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Administrative and budgetary co-ordination of the United
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REPORT OF THE FIFTH COMMITTEE (A/8607)

AGENDA ITEM 82

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REPORT OF THE FIFTH COMMITTEE (A/8629)

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REPORT OF THE FIFTH COMMITTEE (PART II)
(A/8608/ADD.1)

AGENDA ITEM 85

Report of the United Nations Joint Staff Pension Board

REPORT OF THE FIFTH COMMITTEE (A/8628)

1. Mr. RAMBISSOON (Trinidad and Tobago) Rapporteur
of the Fifth Committee: I have the honour to present the
reports of the Fifth Committee on agenda items 75, 79 (d),
81, 82, 83 and 85.

2. Recommendations by the Fifth Committee for the
adoption of supplementary estimates for the financial year

* Resumed from the 2023rd meeting.

** Resumed from the 2024th meeting.

President: Mr. Adam MALIK (Indonesia).

AGENDA ITEM 75

Supplementary estimates for the financial year 1971

REPORT OF THE FIFTH COMMITTEE (A/8610)

1971, item 75 of the agenda, in the sum of \$US 194,627,800 are set out in draft resolution A, paragraph 15 of document A/8610. This is followed by draft resolution B, on income estimates for the same year, in the sum of \$US 32,255,500.

3. Agenda item 79, which deals with the appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly, in the context of the Fifth Committee, consists of six subitems; five of these have already been decided upon and the sixth, concerning the Investments Committee, is dealt with in document A/8464. The Secretary-General's appointments of members of that Committee, set out in paragraph 3 of this document, are commended for confirmation by the Assembly.

4. The report on agenda item 81 is contained in document A/8607. The Committee's decision and recommendation are contained in paragraphs 9 and 10 of that document.

5. Agenda item 82 is dealt with in four parts in document A/8629. The decisions of the Committee concerning the activities of the Joint Inspection Unit in 1970-1971 are set out in paragraph 7, and on the question of the form of presentation of the budget in paragraphs 13 and 14. The draft resolution and its annex in paragraph 15 of the same document are also recommended for adoption by the General Assembly.

6. In paragraph 3 of document A/8608/Add.1 the Fifth Committee has recommended for adoption its draft resolution on agenda item 83, concerning a report by the Joint Inspection Unit on the recurrent publications of the United Nations.

7. The recommendations of the Fifth Committee in connexion with agenda item 85 are set out in four parts in paragraph 5 of document A/8628. The draft resolution proposes decisions on: first, amendment of the regulations of the Fund; second, application of the regulations, as amended, to participants and former participants in the Fund; third, adjustment of benefits in respect of cost-of-living changes; and fourth, administrative expenses.

8. The Fifth Committee hopes that its decisions and recommendations on all the items presented here will be unanimously approved by the General Assembly.

Pursuant to rule 68 of the rules of procedure it was decided not to discuss the reports of the Fifth Committee.

9. The PRESIDENT: We shall take up first the report of the Fifth Committee [A/8610] on agenda item 75.

10. We shall now vote on the draft resolutions recommended by the Fifth Committee in paragraph 15 of its report. Draft resolution A relates to budget appropriations for the financial year 1971.

Draft resolution A was adopted by 92 votes to 10, with 4 abstentions (resolution 2882 A (XXVI)).

11. The PRESIDENT: Draft resolution B deals with income estimates for the financial year 1971. Since the

Fifth Committee adopted draft resolution B unanimously, may I take it that the Assembly wishes to do likewise?

Draft resolution B was adopted (resolution 2882 B (XXVI)).

12. The PRESIDENT: We turn now to the report of the Fifth Committee [A/8464] on agenda item 79 (d). The draft resolution recommended by the Fifth Committee appears in paragraph 3 of its report.

13. If I hear no objection I shall take it that the General Assembly adopts the draft resolution.

The draft resolution was adopted (resolution 2883 (XXVI)).

14. The PRESIDENT: We shall now consider the report of the Fifth Committee [A/8607] on agenda item 81.

15. I invite members to turn their attention to the recommendation of the Fifth Committee in paragraph 9 of its report. May I take it that the General Assembly approves that recommendation?

It was so decided.

