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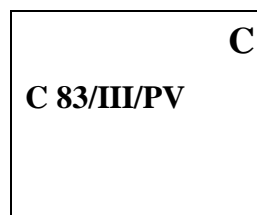
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conférence

ORGANISATION DES NATIONS UNIES POUR L'AUMENTATION ET L'AGRICULTURE

conferencia

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

Rome, 5-23 November 1983

**VERBATIM RECORDS OF MEETINGS OF COMMISSION III OF THE CONFERENCE
PROCES-VERBAUX DES SEANCES DE LA COMMISSION III DE LA CONFERENCE
ACTAS TAQUIGRAFICAS DE LAS SESIONES DE LA COMISION III
DE LA CONFERENCIA**

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(22 November 1983)

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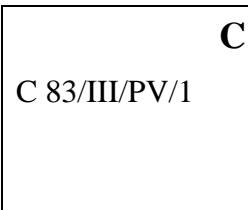
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Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

FIRST MEETING
PREMIERE SÉANCE
PRIMERA SESION
(16 November 1983)

The First Meeting was opened at 14.45 hours
T. Glaser, Chairman of Commission III, presiding

La première seance est ouverte à 14 h 45, sous la présidence de
T. Glaser, Président de la Commission III

Se abre la primera sesión a las 14.45 horas, bajo la presidencia de
T. Glaser, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES
PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

- A. Constitutional and Legal Matters
- A. Questions constitutionnelles et juridiques
- A. Asuntos constitucionales y jurídicos

LE PRESIDENT: Excellences, Mesdames, Messieurs, j'ai l'honneur de déclarer ouverte la première séance de la Commission III.

La Conférence dans sa plénière et dans ses Commissions I et II s'occupe des grands problèmes que le monde doit affronter dans le secteur de l'agriculture et de l'alimentation et cherche à trouver le meilleur chemin pour la FAO de s'acquitter de difficiles tâches qui lui sont confiées.

L'Organisation pour l'alimentation et l'agriculture est une institution technique, mais elle a aussi besoin d'une structure constitutionnelle et administrative. C'est de ces questions-là que notre Commission est appelée à s'occuper.

Si dans nos délibérations, nous tenons à rester dans l'esprit de ce cadre organisationnel, les cinq demi-journées qui nous sont attribuées devraient être suffisantes pour terminer nos travaux. Pour ma part, je vais m'efforcer de faire avancer nos discussions de manière expéditive et dans un esprit constructif. Cela nous sera encore facilité par l'assistance des deux excellents Vice-Présidents, l'Ambassadeur d'El Salvador, M. Ivo P. Alvarenga et Mme Fajeyisan du Nigéria.

A cet endroit je tiens aussi à vous remercier de m'avoir élu comme Président et de nous avoir ainsi témoigné votre confiance à mon pays et à moi-même.

L'ordre du jour de notre Commission a déjà été approuvé par la plénière. Parmi les documents, vous avez trouvé le document C 83/1-Rev.1; entre-temps, le Secrétariat nous propose une modification, un additif; je prie le Secrétaire de nous les expliquer ainsi que les documents qui y sont relatifs.

D.C. McLEAN (Secretary, Commission III): The agenda which was approved by the Conference and set out in document C 83/1-Rev.1 brings one addition and one amendment. The addition is Item 18.2, amendment to Rule XXXIX-3 of the General Rules of the Organization. The amendment is Item 21.4, that is the amendment to the Financial Regulations covering the External Audit Certificates.

The documents relating to the items of this Commission are set out in document C 83/INF/13. Since the issuance of that document, some further documents have been issued. There is C 83/LIM/19, which covers the Second Report of the Resolutions Committee. This is their clearance of the draft resolutions before this Commission for Items 18.2, 19, 20 and 21.4.

With regard to agenda Item 21.3 there are two further documents to those mentioned, that is C 83/LIM/13-Sup.1 and C 83/LIM/22.

LE PRESIDENT: Vous avez entendu cette modification.

J'aimerais encore dire, étant donné que quelques points de notre ordre du jour sont plutôt pour information et qu'il n'y aura donc pas de très longues discussions, que si cet ordre du jour prévu pour aujourd'hui était achevé, nous pourrions, si nous en avons encore le temps, continuer avec les points prévus pour les délibérations de demain.

Y a-t-il des commentaires au sujet de l'ordre du jour? Ce n'est pas le cas. J'en arrive au Comité de rédaction.

Il y a eu des contacts informels et je suis en mesure de vous proposer le Comité de rédaction pour la Commission III comme suit:

Comme Président, M. Tchicaya du Congo et comme membres l'Angola, l'Ethiopie, l'Indonésie, l'Iraq, l'Italie, la Nouvelle-Zélande, Panama, Sri Lanka, la Syrie, les Etats-Unis d'Amérique, le Venezuela et la Yougoslavie.

Y a-t-il des commentaires au sujet de la composition de ce Comité de rédaction?

Il en est ainsi décidé.

Au fur et à mesure de nos travaux vous serez informés des réunions du Groupe de rédaction. Nous pouvons ainsi commencer notre premier point sur l'ordre du jour, c'est-à-dire le point 17: Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs. Le Conseil juridique, M. Roche, va nous présenter ce point.

- 17. Statutory Report on Status of Conventions and Agreements and Amendments thereto
- 17. Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs
- 17. Informe reglamentario sobre el estado de las convenciones y acuerdos y de a los mismos

LEGAL COUNSEL: This item is one of those which is basically for information. As those of you who have attended previous sessions of the Conference will know, in accordance with Rule XXI.5 of the General Rules of the Organization, the Director-General reports to the Conference whenever a Convention, an Agreement, or Supplementary Convention or Agreement concluded under Article XIV of the Constitution comes into force or ceases to be in force, or has been amended and the amendments have come into force. In addition, in accordance with the Organization's well-established practice, the Director-General also informs the Conference of any developments which may have occurred in connection with agreements concluded between FAO and Member Nations under Article XV of the Constitution - that is, if there are any, but in fact there are none at the moment -; on treaties concluded outside the framework of FAO in respect of which the Director-General acts as depositary; and also, for the general information of the Conference, on the status of the Convention on the Privileges and Immunities of the Specialized Agencies in far as this Convention is applied to FAO by the various contracting parties.

The two documents which you have before you are C 83/10 and C 83/10 Sup.1. These two documents contain the relevant information on the status of the treaties to which I have just referred as of 10 October of this year. After this date the only developments which I would wish to report to you are, firstly, that the Government of Argentina has deposited an instrument of acceptance of the amendments to the International Plant Protection Convention. Secondly, zone amendments to the Plant Protection Agreement for the Asia and Pacific Region have been approved by the Council.

With regard to the amendments to the Plant Protection Agreement for the Asia and Pacific Region, the Commission which was established under this Agreement adopted certain amendments at its Thirteenth Session last April. These amendments had been prepared by the FAO Secretariat, at the request of that Commission. The amendments consist of an amendment to the definition of the region covered by that Agreement designed to include the People's Republic of China in the definition. There is also a further set of amendments which were prepared at the Commission's request, whereby the parties to that Agreement would make mandatory contributions, and when these amendments enter into force members of this Commission who so wish may contribute to the independent budget for this Commission in order to enhance its work in the region.

These amendments, both regarding the definition of the region and with regard to the mandatory contributions, were referred by the Director-General to the Committee on Constitutional Legal Matters, and then, following the review by that Committee, the amendments were submitted to the Council. This is in accordance with provisions of the Agreement itself.

By Resolution 1/84 the Council at its last Session approved the amendments which had been endorsed by the CCLM. Pursuant to article IX .4 of the Agreement, the amendment to the definition of the Region will come into force with respect to all contracting parties as from the thirtieth day after acceptance by two-thirds of the contracting governments.

On the other hand, the amendments relating to the mandatory contributions on the part of the contracting governments, since they involve additional obligations, will only enter into force on the thirtieth day after two-thirds have accepted them, and then individually for each other contracting party that accepts the amendments. Thus the mandatory contributions will not become binding on any government that does not wish to pay.

Finally, I think there is one point to which I should draw the attention of the Conference, and that is to the status of the International Plant Protection Convention. In that connection you will recall that in 1979 the Conference adopted certain amendments to that Convention. These were quite extensive amendments designed to improve the Convention and to bring it up to date, since it had originally been concluded in 1951. This revised text was circulated for acceptance by governments immediately after the Conference in 1979. At the time of adoption of the Resolution approving these amendments, the Conference particularly urged governments to accept them as soon as possible. This

exhortation was repeated in 1981 in the course of the last session of the Conference. I must draw your attention to the fact that at present we have still a long way to go before bringing this revised text into force. It will enter into force when approved by two-thirds of the parties. There are at present 83 parties to this Convention and the amended text has been accepted so far only by 33, and I am including Argentina whose instrument of acceptance was deposited earlier this week. Therefore, under the circumstances, before it can enter into force we need another 22 acceptances. I am sure the Conference will wish to repeat once more its appeal to those contracting parties that have not so far accepted the revised text, to do so as soon as possible.

I think that is all I have to report on this item. Of course I will be very glad to answer any queries that any delegation may have.

LE PRESIDENT: Merci Monsieur Roche. J'ouvre le débat sur ce point. La parole à la délégation de l'Autriche.

H. LAUBE: (Austria): If I may, I would like to take out the comments by the Legal Adviser and I would like to refer to the International Convention on Plant Protection in document C 83/10, paragraph 18. This is the agenda item and I would like to give some further information on this. The Convention which was ratified by Austria in 1952 is, at present, the subject of a process of investigation as is required by the Constitution, by the responsible authorities. In the foreseeable future it will be made public in the official gazette.

LE PRESIDENT: Merci de cette bonne nouvelle. Est-ce que d'autres délégations désirent prendre la parole? Ce n'est pas le cas. J'en déduis que la Commission a pris acte des documents et de l'introduction par le Conseil juridique, nous pouvons le mentionner dans notre rapport.

18. Other Constitutional and Legal Questions

18. Autres questions constitutionnelles et juridiques

18. Otras cuestiones constitucionales y jurídicas

18.1 Change in title of the Region from "Latin America" to "Latin America and the Caribbean", and similar changes in the title of the Regional Conference and the Regional Office

18.1 Changement de dénomination de la région "Amérique latine" en "Amérique latine et Caraïbes", et changement correspondant pour la Conférence régionale et le Bureau Régional

18.1 Cambio de la denominación de la Region "America Latina" en "América Latina y el Caribe", y cambios análogos en la denominación de la Conferencia Regional y la Oficina Regional

Nous passons au point suivant de notre ordre du jour, le point 18.1: Changement de dénomination de la région "Amérique latine" en "Amérique latine et Caraïbes", et changement correspondant pour la Conférence régionale et le Bureau régional.

M. Molle du Département du développement va nous présenter ce point.

A. MOLLE (Personnel de la FAO): Lors de la dix-septième Conférence régionale de la FAO pour l'Amérique latine, qui s'est tenue à Managua, au Nicaragua, du 30 août au 10 septembre 1982, un certain nombre de délégués ont proposé que la région de l'Amérique latine soit dénommée: "Région de l'Amérique latine et des Caraïbes", ceci afin de refléter les modifications intervenues dans la composition de cette région par l'admission d'un certain nombre de pays nouvellement membres de la FAO. La Conférence régionale a pris acte de cette proposition.

Le conseil, en sa 82ème session du 2 novembre au 3 décembre 1982, a examiné cette proposition et a marqué son accord. La région sera donc connue dorénavant comme région de l'Amérique latine et des Caraïbes, et la même qualification s'appliquera à la conférence régionale de la FAO et au bureau régional.

Dans son rapport, le Conseil a invité la Conférence à approuver ce changement.

Le document C 83/24 propose le changement de nom de la région et à la suite de ce qui vient d'être approuvé, de la Conférence régionale et du Bureau régional. Ce document est donc soumis à la Conférence pour examen et approbation. Je vous remercie, Monsieur le Président.

LE PRESIDENT: Merci Monsieur Molle. J'ouvre le débat. Le délégué du Salvador a la parole.

I.P. ALVARENGA (El Salvador): Esta resolución, este acuerdo, queremos destacar, como está expresado documento respectivo, que emana de una recomendación de la Conferencia Regional de América Latina y por consiguiente nuestro acuerdo no puede ser sino total con el mismo. Pero quisieramos aprovechar esta oportunidad para señalar el gran júbilo que nos ha causado en todo momento el ingreso de nuevos países en el área latinoamericana.

La bienvenida que hemos dado siempre a nuestros hermanos del Caribe no implica que no nos planteemos con alguna preocupación el problema que en nuestra región se está produciendo; pues en estos momentos son ya 33, si no me equivoco, los miembros, y en cambio tenemos solamente nueve asistentes en el Consejo. Tengo perfecta consciencia de que no es este momento el más adecuado para el tema, pero deseo dejar planteada nuestra inquietud y nuestro interés para que a la mayor brevedad los órganos competentes de la FAO se ocupen de esta situación referente a la distribución de los cargos para el Consejo de la Región de América Latina, ahora también del Caribe.

R.A. SUAREZ MELO (Colombia): La delegación de Colombia se complace en apoyar el cambio propuesto de América Latina por América Latina y el Caribe, e igualmente la propuesta del delegado de El Salvador.

