as may be decided upon by the Conference and approved by the General Assembly, bearing in mind that the Government of Austria has offered Vienna as the site for the Conference in 1975;

(c) Request the Secretary-General to provide summary records in accordance with paragraph 10 of resolution 3029 A (XXVII);

(d) Decide that the Secretary-General of the United Nations shall be the Secretary-General of the Conference and authorize him to appoint a special representative to act on his behalf and to make such arrangements - including recruitment of necessary staff, taking into account the principle of equitable geographical representation - and to provide such facilities as may be necessary for the efficient and continuous servicing of the Conference, utilizing to the fullest extent possible the resources at his disposal.

3. In his statement (A/C.5/1541), the Secretary-General pointed out, with respect to the first session of the Conference that would be convened at New York, that, owing to the requirements of the General Assembly, the Conference could only be accommodated if the General Assembly were to schedule its work so as to take into account the requirements of the Conference. On that understanding, no additional financial requirements would arise.

4. With regard to the second session of the Conference, the Secretary-General recalled the understanding reached by the First Committee at its 1937th meeting, on 25 October 1973, to the effect that the costs to be absorbed by the Government of the host country would represent the difference between holding the Conference at Caracas and holding it at Geneva, where it would normally have taken place. Accordingly, the Secretary-General's estimates were based on the costs of holding the Conference at Geneva and amounted to \$1,495,000 comprising \$1,282,000 for the recruitment, on a temporary assistance basis, of the necessary conference servicing staff, \$33,000 for the contractual translation, typing and reproduction of pre-session documentation, \$81,000 for the travel and subsistence of Chinese language staff, and \$99,000 for the travel and subsistence of 32 substantive staff members. Additionally, the Secretary-General estimated at \$475,000 the costs of editing, copy preparation and printing the documents of the Conference.

5. In connexion with the secretariat of the Conference, the Secretary-General indicated that the requirements for the unit headed by the Special Representative were estimated at 14 posts in the Professional category and above and 11 in the General Service category (one G-5, 10 other levels), in addition to the posts authorized for 1973 and tentatively provided for a period of six months in the proposed programme budget for 1974-1975 (one Under-Secretary-General, one P-2, one G-5). The related salary and common staff costs for the biennium 1974-1975 were estimated at \$987,000. The Secretary-General further indicated that additional

provisions would be required during the forthcoming biennium in the amounts of \$50,000 for travel, \$100,000 for consultant services in those areas where such assistance could not be provided from existing Secretariat resources, and \$166,000 in connexion with the provision of office space, furniture and equipment, as well as communications, stationery and office supplies and related costs for the Conference secretariat.

6. Summarizing the estimated requirements, the Secretary-General stated that total appropriations that would be needed for the biennium 1974-1975 in the event the draft resolution were adopted would amount to \$3,273,000 comprising \$1,495,000 related to the second session of the Conference on the basis of what it would cost were it held at Geneva, \$475,000 for the printing of the documents of the Conference and \$1,303,000 related to the Conference secretariat. Having regard to the amount of \$986,000 provisionally approved in first reading by the Fifth Committee at its 1567th meeting, on 3 October 1973, an additional appropriation of \$2,287,000 would be required under section 3 of the programme budget for the biennium 1974-1975.

7. The proposed programme budget for the biennium 1974-1975, includes, under section 34 (Staff assessment) an estimate of \$137,000 related to the Third United Nations Conference on the Law of the Sea and its secretariat, offset by an estimate of income in the same amount under income section 1 (Income from staff assessment). As a result of the increased requirements detailed in his statement, the Secretary-General indicated that the revised total estimate of staff assessment would amount to \$544,000. Bearing in mind the amount of \$137,000 already approved in first reading, an additional appropriation of \$407,000 would be required under section 34, offset by an equal amount under income section 1.

8. In its report (A/9008/Add.10), the Advisory Committee on Administrative and Budgetary Questions pointed out that the First Committee, at its 1948th meeting on 6 November 1973, subsequent to the preparation of the Secretary-General's statement (A/C.5/1541), had decided to change in the draft resolution the dates for the second session of the Conference to 20 June-29 August 1974. As a consequence of this decision and because of the shortage of language staff during the first three weeks of the session, some curtailment of the services on which the financial implications were based was inevitable. This curtailment would result in a reduction of the estimated costs by \$85,000.