16. The PRESIDENT: The draft resolution recommended by the Fifth Committee appears in paragraph 10 of its report. If I hear no objection I shall take it that the Assembly adopts the draft resolution.

The draft resolution was adopted (resolution 2884 (XXVI)).

17. The PRESIDENT: The Assembly will now take up the report of the Fifth Committee [A/8629] on agenda item 82.

18. I invite representatives to turn to the decisions of the Fifth Committee in paragraph 7 of the report. If I hear no objection I shall take it that the General Assembly takes note of those decisions.

It was so decided.

19. The PRESIDENT: The General Assembly will now turn to the recommendations of the Fifth Committee in paragraph 13 of its report. If there is no objection I shall take it that the Assembly approves those recommendations.

It was so decided.

20. The PRESIDENT: The General Assembly will now vote on the draft resolution recommended by the Fifth Committee in paragraph 15 of its report.

The draft resolution was adopted by 105 votes to none, with 1 abstention (resolution 2885 (XXVI)).

21. The PRESIDENT: The General Assembly will now vote on the draft resolution in paragraph 3 of part II of the Fifth Committee's report [A/8608/Add.1] on agenda item 83.

22. If there is no objection I shall take it that the General Assembly adopts the draft resolution.

The draft resolution was adopted (resolution 2886 (XXVI)).

23. The PRESIDENT: The Assembly will now take up the report of the Fifth Committee [A/8628] on agenda item 85.

24. I shall put to the vote the draft resolution recommended by the Fifth Committee in paragraph 5 of the report.

The draft resolution was adopted by 97 votes to 10 (resolution 2887 (XXVI)).

AGENDA ITEM 84

Personnel questions (*concluded*):*

(a) Composition of the Secretariat: report of the Secretary-General

(b) Other personnel questions

REPORT OF THE FIFTH COMMITTEE (PART II) (A/8604/ADD.1)

AGENDA ITEM 12

Report of the Economic and Social Council (*concluded*)**

CHAPTERS XXI AND XXII: REPORT OF THE FIFTH COMMITTEE (A/8613)

25. Mr. RAMBISSOON (Trinidad and Tobago), Rapporteur of the Fifth Committee: On behalf of the Fifth Committee, I should now like to present its reports on agenda items 84 and 12.

26. At the previous presentation of the reports of the Fifth Committee to the General Assembly [2023rd meeting], part I, on personnel questions, dealing with the composition of the Secretariat, was presented. In part II of the report on the same question, contained in document A/8604/Add.1, five aspects of the subject are considered. They are: (a) Report of the Joint Inspection Unit on personnel problems of the United Nations—which, incidentally, received only limited consideration by the Committee; (b) Staff training—under which the question of the staff college was considered; (c) Amendments to the Staff Regulations of the United Nations—to provide for the salary change of the Administrator of the United Nations Development Programme and periodic salary increments to staff of the professional and higher categories; (d) Implementation of General Assembly resolution 2480 B (XXIII)—which is essentially about the implementation of language incentive schemes; and (e) Amendments to the Staff Rules of the United Nations—consequential on changes in the aforementioned subjects.

27. The decisions and recommendations of the Fifth Committee on those various aspects of personnel questions are collectively set out in paragraphs 32-34 of the report.

28. Those sections of the report of the Economic and Social Council which require the consideration of the Fifth Committee under agenda item 12 are reported on in document A/8613. The Committee's decision and its recommendations to the General Assembly are set out in paragraphs 2 and 3 of the report.

29. The decisions and recommendations of the Fifth Committee on these items are presented for the consideration of the Assembly.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.

30. The PRESIDENT: The Assembly will take up, first, part II of the Fifth Committee's report [A/8604/Add.1] on agenda item 84, concerning personnel questions.

31. An amendment has been submitted in document A/L.669 and I call on the representative of Canada to introduce it.

32. Mr. BEAULNE (Canada) (*interpretation from French*): The amendment [A/L.669] to the draft resolution which appears in paragraph 33 of document A/8604/Add.1 was proposed by the delegations of Canada, France and Tunisia—now joined by the delegation of Belgium.