J.R. LOPEZ PORTILLO ROMANO (México): Es un gran honor para el Grupo de América Latina y el Caribe apoyar este cambio de nominación de nuestra región para incluir así a los países del Caribe de habla inglesa, los cuales han sido reconocidos siempre, señor Presidente, como parte de nuestra región. Solicitamos por lo tanto que la Conferencia refrende los documentos C 83/LIM/19, C 83/LIM/13, suplemento 1 y C 83/LIM/22.

Señor Presidente, las decisiones de la Conferencia regional de Managua y del Consejo de nuestra Organización queremos respaldarlas aquí ampliamente. Esperamos que este cambio de nombre se traduzca en una mayor participación de los Estados del Caribe en las labores de la FAO, lo que sin duda será de gran utilidad para todos los países y regiones del mundo.

E.P. ALLEYNE (Trinidad and Tobago): Our delegation, as one of the English-speaking countries of the Latin America and Caribbean group, wishes to indicate our pleasure in respect of this particular matter before the Session. Sometimes people say that there is nothing in a name, but quite clearly in these particular circumstances there is considerable significance to be attached to the clear definition of the title which should be given to the countries in the region, that is, Latin America and the Caribbean. We assume that in all circumstances this is a matter for very easy passage.

We also wish to indicate our endorsement of the remarks made by the distinguished delegate from El Salvador.

V. SELVA (Nicaragua): La delegación de Nicaragua quisiera brevemente intervenir para recordar a la III Comisión que fue en la 17ª Conferencia Regional, celebrada en Managua (Nicaragua), del 30 de agosto al 10 de septiembre de 1982 que nuestra delegación presentó la propuesta de cambio de nombre, cuya propuesta fue aprobada en esa ocasión por la gran mayoría de las delegaciones presentes.

Por consiguiente, apoyamos formalmente nuestra propuesta y esperamos que la Conferencia no tenga inconveniente también para aprobarla.

LE PRESIDENT: Je vois que la parole n'est plus demandée. Je constate que cette modification du nom de la région est approuvée par tout le monde, plus particulièrement par ceux qui sont concernés. Nous avons aussi pris bonne note du désir exprimé par le délégué du Salvador, appuyé par plusieurs autres orateurs.

18.2 Amendment to Rule XXXIX-3 of the General Rules of the Organization

18.2 Amendement du paragraphe 3 de l'article XXXIX du Règlement général de l'Organisation

18.2 Enmienda del párrafo 3 del Artículo XXXIX del Reglamento General de la Organización

Nous pouvons passer au point suivant de l'ordre du jour qui est le point 18.2: Amendement du paragraphe 3 de l'article XXXIX du Règlement général de l'Organisation. M. Roche a la parole.

LEGAL COUNSEL: You have before you document C 83/LIM/15, which is an extract from the Report of the Eighty-fourth session of the Council, and C 83/LIM/19 which reproduces a resolution which has been through the Resolutions Committee.

The draft resolution, which contains an amendment to paragraph 3 of Rule XXXIX of the General Rules of the Organization, was prepared by the CCLM and endorsed by the Council at its last Session. The resolution proposes an amendment to Rule XXXIX.3 for the purpose of enabling the Director-General to apply certain recommendations adopted by the International Civil Service Commission. The recommendations are those which have been approved by the General Assembly of the United Nations and concern the salaries and allowances of staff in the professional and higher categories. Pursuant to the amendment to Rule XXXIX.3, the Director-General would be authorized to make the necessary amendments to the Staff Regulations to give effect to the recommendations.

The Conference will note that the Director-General is already empowered under paragraph 3 of Rule XXXIX to amend the Staff Regulations to give effect to decisions taken by the International Civil Service Commission. However, this authority does not at present extend to recommendations of that body. The Council considered that although any action taken by the General Assembly on personnel matters did not necessarily require FAO to take identical action, not to do so would be a deviation from what is called "the common system" whereby most of the Organizations of the UN system endeavour to keep the terms and conditions of employment of their staff as similar as possible.

Therefore the Council concluded that the Director-General should be authorized to apply immediately, and at his discretion, such recommendations made by the International Civil Service Commission and to report the action he has taken, or the fact that he has not followed the same line as that taken by the General Assembly, to the Finance Committee and, if necessary, to the Council.

I should repeat that the Director-General would not be bound to follow any policy adopted by the General Assembly upon recommendation by the International Civil Service Commission, but he would do this at his discretion. And if he felt that however desirable it was to keep FAO's Rules in line with those of the United Nations, the effect in FAO might conceivably be different, he could always refer the matter to FAO's governing bodies.

Anyway, the Commission has before it a draft resolution which contains the amendment to Rule XXXIX, paragraph 3, and also a consequential amendment to the Staff Regulations which would in fact do no more than reflect the authority given to the Director-General by the General Rules.

LE PRESIDENT: J'ouvre le débat. C'est un point qui a été pleinement appuyé par le Conseil, je vois que ce n'est plus nécessaire d'en discuter de nouveau.

Je constate donc que la Commission l'approuve et approuve notamment la résolution qui nous est proposée dans le document C 83/LIM/15.

B. Administrative and Financial Matters

B. Questions administratives et financières

B. Asuntos administrativos y financieros

19 Audited Accounts

19. Comptes vérifiés

19. Cuentas Comprobadas

LE PRESIDENT: Ainsi nous avons épuisé l'ordre du jour prévu pour aujourd'hui, mais comme je l'ai dit au début, pour ne pas gaspiller notre temps et pour faire éventuellement quelques réserves si cela devait s'avérer nécessaire plus tard, je propose de continuer et de nous attaquer au point 19 de l'ordre du jour, c'est-à-dire "Les Comptes vérifiés".

M Crowther, Sous-directeur général, Département de l'Administration et des finances, va nous présenter ce point

D.K. CROWTHER (Assistant Director-General, Administration and Finance Department): The Commission has before it a number of documents that relate to the financial statements and audited accounts. They include for the Regular Programme for the years 1980-81, document C 83/5; for the UNDP Programme for 1981, document C 83/6, and for the World Food Programme for 1981, document C 83/7.

These accounts and reports have been reviewed in depth by the Finance Committee at its Fiftieth session and by the Council at its Eighty-second session. The comments of both sessions are to be found in document CL 82/REP, paragraphs 144 and 151, as well as in the Conference document, C 83/LIM/4, which is before the Commission.

In all cases, the Council has noted the comments of the External Auditor and has endorsed the steps taken by the Director-General with regard to the External Auditor's observations.

In accordance with Financial Regulation XI and 12.10, these accounts are to be approved by the Conference. A draft resolution is contained in document C 83/LIM/4 which is now before the Conference for its consideration and adoption.

If there are any questions concerning these accounts, I would be happy to entertain them.

LE PRESIDENT: Merci M.Crowther pour votre introduction, j'ouvre le débat sur le point. La délégation suisse a la parole.

A. von GRAFFENRIED (Suisse): C'est avec intérêt que nous avons pris connaissance des trois rapports du Commissaire aux comptes. Nous tenons à rendre hommage à M. Gordon Downey et à ses collaborateurs pour leur travail tout à fait exemplaire. La délégation suisse qui a toujours attaché beaucoup d'importance au renforcement de l'évaluation des activités de la FAO est reconnaissante pour le contrôle effectué et les recommandations contenues dans ces documents; c'est ce type de rapports dont nous avons besoin, notamment pour les raisons suivantes:

Tout d'abord, ils permettent de se faire une idée concrète sur les difficultés rencontrées; notamment les trois cas cités à la page 14 et aux pages suivantes du document C 83/5, la préparation d'une stratégie alimentaire nationale dans un pays d'Afrique, le projet sur la surveillance de récolte et système d'alerte rapide dans un pays d'Afrique ainsi que le projet concernant les services de santé animale dans un pays d'Extrême-Orient, me semblent trois exemples instructifs.

Ensuite, ces rapports sont critiques, ils n'ont pas peur de nommer les erreurs, voire les fautes qui ont été commises. Ce type d'évaluation est non seulement susceptible d'évaluer la transparence, mais aussi la confiance dans l'Organisation et ainsi sa crédibilité.

Troisièmement: directement liées à cette critique, nous trouvons des recommandations pour surmonter les difficultés rencontrées ou éviter les erreurs commises dans l'avenir. Il s'agit ainsi d'une critique constructive qui s'avérera nous l'espérons un utile instrument de gestion.

Nous partons de l'idée que le Secrétariat de la FAO tiendra compte des nombreuses recommandations faites dans ces rapports. Compte tenu que les documents qui nous ont été soumis datent du printemps 1982, ma délégation serait intéressée de savoir si le Secrétariat peut nous donner des indications sur la façon dont l'Organisation a tenu compte des recommandations formulées par le Commissaire aux comptes.

LE PRESIDENT: Je remercie le Représentant de la Suisse, y a-t-il d'autres interventions ? Si ce n'est pas le cas, je donne la parole à M. Crowther pour répondre à la question posée.

D.K. CROWTHER (Assistant Director-General, Administration and Finance Department): We are pleased to say that, like the delegate who has just spoken, we have welcomed the responses from the External Auditor on the recommendations made, and we are also pleased to say that action has been taken on each of the recommendations to implement those corrective actions where required or to make specific changes that will enlighten the programme and the programme management. These have all been well received and actions have either been implemented or started in every instance.

LE PRESIDENT: Merci Monsieur Crowther. Y a-t-il d'autres demandes d'intervention.

Si ce n'est pas le cas, je constate que la Commission a pris acte des comptes vérifiés et approuve la résolution qui nous est proposée par le document C 83/LIM/4 et j'aimerais répéter encore une fois et préciser que dans cette résolution, aux textes que nous avons, il faut joindre le C 83/5-Corr.1, qui donne un rectificatif au document sur le programme ordinaire 80-81.

Ainsi, nous avons approuvé cette résolution et nous pouvons passer au point suivant qui est le point 20: "Barème des contributions 1984-85". Monsieur Crowther, est-ce que je peux vous prier, à nouveau de nous présenter ce point.

20. Scale of Contributions, 1984-85

20. Barème des contributions 1984-85

20. Escala de cuotas, 1984-85

D.K. CROWTHER (Assistant Director-General, Administration and Finance Department): Dealing with the Scale of Contributions, the Commission has before it documents C 83/LIM/3, which has to do with the Scale of Contributions for 1984-85, and C 83/LIM/19, the Second Report of the Resolutions Committee to Commission III.

Document C 83/LIM/3 is an extract from the Report of the Eighty-third session of the Council and contains a recommended draft resolution for approval by the Conference. The resolution provides that the FAO Scale of Contributions for 1984-85 should be derived directly from the current United Nations scale of assessments in force for the period 1983-85 as adjusted for the difference in membership between the United Nations and the FAO.

The practice of deriving the FAO's scale from the United Nations' scale was established in 1955 by a decision of the Eighth session of the Conference that the FAO scale for future biennia be derived directly from the UN scale of assessments in force during the calendar year of each Conference session. This was confirmed by a very thorough and detailed review by the Eighteenth session of the Conference in 1975.

The desirability of harmonizing all scales of assessments of Organizations within the UN system has been acknowledged in order to avoid, *inter alia*, duplication of the work of the UN Committee on Contributions. Any break away from use of the UN scale as the basis for the FAO scale would have undesirable repercussions throughout the UN system and take away from the harmonization that has been striven for.

As will be noted from document C 83/LIM/19, the Resolutions Committee has examined the draft resolution and found it receivable. That document also contains, as an appendix to the resolution, the proposed scale to take into account four new Member Nations on 7 November 1983.

If there are any questions on the scale, I would be happy to entertain them.

LE PRESIDENT: Merci M. Crowther pour cette introduction. J'ouvre le débat sur le point 20 de l'ordre du jour. Le Mexique a la parole.

J.R. LOPEZ-PORTILLO ROMANO (México): Al analizar en el seno de las Naciones Unidas la escala de cuotas para el trienio 1983-85, que es la base para establecer las cuotas de todo Sistema de Naciones Unidas, la delegación de México manifestó su inconformidad con la misma debido a los siguientes argumentos:

Primero, por falta de tiempo dicha Comisión no pudo cumplir debidamente con el mandato de la Asamblea Segundo, únicamente un tercio de la tasación de contribuciones se basó en estadísticas de ingreso nacional bruto proporcionadas por Estados Miembros, en gran parte se basó en estadísticas existentes en la oficina de Estadística de las Naciones Unidas. Tercero, hubo sobrevalorización de tipos de cambio y de estadísticas sobre el ingreso nacional, basado en precios constantes sin tener en cuenta la inflación real. Cuarto, la nueva escala que se propone para 1983-85, presenta una transacción anómala e incompatible los principios de justicia y equidad.

Por otra parte, es claro que el mayor impacto de aumento se presenta en los países petroleros en vías de desarrollo y los parámetros y argumentos utilizados por la Comisión de Cuotas de las Naciones Unidas no son reales a la luz de la grave situación económica y financiera de los países en vías de desarrollo. Al adoptarla no se consideró la capacidad real de pago ni el nivel de endeudamiento de los países, ni otros problemas económicos causados por la desigual relación de intercambio en el comercio internacional que se ha agravado aún más ante la caída de los precios de las materias primas.

Por todas estas razones nuestra delegación en Nueva York se vio obligada a votar en contra de la Resolución 37/125A, ya que el Gobierno de México consideró que la Comisión de Cuotas no se apejó a las instrucciones que previamente le había dado la Asamblea General en su Resolución 36/231A. La posición de México en todos los foros internacionales ha sido siempre coherente y, por lo tanto, tengo instrucciones precisas de mi Gobierno de manifestar que México no puede aceptar la escala de Cuotas que estamos analizando, ya que el porcentaje de contribución que pretende asignársele a nuestro país representa 18 puntos más de los que tiene asignados en las Naciones Unidas, y aun cuando se mantuviera el, porcentaje actual de nuestra contribución, el aumento de la misma sería aproximadamente 150 000 dólares.