9. With regard to the Conference secretariat, the Advisory Committee indicated that, while it was aware that General Assembly resolutions 2749 (XXV) and 2750 C (XXV) of 17 December 1970 refer to the future establishment of permanent international machinery, the Advisory Committee was of the opinion that funds appropriated at this point should be for the substantive servicing of the Conference and not for the creation of a nucleus for permanent international machinery. The creation of such machinery, in the view of the Advisory Committee, could only be decided by the General Assembly on the recommendation of the Conference itself. For this reason, the Advisory Committee recommended that the number of additional posts to be provided on a temporary assistance basis for the Conference secretariat be limited to 9 Professional and 4 General Service (2 D-1, 3 P-5, 2 P-4/3, 2 P-2, 1 G-5 and 3 G-4/3), on the understanding that the senior posts would be reserved for substantive (non-administrative) staff. This recommendation would result in a reduction of \$304,000. Further reductions were recommended by the

Advisory Committee in respect of consultants (\$20,000) and in respect of travel (\$10,000) as well as in respect of the editing, copy preparation and printing of documentation (\$100,000). The total reduction recommended by the Advisory Committee, to be applied to the Secretary-General's estimated requirements under section 3 of the programme budget, would therefore amount to \$519,000.

10. As a consequence of the recommended reduction for the Conference secretariat, a reduction of \$49,000 would result in the estimates for staff assessment under section 34 of the budget, and the same reduction in the estimate of income from staff assessment under income section 1.

#### Proceedings in the Fifth Committee

11. In the ensuing debate on the recommendations of the Advisory Committee, most of the representatives who spoke said that they could not support those recommendations. In their view, the proposed Conference would be one of the most crucial importance, dealing with issues of unparalleled complexity in which a significant investment had already been made by the Organization and individual Member States. The success of the Conference should not be jeopardized by providing it with a substantive staff that might prove inappropriate to its needs. Other delegations supported the recommendations of the Advisory Committee and expressed concern that the staffing resources requested by the Secretary-General might have been based on the possible need to establish a nucleus for a permanent international machinery.

12. In responding to questions on this last point, the representative of the Secretary-General, at the 1600th meeting on 15 November 1973, assured the Committee that the request for staff was directly related to the requirement of servicing the Conference during the biennium and that no additional staff had been requested for future international machinery.

13. The Fifth Committee noted with particular interest the statement by the representative of the Secretary-General to the effect that there was no plan at present to create a nucleus of staff as a basis for the establishment in the future of possible international machinery referred to in the Secretary-General's statement (A/C.5/1541). The Fifth Committee also trusts that the Secretary-General will review his requirements for the special secretariat of the Conference so as to achieve savings under the related staff costs.

14. The Fifth Committee by 60 votes to 20, with 1 abstention, decided to amend the recommendation of the Advisory Committee, contained in paragraph 10 of its report, by restoring an amount of \$434,000 to the reduction recommended by the Advisory Committee.

15. Some delegations raised the question of the possible sharing in the costs of the Conference by non-Member States that would be invited to participate in the Conference. A number of delegations felt that it would be proper to call upon such States to contribute towards the costs involved, particularly since several of them were in a financial position to do so. Other delegations disagreed, particularly bearing in mind the financial difficulties of such States as Guinea-Bissau and the Democratic Republic of Viet-Nam.

#### RECOMMENDATIONS OF THE FIFTH COMMITTEE

16. In connexion with operative paragraph 7 of the draft resolution of the First Committee (A/9278 and Corr.1 and 2, para. 20), the Fifth Committee recommends that should the draft resolution be adopted by the General Assembly, the States non-members of the United Nations to be invited to participate in the Third United Nations Conference on the Law of the Sea be invited to give consideration to contributing to the expenses of the Conference on the basis of the rates determined for this purpose by the General Assembly.

17. The Fifth Committee decided, by 68 votes to 9, with 9 abstentions, to inform the General Assembly that, should it adopt the draft resolution recommended by the First Committee, an additional appropriation of \$2,202,000 would be required under section 3 of the budget for the biennium 1974-1975, together with an additional amount of \$407,000 under section 34 (Staff assessment), which would be offset by an increase in the same amount under income section 1.

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