33. This is the point involved here. Paragraph 1 (b) (ii) of resolution 2480 B (XXIII) of the Assembly provides that as of 1 January 1972 an adequate and confirmed knowledge of a second official United Nations language would make possible more rapid progress through the within-grade steps from P-1 to D-2. The Secretary-General therefore proposed to the twenty-sixth session, with the support of the Fifth Committee, that the staff regulations be amended as of 1 January 1972, in other words, in a few days, and that the interval between two promotions should be reduced to 12 months where geographical distribution applies, for those who have an adequate and confirmed knowledge of a second official United Nations language.

34. As a sponsor of the draft resolution which became resolution 2480 B (XXIII), my delegation supports these measures which encourage United Nations staff to learn the official languages of the Organization. The Canadian delegation, however, was somewhat surprised at the interpretation given by the Fifth Committee to paragraph 1 (b) (ii) of the resolution that I have already cited. On 14 December 1971 the Under-Secretary-General, Director of Personnel, informed the Fifth Committee that in pursuance of paragraph 1 (b) (ii) of resolution 2480 B (XXIII) the Secretary-General had the intention of taking account in each case of the duration of the service of the staff member before 1 January 1972 and his within-grade level.

35. Thus a qualified staff member who on 1 January 1972 had already been at a certain level for 10 months, would immediately proceed to the next level, and not as of 1 March. But the Advisory Committee on Administrative and Budgetary Questions has given a different interpretation of paragraph 1 (b) (ii) of resolution 2480 B (XXIII), according to which any qualified staff member who on 1 January 1972 had been at a given level for 10 months would proceed to the following level on 1 March 1972, in

* Resumed from the 2023rd meeting.

** Resumed from the 2027th meeting.

other words, at the normal time; and it is only at that time, as of the date of his first periodic increase after 1 January 1972, that the provision in paragraph 1 (b) (ii) would come into play. He would therefore have his first accelerated promotion on 1 January 1973, in other words, the interpretation of the Advisory Committee on Administrative and Budgetary Questions would lead to a postponement by one year of the promotion which the staff members could have expected for 1 January 1972.

36. Despite the fact that the Advisory Committee admitted that it was not sure that its interpretation was in keeping with the intentions of the General Assembly,¹ the Fifth Committee nevertheless agreed, when only 67 delegations were present in the conference room, to recommend that the measures set out in resolution 2480 B (XXIII) should be applied by the Secretary-General, according to the interpretation advanced by the Advisory Committee.

37. The Canadian delegation believes that the Fifth Committee's decision to adopt the interpretation of the Advisory Committee postpones the implementation of resolution 2480 B (XXIII) from 1 January 1972 to 1 January 1973. This postponement would be contrary to the expectations of staff members who have been enrolled in language courses in order to qualify for accelerated promotion as of 1 January 1972. It would also be contrary to the wishes of the General Assembly, a possibility which the Advisory Committee seems to admit when it says that it is not sure whether its interpretation follows the intentions of the General Assembly.

38. Resolution 2480 B (XXIII) was intended to increase the linguistic capacity of the Secretariat. Given this fact, it is difficult to see how an interpretation which discourages staff members who have worked to qualify for accelerated promotion can be considered preferable to one which rewards them with such promotion.

39. Accordingly, the Canadian delegation with others has circulated an amendment [A/L.669] to the draft resolution requesting the Secretary-General to apply the staff regulations as amended and which conform with resolution 2480 B (XXIII), taking into account in each case the staff member's length of service prior to 1 January 1972 at his present within-grade step.

40. This amendment confirms the proposal which the Secretary-General made to this session, and is in accordance with the expectations of the United Nations staff that has worked to learn a second language. In addition, it is completely in accord with the spirit of resolution 2480 B (XXIII). Adoption of the Canadian amendment will not result in any increase in the 1972 budget estimates, since the Advisory Committee on Administrative and Budgetary Questions reports that "irrespective of the interpretation given to paragraph 1 (b) (ii) . . . the financial implications can be absorbed within the total amount available in each of the four sections affected . . .".²

41. Thus the amendment is in accord with the spirit of the resolution; it does not entail any budgetary implications; it

is in accord with the interpretation given by the Secretary-General and in conformity with the expectations that United Nations staff has placed in the interpretation of resolution 2480 B (XXIII). It would therefore ensure that justice is done to the United Nations staff and that the programme to improve the linguistic capacity of the Secretariat, begun at the twenty-third session, is carried through successfully.