Quiero insistir en que así como se ha tomado en consideración la difícil situación económica mundial al reducir el porcentaje de contribución de muchos países en desarrollo, y algunos desarrollados, la crisis específica de algunos países también debe ser tomada en cuenta para que la Escala de Cuotas refleje con justicia las posibilidades económicas reales de todos los países. Es más, insistimos en que en todo caso la adaptación de la Escala de Cuotas de la FAO no se haga exclusivamente sobre una base aritmética, sino teniendo muy en cuenta factores económicos y financieros.

Para concluir, señor Presidente, y por todas estas razones, la delegación de México se opone a la Escala de Cuotas propuesta.

M.I. CASELLAS (Venezuela): Tomando en cuenta que la Escala de Cuotas de la FAO propuesta para el bienio 1984-85 está basada en la Resolución 37/125 A de la Asamblea General de Naciones Unidas, mi delegación considera necesario una vez más, hacer del conocimiento de esta Conferencia, por instrucciones precisas de mi Gobierno, lo siguiente:

En la trigésimo séptima Asamblea General, durante la discusión del tema relativo a la Escala de Cuotas de los Estados Miembros para el prorrateo de gastos de las Naciones Unidas, la posición de Venezuela fue la de no aceptar un aumento en esta Escala, en vista de que el criterio utilizado por la Comisión de Cuotas para hacer el cálculo de las contribuciones fue el Ingreso Nacional y la Escala propuesta no guardaba correlación con las actuales condiciones económicas de muchos países en desarrollo. Venezuela expuso en esa ocasión que la Escala debería revisarse de forma que se ajustara a los principios de equidad y justicia y a las disposiciones de la Resolución 36/271A.

Expresó, igualmente, que la Comisión de Cuotas debería dedicar más tiempo a la preparación de una metodología de cálculo y presentar una nueva propuesta para el período 1984-86, en la que tuviera en cuenta, además, los indicadores sociales y económicos. La necesidad de utilizar estimaciones corrientes del Ingreso Nacional, el efecto de la inflación nacional y las variaciones de los tipos de cambio sobre la Cuota. En la votación de la Resolución 37/125A, Venezuela votó en contra. Sin embargo se adoptó por unanimidad la Resolución 37/125B, en la cual se dispone que el criterio fundamental que debe utilizar la Comisión de Cuotas, será "la capacidad real de pago" de los Estados Miembros.

Así pues, en concordancia con nuestra posición en la trigésimo séptima Asamblea General de las Naciones Unidas, manifestamos nuestro desacuerdo con el proyecto de resolución contentivo de la Escala de Cuotas de la FAO para 1984-85, en lo que respecta a Venezuela.

G. SCALIERIS (Greece): Speaking on behalf of the EEC Member States, I refer to the items under discussion and wish to reiterate the statement made by the EEC President during the Eighty-third session of the Council of FAO last June. On behalf of the ten members of the European Community I would like to make the following statement on the scale of contributions. During the discussion of the new United Nations scale in New York in the Fifth Committee as well as in the General Assembly the members of the European Community, among others, expressed their serious concern about, and their disapproval of, the new UN scale, and they voted against that scale. The reasons for our attitude were the procedures chosen by the General Assembly to resolve the problems which had arisen over the scale. Through this procedure the independent status and the integrity of the Committee on Contributions had been severely diminished and damaged. The new United Nations scale had not been elaborated on the basis of objective statistical and economic data made available to the

Committee on Contributions, nor on the real capacity of Member States to pay, but on essentially political criteria. The fact that Member States paying more than 70 percent of the regular budget were unable in the General Assembly to support the adoption of the scale is, in our opinion, a clear reflection of the unsatisfactory procedure and the unsatisfactory result in arriving at a new scale. However, the decision was taken by the General Assembly. Consequently, although these reasons are still valid, we accept the new cooperation and consensus between all Member States of the FAO which will certainly facilitate and foster the work of our Organization. The members of the European Community on the other hand will continue to support all efforts to come to more objective criteria for the United Nations scale of contributions. We fully trust that the views expressed will be adequately reflected in the report of this Conference.

LE PRESIDENT: Nous laissons le point 20 "Barème des contributions" en suspens et nous le reprendrons demain.

The meeting rose at 16.00 hours

La séance est levée à 16 hours

Se levanta la sesión las 16.00 horas

conference

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conférence

ORGANISATION DES NATIONS UNIES POUR L'AUMENTATION ET L'AGRICULTURE

conferencia

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C
C 83/III/PV/2

Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

SECOND MEETING
DEUXIEME SÉANCE
SEGUNDA SESION
(17 November 1983)

The Second Meeting was opened at 15.00 hours

T. Glaser, Chairman of Commission III, presiding

La deuxième séance est ouverte à 15.00 heures, sous la présidence de

T. Glaser, Président de la Commission III

Se abre la segunda sesión a las 15.00 horas, bajo la presidencia de

T. Glaser, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)
PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

- B. Administrative and Financial Matters (continued)
- B. Questions administratives et financières (suite)
- B. Asuntos administrativos y financieros (continuación)

- 20. Scale of Contributions, 1984-85(continued)
- 20. Bareme des contributions 1984-85(suite)
- 20. Escala de cuotas, 1984-85 (continuación)

LE PRESIDENT: J'ouvre la deuxième séance de la Commission III. Nous poursuivons le point 20 de notre ordre du jour "Barème des contributions pour 1984-85".

A. SALGADO SANTOS (Brazil): The Brazilian Government have continuously indicated, both in the General Assembly and in recent sessions of the Specialized Agencies, that it is not satisfied with the criteria adopted by the United Nations to establish the scale of contributions of the member countries. Such criteria are limited to the national income and a discount formula based on the per capita income level presented by the countries. The Brazilian Government is of the view that such criteria are insufficient to allow a correct evaluation of the relative capacity to pay of each member country. Accordingly, Brazil voted against Resolution 37/125 of the General Assembly of the United Nations which adopted the UN scale of contributions for the period 1983-85.

The Brazilian delegation in the Committee on Contributions of the United Nations, and in the General Assembly, has proposed, in a positive manner and in a constructive spirit, broader and more objective criteria for the preparation of the UN scale of contributions according to the principles of Resolution 36/231. I will refer to the criteria suggested by the Brazilian delegation.

First, better comparability of national income statistics. As we know, comparability is affected by the existence of different methods of national accounting and also by different inflation rates. Second, the national accumulated wealth should be included in the criteria. Developing countries in general have to face high expenditure in infrastructure works which, in the industrialized countries, have been amortized long ago. Third, the criteria should also take into consideration the difficulties of balance of payments of the member countries and their differing capacity to obtain foreign currency. Fourth, special attention should be given to countries whose export earnings depend basically on a single product or on a few products. Fifth, the criteria should also take into account the multiple circumstances which may actually and do affect the capacity to pay of member countries. Sixth, and finally, special consideration should be given to the developing countries in general and to LDC countries in particular which have to struggle against special economic and financial problems.

I believe that many, if not all, of those elements could be taken into account by FAO in the preparation of its scale of contributions. We should try to avoid burdening even more the contributions of the developing countries through the mechanical adaptation of the UN scale of contributions on a purely arithmetical basis.

I would like to reiterate the request made by the Brazilian representative, at the session of the Council in June 1983, to the Director-General to promote a study on this subject with a view to obtaining a more equitable calculation of the contributions of the Member Nations.

Consistent with the position adopted by the Brazilian Government during the last General Assembly of the United Nations, my delegation will not be able to accept the proposition contained in paragraph 242 of document C 83/LIM/3 proposing that the Conference adopts for 1984-85 the scale of contributions given in Appendix G of the Report of the Eighty-third session of the Council which was derived directly from the United Nations scale of assessments in force in 1983.

As things are now, my delegation is not in a position to support the scale of contributions as proposed in document C 83/LIM/3. Accordingly, my delegation will vote against the draft resolution contained in paragraph 243 of the above-mentioned document. My delegation feels that this proposal merely transposes the scale of contributions of the United Nations and that it does not respect the principle of equity and it does not take into consideration the capacity to pay of the member countries.

J. SAULT (Australia): Mr Chairman, as this is the first time we have taken the floor in this Commission we would like to congratulate you on your election to the Chair and also to congratulate other members of the bureau.

Australia wishes to associate itself with the views which are expressed in paragraph 241 of document C 83/LIM/3. We note that the scale of contributions of the Organization has been derived directly from the UN scale of assessments since 1955, and also that at the Eighteenth session of the Conference in 1975 this procedure was reaffirmed following a very thorough and detailed review of the matter at that time by the Finance Committee and the Council.

We consider that the present system of deriving the scale of contributions from the UN scale of assessments is the only practical, realistic and desirable way of carrying out the exercise.

We recognize that other members have difficulties with the UN scale. They perceive inequities in the scale, but we think that these are matters which should really be addressed in New York.

Australia supports the proposed scale of contributions and the draft resolution contained in C 83/LIM/19.

KWANG-HEE KIM (Korea, Republic of): I also join the previous speaker in congratulating you, Mr Chairman, on your election. I am happy to see you in the Chair.

Since we made reservations on the scale of contributions for my country during the last session of the Council in 1983, I feel that we are obliged to state our position at this time.

We decided to remove the reservations which we made last time because the scale is based on the United Nations scale on which the FAO Conference agreed. We had some discussions with the United Nations when their new scale was adopted, but we removed the reservations, so accordingly this time we would like to remove our reservations on the new scale of contribution for my country.

On this occasion I would simply like to draw the attention of this Conference - and especially this Commission - to the fact that our scale of contribution with this Organization has increased by 0.04 from 0.18 for the current biennium to 0.22 for the forthcoming biennium. This amounts to around 1 million US dollars for the forthcoming biennium from 650 000 US dollars for the current biennium. This puts my country in the rank of thirty-fifth or thirty-sixth as a major contributing country to the budget of this Organization. I am not boasting of the magnitude of our contribution to this Organization because it is still modest, but I would like to say on this occasion that we would like to play an active role in participating in the work of this Organization in the future, taking account of the growing importance to this Organization not only in terms of our budget contribution, but also in terms of the association of our country - more than thirty-five years - with this Organization. I am looking forward to cooperation from all member countries in this connection.

G. LAPOINTE (Canada) J'éléciter pour votre lection, Monsieur le Président. Ensuite je voudrais dire simplement que pOrUsa part, le Gouvernement du Canada appuie le barème des contributions proposé pour 1984 et qui est basé sur le barème établi par le Comité des contributions des Nations Unies à New York.

Nous pensons que c'est ce Comité qui est le mieux placé pour établir ce barème qui devrait servir de base aux contributions des Etats Membres à travers tout le système des Nations Unies afin d'éviter le double emploi qui en résulterait si ces barèmes devaient être définis dans chacune des institutions spécialisées du système.

J. GAZZO FERNANDEZ-DAVTLA (Perú): Señor Presidente, yo, en la reunion del Comité de Finanzas y también en otra reunión, cuestioné un poco la escala de cuotas y después he leído detenidamente el documento que se usa para establecer la escala de cuotas y confieso que no lo he entendido. El hecho de que se diga que las Naciones Unidas son la mejor organización a efectos de la escala de cuotas también me ofrece duda, porque creo que la escala de cuotas debería guardar alguna relación con la capacidad de pagos de los países, con la estructura económica de los mismos, con la devaluación de sus monedas, con la disminución del producto interno y con otra serie de signos de bienestar o malestar.

Me reitero pues, en el concepto que expuse en aquel entonces. Y este concepto no se basa en la casuística. Sin embargo, sin basarme en la casuística, me sorprende el hecho de que, con relación a mi país, en el Perú la devaluación en el último año ha sido de más del 150 por ciento. Ha habido problemas de producción, ha habido sequías y otra serie de razones, e inclusive me he metido contra el número de miembros que tiene dentro de la Organización, para ver si había habido un crecimiento que pudiera darme una explicación; pero verdaderamente no la encuentro ni en el documento que ha servido de base, ni en el sentido común tampoco.

Veo que la cuota del Perú se aumento al 0,08 lo cual es un aumento muy considerable. Con esto no quiero decir que Perú pudiera dar el doble de lo que da, en relación a los servicios que recibimos. Esto no está en cuestión; pero, por ejemplo, tengo la siguiente casuística: Canadá dio 4,01 por ciento en el año 1982/83 y ahora veo que es rebajada al 3,72. No creo que la situación interna del Perú sea exactamente como la del Canadá. Y no me refiero ahora a ningún otro país. Necesariamente hay que tomar aquí algunos ejemplos. En el caso de China, de 1,98 por ciento, se baja a 1,06, y así hay una infinidad de países desarrollados que ha disminuido sus cuotas en relación con los países en vías de desarrollo y no encuentro realmente una correlación entre el bienestar de los países y la disminución de las cuotas, ni el malestar económico de los países con el aumento de sus cuotas.