42. I would venture to hope that the majority of delegations present here would wish to adopt this amendment and thus rectify the interpretation given by the Fifth Committee.

43. Mr. NAUDY (France) (*interpretation from French*): It was with great willingness that the French delegation sponsored the amendment [A/L.699] proposed by the delegations of Canada, Tunisia and Belgium.

44. After the eloquent statement of the representative of Canada, who explained perfectly the reasons for and the purposes of our joint action, the French delegation finds it unnecessary to go into any great detail on this matter. The facts speak for themselves.

45. However, the French delegation wishes to stress that this amendment is intended both to correct an anomaly and to reverse a decision that would jeopardize the interests of staff members.

46. First, the anomaly. It resides in the fact that the choice of the Fifth Committee between two possible interpretations—I say the "choice", because the Advisory Committee gave the Fifth Committee the choice between possible alternative interpretations with regard to the date of the application of paragraph 1 (b) (ii) of General Assembly resolution 2480 B (XXIII)—has been exercised contrary to the spirit of that resolution. The purpose of this resolution of which the French delegation was a sponsor, is to redress flagrant linguistic imbalances existing in the Secretariat. Now, as was pointed out by the representative of Canada, the Fifth Committee's interpretation, far from strengthening implementation of the resolution, weakens it. Instead of stimulating staff members, it discourages them; I would even say that it penalizes them.

47. Furthermore—and I come now to my second point—it runs counter to the intentions already expressed by the Secretary-General, which were recalled and stressed by the Director of Personnel before the Fifth Committee at the 1461st meeting and on which staff members based themselves when learning or improving a second language.

48. This interpretation is without a doubt detrimental to the interests of staff members and constitutes a kind of injustice. Is this the right way to apply a resolution; to take measures conducive to the opposite results from those aimed at? The French delegation believes this way of applying a resolution to be all the worse because—I must stress this point once again—the Advisory Committee had given the Fifth Committee a choice.

49. Furthermore, even if we take a strictly budgetary point of view, the additional expense entailed in the application of this provision would be covered within the

¹ See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 8A*, document A/8408/Add.20, para. 4.

² *Ibid.*, para. 6.

limits of the appropriations requested in the budget estimates, whatever interpretation is placed upon it.

50. That is why the French delegation has the honour of appealing to the Assembly to adopt the amendment.

51. Mr. NAITO (Japan): With regard to the amendment submitted by Belgium, Canada, France and Tunisia, which proposes insertion of the new paragraph contained in document A/L.669 in the report of the Fifth Committee, my delegation wishes to draw the Assembly's attention to the fact that this amendment is in substance concerned with a matter already decided upon by the Fifth Committee—that is, the matter of the timing of the application of paragraph 1 (b) (ii) of resolution 2480 B (XXIII), which provides for accelerated salary increments for staff who have confirmed knowledge of a second language. In other words, it is not a new proposal in the normal sense.

52. With respect to this matter, and with a view to implementing accelerated salary increments at an early stage, the Secretary-General offered his interpretation of this resolution to the effect that a qualified staff member who at 1 January 1972 had already served 10 months at a particular step would move to the next step immediately. However, the Advisory Committee on Administrative and Budgetary Questions indicated an alternative interpretation, contained in document A/8408/Add.20. According to this interpretation, a qualified staff member with 10 months' service at a particular step on 1 January 1972 would move to the next step on 1 March—that is, after the normal period. Only then—that is, from the date of his first incremental step after 1 January 1972—would the mechanism of paragraph 1 (b) (ii) come into play.

53. In the Fifth Committee my delegation supported the Advisory Committee's interpretation as the legally correct one because, according to the Secretary-General's interpretation, this particular measure, as provided in resolution 2480 B (XXIII), could have retroactive effect. The Fifth Committee discussed this matter fully and heard the views of the representatives of the Secretary-General as well as those of the Chairman of the Advisory Committee. Subsequently a vote was taken on this matter at the 1485th meeting, on 15 December. The result was that the Fifth Committee approved, by a vote of 33 in favour to 20 against with 14 abstentions, the interpretation of timing in the application of paragraph 1 (b) (ii) of resolution 2480 B (XXIII) given by the Advisory Committee.