Por consiguiente, lo que si pido es que alguien estudie mejor y nos explique mejor el sistema, porque no debe endosarse un cheque en blanco y decir que porque las Naciones Unidas usan este procedimiento, nosotros lo adoptamos, sin ni siquiera discutirlo, ni tener apenas una explicación. Por lo tanto, el documento C 83/LIM/3, en lugar de aclararme las cosas, me las complica más. Creo que debería existir un sistema en el cual se valorase bien el bienestar del país, la moneda, el producto interno bruto, número de personas de la Organización, ayuda recibida de ésta, etc. etc., para que yo me pueda explicar y lo pueda explicar a mi Gobierno, cuando la moneda de mí país se ha devaluado en más del 100 por ciento en un año, cuando sus exportaciones han bajado, entonces tiene el "premio" de un incremento en su cuota.

Insisto en que no encuentro esto lógico y vuelvo a aclarar que Perú estaría dispuesto a dar mucho más, porque recibe mucho de FAO; pero lo que queremos es que haya una equivalencia entre lo que paga uno y lo que paga el otro, que realmente no lo hay, si se analiza bien este documento país por país.

T. AHMAD (Pakistan): May I say that it is indeed a pleasure, Mr Chairman, to see you sitting there and presiding over our deliberations.

I wish to reiterate the decision my delegation took earlier in the Council when this question was raised there. We would like to recall that the matter of the criteria to be applied with regard to the scale of contributions for FAO was discussed at length in the Council on the basis of the recommendations of the Finance Committee. We feel that it is only logical that since FAO is an agency within the UN system it should follow the practices in force within the United Nations itself. FAO has derived its scale of contributions directly from the UN scale of assessments applicable to all member countries. This has been the practice since 1955 when it was established by the Eighth session of the FAO Conference, and again the Eighteenth session of the Conference on the basis of a review by the Finance Committee and the Council reconfirmed this principle of deriving its scale of contributions directly from the UN scale of assessments.

My delegation wishes to point out the hazards of any departure from this basic principle; we must all adhere to it. Any departure from this basic principle would be tantamount to opening Pandora's box. Any other criteria can not be as objective and viable. In addition, any attempt at adopting a different set of criteria will have an adverse impact on the UN system. In view of this my delegation would urge that we adopt with unanimous consensus the scale of contributions for 1984-85 as given in Appendix G of the document.

We feel generally that there are two basic questions involved here. One is the question of principle and the other is the question of the result of applying a certain criteria. It is indeed true that the present scale has had a different impact on different Member Nations. In some cases contributions have been reduced and for some countries the contributions have been increased, but what has to be examined and seen is an objective criteria which has been applied to all Member Nations. If the criteria has been applied objectively, perhaps there would be no quarrel with the end result; there would be only a question of re-examining the criteria. If you want to re-examine the criteria independent of what is happening in the UN system, you have to duplicate the whole process. Within the framework you have to devise the machinery for devising an entirely different set of criteria. Number one, that would be a great duplication and a great expense. Number two, the question would arise that when you are departing from the criteria being applied by the United Nations system, what other criteria do you want to establish. That would become a ticklish question, because you would have a number of suggestions and there would be an endless chain.

We are of the opinion that it should be an objective criteria and the balance of convenience is in favour of the fact that the UN system has a criteria and FAO logically follows that. However, we feel that however you go about it, it is not the end result that you can quarrel with; it is the criteria you have to look at. As long as we feel that the criteria of the UN system has been devised on the basis of some objectivity,, we can go along with that and not try and re-establish new criteria within the FAO system.

If you try to look at the end result only you will get into that very difficult situation where it would be said that this country is rich, this country is poor, so each must contribute this or that. You would be building the yardstick of the criteria to fit the results. That is not the way I think we can go about it.

Under these circumstances we feel that the balance of convenience is in favour of FAO continuing to use the UN assessment system. If any member country has any problem on the criteria being applied, the proper forum to question that criteria is in that UN system and not here.

J. MAJCHER (Poland): In the discussion on the scale of contributions for 1984-85 many points have been raised. One of them is that the FAO scale of contributions should derive directly from the current United Nations scale of assessments, taking into account the difference in membership between the UN and FAO. From time to time some reservations have been expressed, among others during the 1983 Session of the FAO Council, suggesting that a different basis for establishing the FAO scale of contributions should be considered.

It is well known that the process of preparing and agreeing on a scale of contributions is a very complicated and long one. First of all, it is necessary to prepare and to agree a set of guidelines indicating which elements are important and to what extent such elements should influence the assessment of the scale of contributions. Then it is necessary to collect the indispensable statistical data covering a period of at least a few years, keeping in mind that the statistical data should be uniform and comparable and reflect recent changes in the economic and financial situations in individual countries. Considering the degree of complications and difficulties, as well as the time required for the whole process of agreeing on a new scale of contributions, the United Nations General Assembly established that the UN scale of contributions would be changed only every three years. To have a separate basis for the FAO scale of contributions not only would be very difficult and very long, it would be the duplication of efforts and work carried out by the Committee on Contributions of the United Nations, and therefore unnecessary and unjustified waste of time and money. In addition, it would have a negative impact on the functioning of our Organization.

For these reasons we should view with great caution any change. After all, the representatives of FAO member countries also participate in the United Nations debate on the scale of contributions. And it would be pretentious to think that we within the framework of FAO would be able to elaborate a better solution than that agreed upon in New York. Any break away from the use of the UN scale as a basis for the FAO scale would have undesirable repercussions throughout the whole UN system. For the last 28 years our Conference has recognized that the United Nations Committee on Contributions is the most qualified body for assessing the ability of member countries to pay, as well as the other aspects considered for the computation of an equitable scale of contributions.

In the opinion of my delegation we should continue to derive our scale of contributions directly from the current United Nations scale of contributions. We fully support the arguments for deriving the FAO scale of contributions directly from the UN assessment indicated by the representative of Pakistan.

My delegation would like to inform you that Poland supports the UN Scale of Assessments for the years 1983-1985. At the same time, we would like to state that my country, even despite the decrease in the new scale, continues to be over-assessed. The over-assessment amounts to more than 15 percent, but despite this over-assessment and despite our well-known financial and economic difficulties, in the spirit of compromise Poland accepts the new Scale of Assessments as proposed in document C 83/LIM/19.

J. GAZZO FERNANDEZ-DAVILA (Peru): Desde ahora yo acepto la Escala de Cuotas, pero lo que estoy cuestionándome es que no me gusta actuar como un robot, ya que yo tengo que explicar a mi país, a mi Gobierno, a qué se debe que la asignación de la Escala de Cuotas del Peru del 0,07 haya subido al 0,08, no obstante pasar por el peor momento socioeconómico en la historia del país.

Yo acepto la Escala de Cuotas, pero no me gusta endosar errores de otros y ver como esta Escala de Cuotas no guarda relación con mi país. Tengo la sensación de que no va bien. No estoy de acuerdo con mi amigo de Pakistán que cuenta con toda mi admiración, pero que su país baja en la Escala de Cuotas de 0,09 a 0,07; yo si hubiera bajado así tampoco hubiera tomado la palabra.

No quiero ser casuístico, pero para hablar tengo que tomar algunos ejemplos, no puedo inventar datos. Veo que algunos países con evidente mejor situación que nosotros, como Hungría, baja de 0,40 a 0,28. Y hay más casos, por ejemplo Finlandia, baja de 0,59 a 0,58; Egipto, de 0,09 a 0,08, Filipinas, de 0,12 a 0,11, Polonia, de 1,52 a 0,87. Yo así también, hago una apología de la Escala de Cuotas.

Yo apruebo con modestia y humildad la Escala de Cuotas, pero me parece que no guarda relación con la situación de mi país, ahora, si a todos les gusta endosar los errores de los otros y poner nuestro visto bueno, a mí no me gusta. Como digo, no lo tomen los países amigos como algo casuístico, porque son cosas evidentes que están aquí en la lista. Yo creo que la Escala de Cuotas de las Naciones Unidas es la resultante de toda la acción, pero no todos los organismos son iguales. Lo que se hace en la Organización Internacional del Trabajo, lo que se hace en la Organización Mundial de la Salud no es igual a lo que se hace en la Organización de la FAO. Por consiguiente, lo único que me preocupa es qué le voy a decir a mi país, ya que, no obstante la pésima situación de los últimos 50 años, nos han subido la cuota y yo no he reclamado. No voy a distorsionar nada, digo que apruebo la Escala de Cuotas y no voy a poner ni siquiera una reserva porque no es mi sistema de trabajo; pero me queda en mi interior la duda de que no hay una correlación entre la situación de algunos países en relación al crecimiento, o decrecimiento de la Escala de Cuotas; pero, repito, apruebo la Escala de Cuotas pero sugiero con toda modestia y humildad que tratemos de desenmascarar este tabú que es la repetida Escala de Cuotas que para mí, que he leído un libro amarillo grandísimo, después de leerlo he quedado peor que antes.

D.H.J. ABEYAGOONASEKERA (Sri Lanka): Mr Chairman, since this is the first time I have taken the floor I should like to extend to you the good wishes and congratulations of my delegation.

I think it might be useful at this stage of our debate to give a little of the background to the discussions which took place regarding the Scale of Contributions both at the Finance Committee and at the Council, because this delegation happened to be very closely associated in both those discussions.

The Finance Committee is required to keep under review the Scale of Contributions and to make recommendations to the Council regarding any modifications of the Scale of Contributions which would be applicable during each biennium. The Council was informed by the Finance Committee after its Fifty-second session that the Scale of Contributions was derived from the UN Scale of Assessments and that this had been the practice since 1955 when it was first adopted at the Eighth session. of the Conference.

There was a request by some members that the Finance Committee should again review the matter and make recommendations to the Eighty-fourth session of the Council, that is the pre-Conference session which was held from 1 to 3 November this year. Some members recognized that neither the time nor the resources required effectively to review the Scale were available prior to the Council sessions. These members were prepared to accept a compromise but requested the Finance Committee to look carefully into this matter. One group objected because they felt that the procedures used to derive the UN Scale were not based on objective data or on the real capacity to pay but rather on a political basis.

We all know that as a result of the rejection by the General Assembly of the United Nations of the first scale submitted by the Committee on Contributions a compromise procedure had been followed. To a large extent, this has cast doubts on the soundness of the criteria which had been applied in developing the UN Scale of Contributions.

If the FAO were to work out its own Scale of Contributions there are certain very real difficulties, as mentioned by the delegate of Pakistan. First, there is the question of how much time will be needed to do this. As you know, we have to call for individual data from each country, and many countries may not have the data in the form that FAO needs. There may be recourse to obtaining data from the UN Department of Statistics. All this means that a lot of time and money will be spent. Secondly, if a secretariat is set up in FAO to study this carefully it means again an additional allocation will be made to meet the requirements, which again means in terms of money that there will be additional funds required. Thirdly, there is the difficulty in evolving applicable parameters to each country in relation to national income or to per capita income criteria. This point has been raised by delegates who have taken the floor before me. Fourthly, a departure from the practice of deriving the FAO scale from the UN scale would also lead to duplication of the work of the UN Committee on Contributions. Finally, an independent Scale of Contributions for the FAO would lead to undesirable repercussions on the entire United Nations system.

Taking all those points into consideration, the Council approved and recommended to the Conference the adoption of the UN Scale of Contributions for the coming biennium, although the reservations by certain members were tenable.

In the circumstances, at this stage of our discussions we could only record these objections because the forum where the matter should be taken up is in the United Nations itself. Also, in the United Nations Resolution itself which adopted the scale for 1983 - 1985, there is a clause which makes it obligatory for the UN Committee on Contributions to examine this thoroughly before the next Scale of Contributions evolved for the period 1986 - 1988, in order to give consideration to the various misgivings which had been stated in this forum.

In view of those facts, which have been quite rightly reflected in the report C 83/LIM/13, I think it is futile to proceed with this debate here as the forum which should take this up is the United Nations itself.

T. AHMAD (Pakistan): I am not going to argue this point again, Mr Chairman, because it has been done very eloquently by the delegate of Sri Lanka, but I did want to say that we are speaking on a matter of principle, and even if our scale had been in the reverse direction we would still have said the same. We would still have said it would be a duplication of effort. If we are trying to devise a new parameter of criteria, as the delegate of Sri Lanka has said, it will have a big financial impact on the FAO itself. You would perhaps need a committee other than the Finance Committee, maybe a committee on Scale of Contributions, to look into this question more effectively. That is why we think that if we have any argument on the Scale of Contributions and other parameters or criteria we should definitely take it up in the proper forum in the United Nations system.

H. HRISTOMANOV (Yugoslavia): Mr Chairman, as my delegation is taking the floor for the first time in our deliberations in Commission III, I should like to use this opportunity to congratulate you on your election.

My delegation fully agrees with the statements made that the United Nations Scale of Contributions does not take into account the real economic position of individual countries or groups of countries. Yugoslavia itself is among those countries which did not have reason to be satisfied with the proposed Scale of Contributions.

I should just like to recall the tremendous difficulties the whole process of adopting the Scale of Contributions underwent in New York - a process which I believe most countries present here today took part in. Having this in mind, we are of the opinion that although we ourselves, as I stressed, have reason to be dissatisfied with the proposed scale as the Yugoslav contribution has risen from 0.51 percent to 0.56 percent at a time when my country has severe economic problems, it is quite unthinkable to have the situation where a United Nations Specialized Agency such as FAO should undergo an exercise of creating a separate Scale of Contributions. It is our belief that this would bring about similar controversies and difficulties to those which were present in the General Assembly. We should like to stress that the only possible course of action is to approve the Scale of Contributions which was, with great difficulty and with a relatively small majority, adopted in the General Assembly of the United Nations.

H. REDL (Austria) (original language German): The Austrian delegation accepts in full the agreements reached in New York, and specifically accepts the Scale of Contributions which appears in the appendix of C 83/LIM/3.

AMIDJONO MARTOSUWIRYO (Indonesia): Mr Chairman, since I take the floor for the first time, I should congratulate you on your election as Chairman. In discussing the substance I shall be very brief. I would like to underline what has been stated and verified by the distinguished delegate from Pakistan and the additional information, additional analysis, given by the distinguished delegate from Sri Lanka. I wish to say, on behalf of the Indonesian delegation, that we are in favour of adopting what has been accepted in the UN system, namely to adopt a scale of contributions as contained in C 83/LIM/3.

L. ZELKO (Hungary): I also would like to join with those who congratulate you, Mr Chairman, on the occasion of your election as Chairman of the Committee, and also the Vice-Chairmen.

I see that this discussion is quite heated and is becoming even more so, because some of the delegations which are affected adversely think that the criteria which have been established by the Contributions Committee of the United Nations may not be quite realistic, and they try to discuss the right way of procedure that we are following here in FAO.

Now, first of all, I think that all the matters which affect the interests of nations are very difficult to solve. Really good criteria, realistic criteria, in such matters as comparing national incomes and similar problems, can be very difficult to be accepted by everyone. But we feel that in the United Nations there are real experts who are dealing with these problems, and I do not think that here in FAO we could reach or find better criteria than they could find in the United Nations.

The second problem is that, even if we think that there are problems with these criteria, the right place to discuss this problem is the United Nations. We would take a very unfortunate path if we were to try again to raise these questions which, I am sure, have been debated many times in the United Nations, to raise them again here in FAO.

With regard to these considerations, the Hungarian delegation thinks that we have no better solution than to follow the United Nations system and to apply the scale of assessments which has been adopted by the United Nations.

After this I would like to make a few remarks since Hungary has been flung out by the very distinguished delegate of Peru, and in a very favourable way he thinks that Hungary is in a very good economic situation. I wish I could think in the same way. I would just like to refer to the fact that at this time all countries are experiencing economic difficulties. I would like to remind all the delegates that there were occasions when Hungary's scale or share of the budget has increased and we adopted the scale of contributions on those occasions too. Of course I understand that it is very difficult to get a good explanation for the fact that if the economic situation of a country is worsening, the share of contributions might still rise a little. I do not want to give an explanation to this, I would just like to make a remark, not to the delegate of Peru but to all the delegations which might feel that, since their share is increasing somewhat, it might be an unjust situation. May it be that some percentages, some details, some shares have so far been unrealistically low? Maybe. I think it may be.

J. TCHICAYA (Congo): Ma délégation voudrait également s'associer à celles qui l'ont précédée pour vous présenter ses félicitations à l'occasion de votre élection à la présidence de cette Commission.

Pour ce qui concerne le point de notre ordre du jour, lors de la discussion de ce point au Conseil, la délégation de mon pays a effectivement été parmi celles qui pensaient qu'il fallait adopter le barème tel qu'il nous est proposé, mais nous pensons également que les arguments de certains pays en développement, qui ont vu leur taux de contribution augmenter, étaient des arguments valables et qu'il fallait que nous puissions en tenir compte.

Pour en tenir compte, vous avez dû remarquer qu'il y avait le paragraphe 239. Nous pensons effectivement que le Comité financier pouvait se pencher à nouveau sur la question pour essayer de trouver des critères valables. Il faut bien reconnaître que la crise mondiale frappe toutes les économies, mais frappe certainement les économies des pays en développement beaucoup plus que les économies des pays développés.

On peut également s'étonner que dans ce barème certains pays développés voient leur taux diminuer, alors que les pays en développement voient leur taux augmenter, mais nous devons reconnaître également que cela tient compte de certains critères qui avaient été arrêtés par le Comité qui a travaillé sur la question. C'est pour cette raison que nous pensons qu'il faut continuer à appliquer les barèmes qui sont créés au niveau des Nations Unies, d'une part, parce que cela coûte moins cher à l'Organisation mais parce que d'autre part, cela nous fait perdre moins de temps sur ces problèmes - en effet beaucoup de temps est perdu au niveau des Nations Unies sur ces questions. Je crois qu'il convient de dire aux pays qui voudraient que la FAO étudie d'autres critères, que l'instance la plus appropriée pour le faire se trouve au niveau des Nations Unies, à New York. Nous pensons que c'est là que la discussion devrait avoir lieu sur ces questions, parce que l'on ne peut pas comprendre que certains pays qui sont en difficulté réelle, du point de vue économique, puissent voir leur taux de contribution augmenter au niveau des organisations internationales.

C'est pour cette raison qu'il convient vraiment de lancer un appel à ceux qui ont des réserves sur le projet de résolution pour leur demander que l'on adopte ce projet de résolution et pour les inviter à redoubler d'effort et de vigilance en ce qui concerne les discussions ultérieures qui auront lieu sur la question aux Nations Unies.

S. M. MATIUR RAHMAN (Bangladesh): Mr Chairman, I must thank you for giving me the time. As I am taking the floor for the first time I must congratulate you on your election to the responsible post. I sincerely hope that under your dynamic leadership the Commission will fulfil its obligations.

Regarding the issue before us, I have listened with great interest to the discussions and, after the distinguished delegates from Pakistan, Sri Lanka and others have spoken on the floor of this Commission, I have not much to say except to reiterate that, in my view, in principle it will neither be desirable nor possible for FAO to have criteria for the assessment of the contributions. All the UN agencies including FAO should have uniform criteria for the scale of assessment in all the agencies in the UN system. There is some apprehension about the UN system of criteria and this should be looked into by the UN Committee on Contributions. As has already been explained by our distinguished colleague from Sri Lanka, this question will be looked at by the UN Committee on Contributions. In view of this, my delegation voluntarily supports the resolution, the proposed resolution, which is in line with the basis of the UN system of contributions.

L. ARIZA HIDALGO (Cuba): Queremos primeramente felicitarle por la decisión como Presidente de este Grupo y, rápidamente para no utilizar su tiempo, queremos expresar que nosotros no queríamos intervenir porque pensábamos que ese punto, independientemente de algunos criterios, se había discutido en el Consejo bastante; se analizó lo mismo que lo estamos analizando aquí, la necesidad de seguir la Comisión de Cuotas de Naciones Unidas, pensando que no podía seguirse duplicando. La FAO es un organismo de Naciones Unidas especializada, pero del Sistema de Naciones Unidas, eso se viene utilizando desde hace varios años. Queremos comprender, y comprendemos, a todos los países que han planteado problemas porque se les ha aumentado su Escala, y lo comprendemos porque hablan de realidades y es verdad que la situación financiera no es buena. Nosotros sí queremos expresar que no sabemos a qué países y a cuáles no la Comisión de Cuotas de Naciones Unidas analizó y denegó un análisis. Nosotros tenemos una rebaja sustancial en Naciones Unidas, del 0,13 al 0,09, aquí es al 0,11 porque los porcentuales son distintos; pero queremos expresar que no fue de oficio hecho por la Comisión de Cuotas en Naciones Unidas. Hace dos años y medio que nosotros estamos discutiendo de la Comisión de Cuotas de Naciones Unidas la situación, que se refleja realmente en el documento que se nos presenta. Esta situación se aprobó en Naciones Unidas y por eso hace escasamente cinco o seis meses la Comisión de Cuotas nos aprobó una rebaja. Consideramos que hay un trabajo que hacer dentro de la Comisión de Cuotas de Naciones Unidas y que sería una posición muy difícil para la FAO ponerla en una situación de que ella tuviera que duplicar o hacer una dicotomía específica

Por lo tanto nos unimos a lo que se ha planteado en esta Comisión de pedirle a los países que realmente tienen esta situación, que aprueben esta Escala de Cuotas y que se pueda hacer una discusión posterior en Naciones Unidas; creo que Naciones Unidas les escuchará; lo que no creo es lo que se dice de que son cuestiones políticas, no creo que Naciones Unidas haya bajado la cuota a Cuba por problemas políticos y lo que sí creo es que se razonó bien el porqué.

Pensamos que todos los países tienen razones para pedirlo.

R. de MEIRA FERREIRA (Portugal): I should like to join the previous speakers in congratulating you upon your election to the chairmanship of this Committee. With regard to the point which we are presently discussing: My delegation understands the problems and difficulties faced by several countries regarding their contributions to the budget. However, as other speakers have already stated, this is not the proper forum to discuss this matter. It would better be discussed in the Committee of Contributions of the United Nations, where the views of all sides can be presented and discussed. With all respect, a continuation of this discussion, to gain the opinions of everyone, costs a lot of time and a lot of money. We would like to appeal to everyone to approve the scale of contributions.

G. BULA HOYOS (Colombia): Señor Presidente, para la delegación de Colombia es muy grato verle a usted en la presidencia de esta Comisión, pues conocemos sus antecedentes y sabemos que vamos a trabajar muy bien bajo su acertada dirección.

Como ya lo han dicho otros colegas, este asunto fue discutido en el Consejo y nosotros compartimos los argumentos que se expusieron en aquella ocasión y que aparecen especialmente en el párrafo 238 del informe del Consejo en relación con aquellos representantes de países que no estuvieron en favor de la propuesta de adoptar la unidad de cuota de las Naciones Unidas. Además, el distinguido representante del Brasil y el representante del Perú también, expusieron nuevos argumentos, que habrá que tener en cuenta. Sin embargo, hemos intervenido solamente para apoyar lo que ha dicho nuestro distinguido colega y vecino a la sazón. Creemos que hay que tener en cuenta todos esos argumentos.

Igualmente hemos oído con atención la intervención del distinguido colega y amigo de Sri Lanka, que a la vez es presidente del Comité de Finanzas, y también es necesario tener en cuenta los razonamientos acertados que presentó.

Quisiéramos igualmente apoyar lo que ha dicho el Embajador del Congo; es decir, que se adopte esta propuesta, pero que el Comité de Finanzas se ocupe de que se tenga en cuenta los argumentos que hemos citado. Creemos que el Comité de Finanzas puede analizar todos los argumentos que se han puesto aquí y después de presentar un informe en el Consejo, podremos buscar el mecanismo para que en el Comité de Cuotas de las Naciones Unidas se conozca la reacción que ha producido su propuesta en el seno de la FAO con relación a la posición de los distintos gobiernos.

Creo que una solución más o menos en este sentido podría atender las justas reacciones de aquellos representantes de gobiernos que no han compartido esta propuesta.

B. SEQUEIRA (Angola): As this is the first time we are intervening, let me say that we are extremely pleased to see you directing our work

If you were to ask the delegation of Angola whether we are satisfied with the scale of contributions and the amount of money which we have to pay FAO, I would say that we are not satisfied. I can substantiate my allegation with an amount of comparative data with other countries, and I am quite convinced that a large number of people believe that the amount of money which we are paying is too much, taking into account Angola's objective conditions. On this, I only want to say that it is always possible for any country to argue in favour of or against the scales of contributions which are proposed. This does not mean that in some cases the arguments which have been advanced are not genuine - on the contrary. The delegates of Sri Lanka and Pakistan have aptly analyzed the substantive issues involved, the tenets of which are strongly supported by my delegation. There are always some inequalities in the scale of contributions: it is therefore the view of this delegation that those inequalities must be taken into account in the future so that a more equitable scale meets the approval of all member countries of FAO. However, at this juncture, and for a reason which we have already explained in the last Council Session, the delegation of Angola strongly supports the proposed scale of contributions for 1984-85 as a modus operandi. We are not of course arguing in favour of new criteria, but for an objective means of evaluation which is satisfactory to all member countries, so that our Organization has enough resources to meet its increasing demands.

Therefore, to avoid a negative consequence for FAO, we strongly appeal to all delegations to approve the proposed draft resolution as campaigned in document C 83/LIM/19.

CHAIRMAN: We have had one delegation which is clearly against the proposed scale of contributions, and against the proposed resolution. It has made a number of proposals as to how it could be improved, and has suggested that FAO develop its own scale of contributions - do you wish to speak now?

A. SALGADO SANTOS (Brazil): I am sorry, but yesterday afternoon two other delegations - Mexico and Venezuela - also expressed a view against the scale of contributions. So it is not only one delegation, as you said - there were three delegations.

CHAIRMAN: As I understood it, there was one delegation which was very clearly against, and many other delegations then had reservations and expressed dissatisfaction, but for practical reasons could go along with the resolution which is proposed. One argument which is being brought forward by many delegations is that we do not want to double the work of the United Nations Committee in New York, and then there is a third group, which is a small minority, entirely happy about it.

For all practical purposes, I suggest that the Commission adopt the proposed resolution. This is not a unanimous decision, but I think there is a clear majority in favour of adopting the resolution. We can then ask the Secretariat and our Drafting Committee to suggest to us a report in which the various complaints, and also suggestions, are listed.

A.G. NGONGI NAMANGA (Cameroon): The scale of contributions has attracted quite a considerable debate, especially the resolution. Initially, I did not wish to take part in this debate, because I think all of us have a long list of grievances that we could air here on the scale of contributions, since I feel they are grossly weighted against the poorer countries, especially those which have grave difficulty in looking for foreign exchange to pay in the dollars. However, we believe that the Committee in New York is quite technical and looks at all the various problems concerning ability to pay, and tries to spread out the burden of contributions to the UN system equitably, and that FAO adjusts the scale of contributions taking into account the composition of members in this Organization.