54. This is clearly reflected in paragraph 27 of the report of the Fifth Committee [A/8604/Add.1]. The amendments presented by Canada and three other sponsors, if accepted, would have the effect of nullifying and revoking the earlier decision of the Fifth Committee and would in effect approve the Secretary-General's interpretation. In other words, this amendment is tantamount to proposing reconsideration of the decision reached by the Fifth Committee.

55. Therefore, my delegation is strongly opposed to this amendment, and moreover we are of the view that according to rule 83 of the rules of procedure of the General Assembly a decision by a two-thirds majority would be required on whether or not the General Assembly should consider this amendment.

56. Mr. GUPTA (India): First and foremost, my delegation would like to endorse whole-heartedly the statement just made by the representative of Japan.

57. At the twenty-third session of the General Assembly, my delegation, along with a very large number of other delegations, voted in favour of resolution 2480 B (XXIII). Therefore, we should like to make it completely clear that in opposing this amendment we are not opposing the policy laid down in that resolution. We feel that there is a complete and total contradiction between the resolution and the amendment. Operative paragraph 1 (b) (ii) of resolution 2480 B (XXIII) says that the resolution will be implemented with effect from 1 January 1972. The implementation has to be viewed in totality and not in part. There are two parts of this total aspect: one is the length of service and the other is the financial gratification after knowledge of a second language has been confirmed. When the resolution says that it will be implemented from 1 January 1972, the first part is as important as the second part. The length of service shall therefore automatically and necessarily commence after 1 January 1972. The net result would be that the financial gratification would be payable in November 1972.

58. My delegation completely endorses the alternative interpretation given by the Advisory Committee in its report on the subject [A/8408/Add.20] which was accepted in the Fifth Committee by a vote of 33 in favour to 20 against, with 14 abstentions. In our intervention in the Fifth Committee on this subject, we said that because there was a Salary Review Committee which was working now and which was going into all these matters rather comprehensively, the question of the implementation of this resolution—and I reiterate, we do not question the policy that is contained in it—should be postponed until next year. However, in deference to the strongly held views of certain delegations, we agreed not to press this to a vote and we did not put forward the suggestion.

59. I would therefore only request those delegations which are now putting forward this amendment to show an equal spirit of compromise. We accept the policy and we accept the literal interpretation of that resolution, the proper interpretation of that resolution, whereby the financial gratification will be available as of 1 November 1972. There is no question about it, and in the meantime, on the basis of the recommendation of the Salary Review Committee, the General Assembly will be able to look at the whole matter comprehensively.

60. I began by saying that I whole-heartedly endorsed the comments of the representative of Japan. The concluding portion of his comments related to Article 18 of the Charter. This is a budgetary question. The Fifth Committee has taken a decision and I would presume that to reverse it a two-thirds majority would be required.

61. The PRESIDENT: May I invite representatives to turn their attention to the decision of the Fifth Committee in paragraph 32 of its report [A/8604/Add.1]?

62. May I take it that the General Assembly takes note of that decision?

It was so decided.

63. The PRESIDENT: The Assembly will now vote on the draft resolution recommended by the Fifth Committee in paragraph 33 of its report and on the amendment submitted thereto in document A/L.669.

64. In accordance with rule 92 of the rules of procedure, we shall first vote on the amendment and then on the draft resolution, amended or not.

65. Mr. GUPTA (India): I am sorry to speak again, but I understand that the General Assembly has just approved paragraph 32 of the report of the Fifth Committee. That being the case, I do not see how this amendment can or should be put to the vote.

66. The PRESIDENT: The amendment in document A/L.669 was submitted in connexion with paragraph 33 of the report. Therefore, the amendment stands and I have to put it to the vote.

67. Mr. BEAULNE (Canada) (*interpretation from French*): The question that arises in the General Assembly is whether the interpretation just given by the representative of India is accepted by the President, or whether we are simply going to vote on the amendment. Otherwise, I shall have to refute the allegations of the representative of India.