We do hope somehow that in the future this scale of contributions can be more realistic, based on more equitable criteria, and that the burden - especially in these times of hardship when we are having difficulties in getting foreign exchange - will be made a little bit less especially on the developing countries. But we have voted a budget for this Organization for 1984-85 and must have some realistic basis for paying the contributions, and on this account I would say that we support the scale of contributions and urge that this resolution be adopted.

M.I. CASELLAS (Venezuela): Quiero reiterar lo dicho por la delegación de Brasil Nuestra delegación en concordancia con nuestra posición en la 37ª Asamblea de las Naciones Unidas, manifestamos ya ayer nuestro desacuerdo con el proyecto de resolución sobre cuotas de la FAO para 1984-85.

CHAIRMAN: Are there any other comments? If not, I declare the resolution on the scale of contributions for 1984-85 adopted.

21. Other Administrative and Financial Questions

21. Autres questions administratives et financières

21. Otros asuntos administrativos y financieros

21.1 Headquarters Accommodation

21.1 Locaux de Siège

21.1 Locales de oficina en la Sede

We move to the next point on our Agenda which is Item 21. First we have Item 21.1 entitled Headquarters Accommodation. Mr Georgiadis, Director of the Administrative Services Division, is going to give an introduction.

A.G. GEORGIADIS (Director, Administrative Services Division): The delegates will have in front of them Conference document C 83/LIM/11 on headquarters accommodation which gives an extract of the Report of the last Council session which ended exactly two weeks ago. Further developments since that session could not be much since only two weeks have passed, but before I give some news on at least one positive step towards the construction of 70 rooms, I would like to highlight once more, for the benefit of the Conference, some aspects of this long-standing problem.

As the Director-General announced in the past, this is a major crisis afflicting the Organization. It is a continuing problem which appeared many years ago and will remain open probably for many more years until a final permanent solution is found, and a permanent solution can be no other but one which would permit the bringing together of all the Headquarters unit in one - I repeat - one location.

The Conference will have noticed that despite a practically zero growth in Headquarters' staff in recent biennia, and again in the next biennia, the total office space is not adequate and it will almost certainly be necessary to rent additional space when major repairs have to be undertaken in the prefabricated building E.

We were also obliged to request the World Food Council, which is located in this very building, to vacate the space it occupies since we have to make room for some new posts approved for the World Food Programme.

I would also refer to the Report of the Council at its session last June which defines the problem as grave and gives as the underlying reason for this gravity three aspects: one, the high cost of renting accommodation outside this building, namely building F; the high cost of duplicating certain services. We have to have the same services here and there. And the high cost of staff time lost in travelling between two buildings estimated at two hundred thousand dollars a month.

During the approval of the debate on the Programme of Work and Budget for the next biennium, some delegations expressed the desire to see administrative costs further reduced. Well, the only way the Director-General feels able to achieve further savings in the administrative area is to group all the staff in one location, to avoid the loss of time in commuting, and to eliminate the duplication of certain services.

Now on developments: mainly one aspect of the problem, the construction of 70 rooms on the roof of Building D; we are happy to announce that Foreign Minister Andreotti of the Host Government has officially requested in writing the application of the urgency procedure which is described in the document and although we are still a long way before we can see these seventy rooms, we are thankful to the Host Government for this positive step which is one more complete and positive step towards the implementation of the construction project. But even when these rooms are ready, they serve to house less than 1 percent of the total staff. Therefore the only permanent solution is the implementation of the other part of the project, that is the construction of a new wing adjacent to the main buildings. Now there, as the document states, we can only hope that the Department of Archeology, which is undertaking further excavations, will complete this work and submit its report by the end of December next as originally announced.

Finally, one other aspect which the Conference will have noted is that a Working Party, appointed by the Conference two years ago during its last session, and representing all regions of FAO - member countries from the seven regions of FAO - and which was assigned the task of meeting with the Italian authorities at the highest level and requesting the adoption of measures leading to a permanent solution of the accommodation problem, has not yet met with the President of the Council of Ministers, so we have nothing to report on this since the meeting has not yet taken place.

The Director-General has written to the Ministry of Foreign Affairs on this subject and submitted to him an aide mémoire outlining the whole history of the problem. The attention of the Minister was also drawn to the urgency of the matter when the Director-General met with him a few weeks ago.

G. BULA HOYOS (Colombia): El Sr. Georgiadis ha presentado en forma muy adecuada este tema y nos complace que por lo menos haya transmitido a la Conferencia algo ligeramente positivo, después de las últimas discusiones que al respecto tuvimos en el Consejo pasado.

Nosotros creemos que esta Comisión debe destacar la gravedad del problema, que no solo causa problemas económicos a la Organización, sino que también afecta a su trabajo, por las razones que también expuso el Sr. Georgiadis, y también pedir al Gobierno de Italia que, como lo ha hecho en otras ocasiones con el espíritu generoso que caracteriza a este país, contribuya para que por lo menos en parte quede compensado el perjuicio que se causa a la Organización. Creemos también que esta Comisión debe apoyar la acción del Director General para alentarle a que siga en la buena dirección en que está tratando de preservar el buen funcionamiento de la FAO. Esto ya lo hizo el Consejo, en el párrafo 18.

En el párrafo 17 se habla del grupo de trabajo que fue nombrado por la Conferencia pasada, hace dos años. Colombia formó parte de ese grupo de trabajo, en representación de América Latina y del Caribe. No obstante la buena disposición en que estuvimos todos los representantes de gobiernos integrantes de ese grupo de-trabajo, no nos fue posible realizar la deseada entrevista con las altas autoridades italianas. No pudimos por lo tanto, realizar en forma esa Conferencia, porque, por fuerzas mayores, distintas a nuestras posibilidades, no estuvimos en condiciones de cumplir con ese mandato. Sin embargo, como lo ha hecho el Sr. Georgiadis, el Director General ha insistido también a ese respecto, y en esta situación la delegación de Colombia desea proponer formalmente que la Conferencia prolongue su mandato al grupo de trabajo que eligió hace dos años, que ese mandato sea prolongado por otros dos años más, período durante el cual agotaremos nuestra paciencia, con la esperanza de que algún día seamos recibidos por las altas autoridades del Gobierno de Italia.

M. FRANCISCI di BASCHI (Italie): Je voudrais avant tout vous adresser mes félicitations, Monsieur le Président, pour votre élection, puisque c'est la première fois que j'ai l'occasion de parler dans cette commission. Je voudrais aussi remercier M. Georgiadis à travers vous pour l'illustration qu'il a faite du problème.

Il est exact qu'il y a eu un petit pas en avant et on peut considérer comme acquise la procédure d'urgence pour l'appel d'offres; donc on a toutes les raisons de penser que les travaux pourront commencer à partir du mois de janvier. Ce qui est une bonne nouvelle; elle ne peut pas résoudre le problème grave du Siège des délégations, mais c'est quand même un pas en avant. Quant à l'aile nouvelle, je pense que là aussi je peux confirmer qu'il y aura un premier rapport sur les résultats de ces fouilles avant la fin de l'année. Ce rapport sera naturellement présenté à notre Président du Conseil, au Ministre des affaires étrangères et au Secrétariat de l'Organisation. En ce qui concerne les résultats de l'analyse de ce rapport, je ne peux naturellement pas me prononcer.

Je voudrais maintenant dire quelques mots sur le destin du Groupe de travail. Je suis le premier à regretter que cette visite n'ait pas eu lieu entre notre Premier Ministre et le Directeur général, et le Groupe de travail. Je souhaite que cette rencontre puisse avoir lieu dans un très proche avenir.

Monsieur Andreotti a été informé directement par M. Saouma de ce désir du Groupe de travail d'avoir une rencontre avec le Premier Ministre. M. Craxi a été aussi dûment informé de ce désir et je crois que finalement on pourra assister à cet événement. Par conséquent, je suis tout à fait d'accord avec le délégué de la Colombie dans le sens que je souhaite que le mandat du Groupe soit prolongé pour deux ans; cela ne veut pas dire qu'il faudra attendre deux ans, mais il est nécessaire de prolonger le mandat du groupe pour assurer cette visite dans un avenir que j'espère très proche.

J. TCHICAYA (Congo): Monsieur le Président, comme mon collègue et ami l'ambassadeur Bula Hoyode Colombie, le Congo, en ma personne, fait partie du Groupe de travail qui avait été désigné lors de la dernière Conférence pour accomplir une mission, mission précise ainsi que nous l'a rappelé le secrétariat de la FAO.

En effet, déjà lors de la dernière Conférence, la question des locaux avait retenu l'attention de la Conférence. Elle avait si bien retenu l'attention de la Conférence que l'on a été obligé de mettre en place un Groupe de travail pour essayer de discuter au niveau le plus élevé de cette question. On le sait, ce Groupe de travail n'a pas pu accomplir sa mission, non pas par incompétence, ou par manque de volonté. Comme vous le savez, c'est plutôt du côté des autorités italiennes que le bât blesse. Nous sommes heureux de ce que l'on vient de nous dire et de ce qui est dit dans ce document qui nous est soumis, à savoir que les autorités italiennes vont consentir à rencontrer ce Groupe de travail.

Cela dit, Monsieur le Président, nous devons nous féliciter avec le secrétariat, des efforts du Gouvernement italien pour arriver à essayer de régler les problèmes de locaux parce que, pour ce qui concerne la construction de 70 bureaux au huitième étage, nous pensons, comme le Conseil, que la Commission devrait se féliciter de cet effort et demander au Gouvernement italien de le poursuivre afin que la nouvelle aire soit construite.

Pour terminer je voudrais appuyer la proposition faite par l'Ambassadeur Bula Hoyos pour que le Groupe de travail qui avait été mis en place puisse enfin accomplir sa mission.

G.E. GONZALEZ (Argentina): Permítame en primer término, señor Presidente, dado que hago uso de la palabra por primera vez, felicitar a usted y a los demás miembros de la Mesa por su elección y quisiera agradecer al Sr. Georgiadis por el informe que nos ha presentado y congratularnos porque en la última parte de su informe aparece algún elemento positivo que nos permite alguna esperanza en la solución de este problema que se viene prolongando quizá por más tiempo del que fuera necesario.

Coincidimos en que el problema no puede ser tomado a la ligera, dado que afecta económicamente a la Organización y afecta en la eficiencia de sus labores.

Hemos escuchado con detenimiento a la representación de Italia y vemos con satisfacción que las autoridades italianas están dispuestas a tomar contacto con el Grupo de Trabajo que se creó en el seno de esta Organización. Todo esto nos hace pensar, señor Presidente, en que resulta sumamente conveniente dar nuestro total respaldo a la propuesta hecha por el representante de Colombia en el sentido de que esta Conferencia prolongue el mandato de este Grupo de Trabajo y confiamos en que en esta oportunidad el Grupo de Trabajo podría llevar adelante la misión que se le ha encomendado contando siempre con el beneplácito del país sede.

J.L. SAULT (Australia): We would also like to thank Mr Georgiadis for his opening address which has given us the main elements of the situation relating to headquarters accommodation. We should also like to thank the representative of Italy for giving us further information on the present situation. We welcome the positive developments that have taken place regarding the construction of 70 rooms on top of Building D. We also note that there has been a small step forward towards a long-term resolution of the Organisation's accommodation arrangements in respect of the Director-General's proposals regarding an urgency procedure in the contract process. We also note that it may now be possible for a meeting to take place between the Working Party that was established at the last Conference and the President of the Council of Ministers.

We certainly could support the extension of the terms of reference for the Working Party. The accommodation situation affects the efficiency and costs of operation of the Organization. Therefore, we can give our support to efforts by the Director-General and the Italian Government towards reaching the most cost-effective solution to the Organization's accommodation.

LE PRESIDENT: S'il n'y a pas d'autres demandes de parole, nous pouvons conclure sur le point 21.1 de notre ordre du jour.

La Commission a donc pris acte du document C 83/LIM/11 et s'est félicitée des progrès qui ont été faits pour améliorer la situation quant au problème du siège, et en même temps le désir a été exprimé que les travaux en cours soient encore accélérés. Une extension du mandat du Groupe de contact a notamment été proposée. Ce Groupe devrait rencontrer au plus haut niveau les autorités italiennes.

G. BULA HOYOS (Colombia): Yo comparto plenamente con usted, señor Presidente, el resumen que ha presentado y también la complacencia que usted expresó a nombre de esta Comisión por el mejoramiento parcial de esta situación. Sólo quería dejar constancia como representante de Colombia de mi reconocimiento a la manera activa y eficaz como el nuevo Embajador de Italia, nuestro colega y amigo Marco Francisci, ha actuado en toda esa situación. Creo que todos reconocemos la manera atenta y vigilante como él ha actuado, e igualmente la forma sencilla, cordial, siempre positiva como se ha expresado en todas nuestras reuniones; han sido factores muy decisivos para este avance que ojalá se prolongue; por eso, si fuera posible, en nuestro informe desearíamos que quede esa constancia en favor de la acción del Embajador de Francisci como estímulo para que él siga ayudándonos en la solución de estos problemas.

LE PRESIDENT: Merci beaucoup M. l'Ambassadeur Bula Hoyos pour votre complément que je fais très volontiers mien.

Nous passons donc au point suivant de l'ordre du jour, le point 21.2: Immunités de l'Organisation.

Le Conseiller juridique, M. Roche, va nous présenter ce point.

21.2 Immunities of the Organization

21.2 Immunités de l'Organisation

21.2 Inmunidades de la Organización

LEGAL COUNSEL: The subject of the Organization's immunity from legal process in Italy has already been examined by the Council at its Eighty-second session in November 1982, and at its Eighty-third and Eighty-fourth sessions in June and November of this year, Howeverm this is the first time that the Conference has been seized of the question. Therefore, I believe that a summary of the background would help the Conference better to understand the various issues and, in particular, the extract from the Report of the Eighty-fourth session of the Council which has been submitted to it in document C 83/LIM/10.

To begin the summary, which I will make as brief as possible, the first point to note is that in August 1977 the landlords of Building F - that is the building which the Organization had to rent because the accommodation in this particular location was not sufficient to house all of the staff -which is a public corporation known as INPDAI, requested a retroactive increase in rent. They did this on the basis of a clause in the lease which provided for a cost-of-living adjustment to the rent. FAO declined to make this payment because such clauses had been made inoperative by Italian legislation, and if there was any dispute on this, the matter could be taken to arbitration. However, rather than submit this divergence of views to arbitration as provided in the lease, the landlords chose in July and November 1978 to bring two actions against FAO in the Italian courts. In the first case they claimed a substantial retroactive increase in rent, and in the second action they sought the eviction of FAO from the premises.

In view of the significant administrative and financial implications that the landlords' claims might have for FAO, the Finance Committee was informed of the situation at its Fortieth session in 1977 and since then has been kept informed of developments.

When the actions were brought against the Organization, the Italian Permanent Representation was requested by FAO to bring FAO's immunity from every form of legal process, provided for in Section 16 of the Headquarters Agreement, to the attention of the judicial authorities concerned.

Since it appeared that the Italian courts would nevertheless proceed with their hearing of the actions, the question arose whether for the sole purpose of invoking and having recognized its immunity from all forms of legal process, FAO should put in an appearance in the proceedings. We consulted the Ministry of Foreign Affairs, and were given their written advice to do so. Accordingly, FAO retained the services of an Italian lawyer to appear in order to plead the Organization's immunity from legal process. He also drew the attention of the courts to the fact that such immunity did not lead to a denial of justice, since the dispute could be settled by arbitration as provided for in the lease.

In the proceedings relating to the Organization's eviction from Building F, the Tribunale Civile di Roma held that it had jurisdiction to hear the case. As the Organization's immunity from legal process had clearly been disregarded, in March 1981, the Organization referred the question of immunity to the Corte di Cassazione - which is the supreme judicial authority in Italy - for a ruling; that is a ruling solely on the question of the Organization's immunity. In the meantime, pending a decision by the Corte di Cassazione, the two actions brought by INPDAI were suspended in the lower courts.

The Corte di Cassazione held its final hearing on the issue of immunity on 1 April 1982, but the judgement only became available in October. In the meantime, it appeared prudent to envisage the practical and financial situation that might arise if the Corte di Cassazione decided that FAO did not enjoy immunity from legal process with respect to actions arising out of the lease.

Accordingly, the matter was submitted to the Finance Committee, which considered the administrative and financial implications of the litigation, and to the Committee on Constitutional and Legal Matters (CCLM) which examined the legal issues, in particular the interpretation of Section 16 of the Headquarters Agreement.

Both the Finance Committee and the CCLM, at sessions held in Autumn 1982, expressed serious concern at the situation that might arise if the Corte di Cassazione did not fully recognize the immunity from all forms of legal process laid down in Section 16 of the Headquarters Agreement. Such immunity was recognized by these Committees as being an important safeguard for the smooth and independent administration of the Organization and an essential feature of the legal status of FAO in Italy.

In addition, the CCLM considered that Section 16 of the Headquarters Agreement was unambiguous and that the phrase "Immunity from every form of legal process" should be given its full literal meaning. In other words, FAO could become subject to the jurisdiction of the Italian courts only if it had expressly and voluntarily waived that immunity. Accordingly, the CCLM recommended that, if FAO's immunity were not fully recognized, action be taken by the Host Government to find a way of resolving the problems that had arisen with INPDAI without further recourse to the Italian courts and, looking at the more general problem of immunity, that measures be taken by the Host Government to safeguard FAO's immunity in the future.

The Corte di Cassazione's judgement became available just before the Council's Eighty-second session, that is, after the Finance Committee and the CCLM had met. In its judgement, that court held that, for reasons which have been rejected in other countries and are certainly not shared by this Organization, FAO did not enjoy immunity from legal process in one of the actions brought against it under the lease. Its denial of immunity was couched in extremely broad terms which implied that most types of official transaction that the Organization might enter into in Italy would be subject to review by the Italian courts.

Since then, the Council has considered this question in great detail, at its Eighty-second, Eighty-third and Eighty-fourth sessions and it adopted resolutions on this matter at its Eighty-second and Eighty-third sessions. The Conference will find in paragraph 2 of document C 83/LIM/10 a summary of the action which the Council requested the Host Government to take.

The attention of the Conference is also drawn to the fact that, as indicated in paragraph 4 of document C 83/LIM/10, the Council found that little progress had been made to give effect to the resolution which it had adopted at its Eighty-second and Eighty-third sessions. The Council therefore hoped that contacts which the Director-General had recently had with the new Minister of Foreign Affairs would lead to concrete measures being taken by the Host Government.

The position at present may be summarized as follows:

First, no visible measures have yet been taken to safeguard FAO's immunity from legal process in the future. However, the Government has declared to the Council that it will prevent any measures of execution being taken against FAO, and that the Government is considering the possibility of amending Italian legislation on the immunity from measures of execution of State property and the property of international organizations. It is not clear to us, however, in what way FAO would be favourably affected by any such amendments, since the Government has declared that the Organization was protected from any measures of execution already.

Secondly, after the Corte di Cassazione's judgement, the lower courts resumed their hearings in the two actions brought against FAO by the landlords of Building F. In accordance with instructions from the Council, FAO has not participated in those proceedings. This is only logical since the Organization does not consider that these courts have jurisdiction over these matters. One court held that there were no grounds for evicting FAO. The judgement on the merits of whether the retroactive increases in rent are due or not is pending. The Court's last hearing was held on 18 October, and we expect a judgement will become available in the coming months.

Thirdly, the notes which I have before me say that three other actions have recently been brought against FAO. I should amend that to "four", because a fourth arrived this morning through the Permanent Mission. In two of these cases judgements have been rendered against FAO in cases where FAO has not waived its immunity. I might just add that the fourth case is not a very important one, since FAO has been cited as a co-defendant in a case relating to a traffic accident involving a car which I think is quite clearly not owned by FAO. On the other hand, this is indicative of the fact that it is widely known that FAO is now exposed to cases being brought against it.

Finally, the Conference will no doubt share the serious concern which has been expressed by the Director-General, by the Council and its Committees, at the present situation, and I am sure it will echo their hope that effective measures will be taken expeditiously by the Host Government to remedy the present situation.

LE PRESIDENT: Merci M. Roche de cette présentation. J'ouvre le débat pour les commentaires.

I.P. ALVARENGA (El Salvador) : Quisiera agradecer la exposición clara y exhaustiva que de este tema nos ha hecho el Asesor Legal, Señor Roche. Sobre el mismo nuestra delegación ha tenido la oportunidad de opinar en diversas ocasiones y en todas hemos hecho notar que se trata de un problema complejo de naturaleza jurídica y que atañe a un conjunto de hechos igualmente complicados, los cuales, ya sean los hechos como las implicaciones jurídicas, no es fácil reducir a un esquema sencillo ni es, a nuestro modo de ver, tampoco fácil encontrar una solución simple

No vamos a repetir los términos del problema, sobre todo teniendo en cuenta la clara exposición realizada hace un momento por el Sr. Roche. Sin embargo, quisiéramos reiterar a este respecto únicamente nuestra confianza en la actuación de la Secretaría y particularmente de la Oficina Jurídica

En una oportunidad, hablando ante la penúltima sesión del Consejo, expresamos dudas de tipo técnico. Nos parecía que no había sido adecuado recurrir a la Corte de Casación italiana, sabiendo como se debía de haber sabido, que en esa instancia la demanda de la FAO, la petición de la FAO, iba a ser contraria para la Organización, iba a ser contraria, porque la jurisprudencia de la Corte ha sido unánime; todas las sentencias que la Corte de Casación italiana ha dado han sido en favor de una solución que estaba en contra de la FAO, De ahí que nosotros expresamos nuestra perplejidad ante el hecho de que se hubiera recurrido a la Corte de Casación, ahorrándole a la contraparte de la FAO, o sea, a los propietarios del edificio F,

Sin embargo, creemos que esos son pasos que se habrán meditado oportunamente por la Oficina Jurídica, por quien dirigía el conflicto por parte de la FAO, y que habrá tenido sus razones. No pongo en duda la buena fe y la capacidad profesional con la que se operó. Por lo demás, en materia judicial, siempre cualquier posición será discutible. Nos llama la atención algunos términos que se han repetido en varias oportunidades, cuando se ha tratado este tema y quisiéramos detenernos sobre ello.

En primer lugar, el ofrecimiento del Gobierno, del Poder Ejecutivo, de Italia, de impedir la ejecución en bienes de la FAO, no me parece que en ninguna de las actuaciones en que este tema se ha planteado se haya visto clara la actitud del Gobierno para oponerse a una medida que proviene de las autoridades judiciales. Se nos ha señalado que el Gobierno tiene la intención de legislar y podría hacerlo, según el procedimiento constitucional italiano, pero desde luego está sometido a la revocación del poder legislativo, y no alcanzamos a comprender cómo puede el poder ejecutivo comprometerse en nombre del poder legislativo.

Disculpe, señor Presidente, la extensión de esta intervención; pero es que, como se ha repetido hasta la saciedad y no importa repetirlo de nuevo, este es un problema en el que están involucrados no sólo varios millones de dólares presentes y futuros, sino que es además una cuestión de un principio, que afecta a la esencia misma de nuestra Organización. Le ruego a usted y a los distinguidos delegados que disculpen la extensión de mi intervención, por ese motivo

En la ocasión en que hablamos de este tema en la penúltima reunión del Consejo dejamos planteados algunos puntos, que, debido a nuestra condición de observadores, no fueron tomados en cuenta en el curso de la discusión. No expresamos entonces opiniones y por eso querríamos exponerlas en esta oportunidad. Planteábamos que, según un conocido lema jurídico, es mejor una mala transacción, que no un buen pleito. Nos planteábamos por qué la FAO no podía entrar en negociaciones con los propietarios del edificio para llegar a una solución extrajudicial del conflicto, y haciendo un examen de conciencia, pudimos darnos cuenta de que si FAO había tratado de evadir el contacto, no veíamos por qué no podía asumir las responsabilidades financieras. Si eso fuese así, ¿por qué no entra en conversaciones con los propietarios para llegar a una solución extrajudicial? No creo que sea por una cuestión de dignidad política, ni de inconveniencia jurídica. No le veo ninguna razón práctica.

Otra cuestión que nos planteamos - y esto es de competencia más estrictamente correspondiente a esta Comisión - es la siguiente: según el Convenio de CEDE, existe una cláusula mediante la cual se puede llegar a la interpretación del Convenio en tal forma que no queden dudas. Nuestro procedimiento es: ¿por qué la FAO no acelera los tiempos, no acelera el dictamen de un órgano competente para decidir sobre el Convenio, provocando ese mecanismo de conflicto entre el Gobierno de Italia y la FAO?

Otra duda es, si fuese necesario, por qué la FAO no recurre al órgano internacional de justicia pidiendo también una interpretación del Convenio y pidiendo una interpretación del principio de inmunidad de las organizaciones internacionales. Yo siento por Italia un cariño, como ya lo hemos expresado en otras oportunidades, como el que más; tenemos el más absoluto respeto por sus instituciones únicas, pero somos conscientes de que este tema puede estar muy distante en el tiempo, si esperamos a que se dicten medidas legislativas, que nadie nos podría garantizar, porque dependen de una serie de circunstancias del Parlamento italiano. Creo que debemos ver la posibilidad de salir adelante, de constreñirse a los hechos, a fin de poder obtener una resolución de este tema cuanto antes

Estas son dudas, señor Presidente, que obviamente la Secretaría podría aclararnos y yo le rogaría a usted permita a la Secretaría que nos haga las consideraciones oportunas que respondan a este interrogante y después continuaríamos con el debate; porque, si se plantea la posibilidad jurídica de intervenir, nuestra delegación pedirá se recomiende al Director General que ejercite las acciones necesarias.

G. STUYCK (Belgique): Je voudrais me borner à poser une question à Monsieur le Conseiller juridique: dans toute cette discussion, il a été fait mention à maintes reprises de l'Accord de Siège. Mais dans le cas qui nous occupe, peut-on savoir si la Convention sur les privilèges et immunités des Nations Unies et sur les institutions spécialisées ne s'appliquent pas au cas qui nous occupe et si sur la base de cette convention une action ne pourrait pas être envisagée éventuellement sous forme d'une demande d'avis consultatif de la Cour Internationale de Justice ?

Je sais que c'est en principe le privilège des Nations Unies de demander des avis à la Cour Internationale de Justice et je ne sais pas si une Institution spécialisée comme la FAO est en mesure de le faire.

Ma délégation ne fait pas partie du Comité des questions juridiques, je ne sais pas si la question a été éventuellement évoquée et je serais heureux d'avoir une réponse à ce sujet.