68. The PRESIDENT: I intend to put to the vote the amendment contained in document A/L.669.

69. Mr. GUPTA (India): I have absolutely no intention of challenging the President's ruling, if indeed he did make a ruling. The whole issue before the Fifth Committee was which interpretation the Fifth Committee decided to adopt. There was an interpretation provided by the Secretary-General and there was an interpretation provided by the Advisory Committee. The matter was put squarely before the Fifth Committee. The Fifth Committee chose the interpretation of the Advisory Committee.

70. Mr. President, unless my ears completely betray me, less than three minutes ago we were considering paragraph 32 of document A/8604/Add.1, and you asked whether there was any objection on the part of the Assembly to that paragraph. Nobody said anything and paragraph 32 was agreed to. Paragraph 32 endorses the interpretation of the Advisory Committee. That is what the amendment seeks to question. I am not trying to oppose having this amendment put to the vote. But procedurally we have already rejected the amendment unanimously by accepting paragraph 32.

71. Furthermore, the representative of Japan and my delegation did ask a question: Does Article 18 of the Charter apply or not?

72. The PRESIDENT: I call on the Under-Secretary-General, Mr. Stavropoulos.

73. Mr. STAVROPOULOS (Under-Secretary-General for General Assembly Affairs): Regarding the effect of the adoption of document A/L.699 and whether it needs a two-thirds majority or not, I wish to read the following statement:

“In paragraph 6 of its report on this question [A/8408/Add.20] the Advisory Committee on Administrative and

Budgetary Questions expressed the view that, irrespective of the interpretation to be given to paragraph 1 (b) (ii) of General Assembly resolution 2480 B (XXIII), the additional resources which might be required could be absorbed within the total amount available under the various sections of the budget which would be affected. Accordingly the Secretary-General, in the event of the adoption of the amendment which has been proposed, would not seek an additional appropriation to cover the extra costs which would be involved. On the basis of this, it does not appear that Article 18 is involved, in so far as the Secretary-General is not going to seek an additional appropriation to cover the extra costs which would be involved.”

74. The PRESIDENT: I shall now put the amendment [A/L.669] to the vote.

The amendment was adopted by 46 votes to 30, with 28 abstentions.

75. The PRESIDENT: I shall now put to the vote the draft resolution as amended, in paragraph 33 of the report [A/8604/Add.1].

The draft resolution, as amended, was adopted by 99 votes to 2, with 7 abstentions (resolution 2888 (XXVI)).

76. Mr. GUPTA (India): The amendment has been accepted. I acknowledge that. When the Under-Secretary-General and Legal Counsel has a little more time to consider in detail the proceedings of this afternoon's meeting, I shall be most grateful if the Secretariat is given proper advice. Paragraph 32 was adopted unanimously. This amendment has been adopted by a much smaller vote, and the two are absolutely and totally contradictory.

77. The PRESIDENT: I invite Members to turn to the recommendations of the Fifth Committee in paragraph 34 of its report [A/8604/Add.1]. May I take it that the General Assembly approves those recommendations?

It was so decided.

78. The PRESIDENT: We turn now to the report of the Fifth Committee [A/8613] on agenda item 12, relating to chapters XXI and XXII of the report of the Economic and Social Council [A/8403], which were referred to the Committee. The recommendations of the Fifth Committee appear in paragraph 3 of its report. If I hear no objection, I shall take it that the Assembly decides to adopt those recommendations.

It was so decided.

CHAPTERS I, II, XXIII AND XXIV

79. The PRESIDENT: We turn now to the parts of the report of the Economic and Social Council which have been referred directly to the Assembly. I refer to chapters I, II, XXIII and XXIV, concerning primarily non-governmental organizations and organizational questions. May I take it that it is the wish of the General Assembly to take note of those parts of the report of the Economic and Social Council?

It was so decided.

AGENDA ITEM 66**Question of Namibia (*continued*):*****(d) Appointment of the United Nations Commissioner for Namibia**

80. The PRESIDENT: In his note in document A/8638/Add.1 the Secretary-General announces that he has withdrawn the nomination of Lord Caradon as United Nations Commissioner for Namibia for an initial period of one year. This item will be taken up again at tomorrow morning's meeting.

* Resumed from the 2028th meeting.

The meeting rose at 4.50 p.m.