H. M. CARANDANG (Philippines): After hearing so many questions regarding this issue I just wanted to raise one more: this is with regard to the provisions in the Headquarters Agreement which stipulates a system of arbitration in a case where there is a dispute regarding the interpretation of the Headquarters Agreement. Since the Corte di Cassazione has given a different interpretation to that which is apparently being held by this Organization, I understand that there is now a difference of interpretation between the Organization and the Host Government regarding a clause in the Headquarters Agreement. I now ask the question, whether it is not appropriate that the system of arbitration, as provided for by the Headquarters Agreement, should not be invoked on this occasion ?

LE PRESIDENT: Nous avons plusieurs questions qui ont été posées à M. Roche, M. Roche est-ce que vous êtes prêt à les éclaircir ? Vous avez la parole.

LEGAL COUNSEL: I shall begin by answering the four questions asked by the delegate of El Salvador. The first question which he asked was why FAO referred the matter to the Corte di Cassazione, because it should have known better, since the case-law of that court was obviously unfavourable to FAO. The answer to that is that there are many cases which would be favourable to FAO, if not more than those that would be unfavourable. In particular, the Corte di Cassazione has dealt with many cases relating to the immunity of States, and this, I think, is where one has to make an important distinction. It is one which, I would submit, the Corte di Cassazione failed to make. The immunity of States is based on what have become fairly well-established principles of international law which are at present in the process of being codified by the International Law Commission. These principles are also influenced by nations of reciprocity. On the other hand, the immunities enjoyed by intergovernmental organizations are essentially based, not on customary international law, but on the specific provisions of treaties. In the present case the treaty is the Headquarters Agreement. There have been no cases before the Italian courts, or certainly not before the Corte di Cassazione, interpreting an unambiguous clause such as Section 16 of the Headquarters Agreement. There are absolutely no clear precedents, except one, which involved FAO before a court of first instance, where the court held that FAO did enjoy immunity. But this finding was not in general terms; it applied to that particular case.

For those reasons, the Organization felt that it was desirable to refer the case to a very high-level court, because, quite clearly, questions of general principle - in particular relating to questions of public international law - do not frequently have to be decided by courts of first instance. And the Corte di Cassazione would be a much more appropriate and well-informed forum for an important decision interpreting a treaty to which the Host Government is a party. Therefore we went before the Corte di Cassazione with considerable confidence, and I must say that we were very much surprised that when interpreting what appeared to be an absolutely unambiguous and unequivocal provision in a treaty, the Court interpreted it in a way which (at least in our humble opinion) is contrary to the clear wording of the treaty.

With regard to the second question asked by the delegate of El Salvador, that is, why did we not enter into negotiations with the landlords, I must point out that, before the dispute, shall we say, concretized, we certainly had numerous contacts with the landlords, but we basically did not agree. At this stage it would have been perfectly normal for the landlords to refer the matter, as provided in the lease which they had quite blithely signed to arbitration. They might well have said "well, let's arbitrate". This would have been cheaper and quicker and much easier. FAO has never maintained that it must necessarily be right. Maybe the arbitrators would have found in favour of the landlords. But the fact remains that the Organization was not prepared to discuss the merits of this question before the Italian courts. Thus, we certainly did have contacts, and it was not just a question of going straight into the litigation stage. In fact we very much regretted that this matter did not go to arbitration as it should have done.

In this connection, I think an important element which should be borne in mind is that FAO is a public institution, and whereas a private company might very well have said "litigation will be long and costly, I shall reach a compromise as I am only dealing with my own money", FAO is handling public money. Likewise, the landlords too might have said that, but they are also a public corporation, their accounts go before the Corte dei Conti (public auditors). They too find themselves in what is probably a difficult position, and are not free to reach a transaction which is not, shall we say, based on law, but more on convenience. So that is probably the reason why this matter has not been settled out of court, by for example, splitting the bill down the middle.

The third question which El Salvador asked was, "why don't we go to arbitration with the Italian Government on the interpretation of the Headquarters' Agreement?" This is in fact provided for in Section 35 of that Agreement, which provides for disputes being settled by arbitration. Although the Corte di Cassazione has expressed its views on the question of immunity, we are not sure that we actually have a dispute with the Government, and at the moment we are at the stage where we hope that the Government will find a way out which will not lead us to a direct confrontation and the possible need for arbitration as a solution.

This leads me to the fourth question, which has also been mentioned by the delegate of Belgium; "why don't we go to the International Court of Justice for a ruling?". This is certainly possible. We are authorized under our relationship agreement with the United Nations: the Conference may choose to ask for an advisory opinion or it can authorise the Council to do so. Thus FAO could ask for an advisory opinion, but I think it would be preferable at the moment, at least, while the Italian Government is trying to seek a solution to the matter, to get it solved in that way. Otherwise we could put the interpretation of Section 16 of the Headquarters' Agreement to the International Court of Justice.

I think that exhausts my reply to the delegate of El Salvador, and that I have, incidentally, also answered the delegate of the Philippines. There remains one part of the question asked by the delegate of Belgium and that is whether the Conventions on the Privileges and Immunities of the United Nations, or of the Specialized Agencies, apply. The answer is no - the Convention on the Privileges and Immunities of the United Nations does not apply to the Specialized Agencies. As for the Specialized Agencies' Convention, Italy is not considered a party to it, because although the Government of Italy tendered for deposit an instrument of ratification in 1952, it contained reservations which were considered unacceptable and the depositary of the Convention - who is the Secretary-General of the United Nations - did not accept the instrument for deposit. Therefore, neither of these Conventions apply, but in fact - and this is an important point - Section 16 of the Headquarters' Agreement is absolutely identical in substance to the corresponding provisions in those two Conventions which I have just mentioned. So, even if they were applicable to FAO, we would be no better off, because it must be assumed that the Corte di Cassazione would interpret those Conventions in exactly the same way, since the wording is the same.

LE PRESIDENT: Je remercie le Conseiller juridique pour ces explications. Je donne la parole à la délégation italienne.

M. FRANCISCI di BASCHI (Italie): J'ai écouté les interventions de mes collègues et l'illustration de M. Roche avec grand intérêt. Je voudrais simplement chercher à éclaircir un point central du problème, c'est-à-dire le contenu, la portée et les imputations du jugement de la Cour de cassation d'avril dernier qui a été rendu public en octobre.

En réalité, ce jugement se limite à réaffirmer un point connu de la doctrine et de la jurisprudence italiennes et non pas seulement italiennes parce que beaucoup d'Etats suivent ces doctrine et jurisprudence, c'est-à-dire que les Etats étrangers ou organisations internationales, sur n'importe quel sujet de droit international, lorsqu'il s'agit d'un domaine de droit privé, sont considérés comme étant assujettis au juge national. C'est une doctrine qui n'a jamais changé, elle est constamment réaffirmée par la Cour de cassation.

Par conséquent, je voudrais d'abord dire que ce jugement n'aurait pas dû surprendre beaucoup parce qu'on aurait dû s'attendre à une réaffirmation de cette doctrine, qui, je le répète, n'est ni bizarre, ni isolée, elle n'est pas seulement italienne, elle est acceptée et réaffirmée par beaucoup d'Etats qui ont la même tradition que l'Italie en matière de droit.

Cela dit, il est vrai qu'il est difficile de concevoir une modification ou un ajournement du droit italien pour garantir d'une façon plus claire les immunités des Etats et des organisations internationales en présence de cette doctrine, parce que cette doctrine serait appliquée par la Cour de cassation italienne à n'importe quelle loi interne ou à n'importe quel traité international qui pourrait chercher à modifier ou à clarifier la portée des immunités.

Mais il est vrai aussi que lorsqu'on passe, disons, aux mesures d'exécution, c'est-à-dire que les tribunaux italiens passent du jugement sur le mérite du différend aux mesures d'exécution, dans ce cas-là nous avons plusieurs fois formulé un conseil devant le Comité financier, selon lequel nous pensons que l'Organisation est absolument protégée par les sections 16 et 17 de l'accord de siège. Nous avons le moyen d'intervenir en tant que pouvoir exécutif pour bloquer n'importe quelle mesure d'exécution qui pourrait entamer ce que sont les droits souverains de l'Organisation de la FAO sur le plan institutionnel. Donc là, nous avons plusieurs fois donné cette assurance. Cette assurance peut être garantie à travers deux ou trois moyens, je ne sais pas s'il est vraiment nécessaire ici d'expliquer quelles pourraient être les clauses de droit administratif ou législatif que nous sommes prêts à expérimenter dans le cas où il y aurait des mesures d'exécution à l'endroit des biens de la FAO.

Sur ce point, je peux réaffirmer ce que j'ai dit moi-même deux fois en Conseil, je le répète et je le dirai même à la Conférence, de ce point de vue je pense que l'Italie ne peut pas être accusée d'avoir ignoré ses obligations qui dérivent de l'accord de siège et pratiquement de manière spécifique des sections 16 et 17. Je dirais que quand ces mesures d'exécution seront adoptées ou envisagées, le Gouvernement italien est prêt, sur demande de l'Organisation, à défendre l'Organisation en justice à travers "l'Avvocatura Generale dello Stato", c'est-à-dire le Corps d'Avocats chargé de la défense de l'Etat en Italie. Pour le moment, je voudrais me limiter à cette déclaration.

DEPUTY DIRECTOR-GENERAL: There are two points. One is that we certainly do not accuse the Italian Government of anything, except, now, a desire to help us, and verbal guarantees that have been given. I do, however, want to make one point in defence of my colleague. The point has repeatedly come up: "why did we go to the Court di Cassazione?" and in the remarks we have just heard it has been said "why did we go when we knew that we were likely to lose?".

We went because we received written advice from the Italian Ministry of Foreign Affairs to do so. If they knew we were going to lose, why didn't they tell us that?

That is all I would like to say. I do not want to be controversial with the Italian delegation, particularly as the present team of Italian representatives were not in any way involved at the time, and we very much appreciate the constructive attitude of the team on this question. But the problem remains as outlined by Mr. Roche - we are continuing to get cases. So I think it is fitting and proper that the Conference should express its concern on this matter.

I.P. ALVARENGA (El Salvador): Por supuesto no pienso arrastrar la discusión de este tema al infinitum pero quisiera hacer algunas consideraciones.

Yo dije claramente que no ponía en duda la capacidad profesional y sobre todo la buena fe con que recurrió a la Corte de Casación y no era una pregunta que había dejado planteada, porque lo dije completamente. No hago cuestión sobre ese tema, pero se me ha respondido. Realmente, en la sesión del Consejo yo presenté ante la reunión las hojas del computer de la Corte Suprema de Casación italiana donde está toda la jurisprudencia sobre el tema, es decir ni hay fuera ni dentro; no había posibilidad de duda y leí algunas sentencias en las que los casos son idénticos en términos jurídicos al planteado por la FAO.

Se me dice que el Gobierno de Italia "aconsejó"; realmente es la primer noticia que tengo; yo sabía, había oído antes, y en los informes del Director General queda señalado que se había aconsejado que se buscara un abogado italiano; eso está muy bien; que el Gobierno haya aconsejado ir a la Corte de Casación me parece lo más extraño. No veo porqué el Gobierno italiano iba a hacer esa recomendación y porqué la FAO la iba a seguir, supongo que hay algún mal entendido al respecto.

Sobre las intervenciones del señor delegado de Italia quisiera solamente llamarles la atención a la Comisión sobre un punto: dice él que esta es una doctrina unánimemente seguida por los Tribunales italianos y es muy difícil cambiarla. Ese es el temor: justamente que es muy difícil cambiarla mientras no haya una decisión del Parlamento dando una nueva ley que no permita a la Corte de Casación continuar con esa jurisprudencia, porque la Corte de Casación no puede fallar en contra de la Ley italiana, es evidente, pero como ahora la Ley es vaga; se basa en la doctrina que fuese considerada oportuna; entonces, repito, nosotros podríamos estar esperando durante mucho tiempo con una espada de Damocles pendiente, cada vez más procesos se van sentenciando contra la FAO y yo pienso que tomando en cuenta las aclaraciones del señor Asesor Legal de que no cree oportuno en este momento recurrir a un Tribunal de Arbitraje señalado por el convenio o a la Corte Internacional, que esta Comisión sugiera a la Conferencia que pida al Director General que considere las posibilidades, es decir, que analice los pros y los contras de recurrir a un organismo internacional o al Tribunal de Arbitraje señalado por el convenio y que de acuerdo con el Consejo y el Comité de Asuntos Constitucionales y Jurídicos tome la decisión cuando lo crea oportuno. Con eso dejamos a nuestro Director General la decisión con base técnica de tomar las medidas del caso, pero no nos quedamos simplemente esperando a ver qué sucede.

M. FRANCISCI di BASCHI (Italie): Je voudrais simplement faire remarquer au distingué délégué du Salvador qu'il est très difficile de faire adopter une loi au Parlement, loi qui statuerait sur une immunité totale. Comme vous le savez bien, l'Etat italien est basé sur le respect de la loi. Donc l'Etat italien a le devoir impératif de protéger les intérêts légitimes de ses ressortissants italiens. Il y a donc là un grave obstacle.

D'autre part, dans le cas d'espèce du montant de la location du bâtiment F, la Cour de cassation a statué sur la compétence du juge italien. Dans un autre cas, concernant une mesure d'exécution qui frapperait des biens, donc la fonction typique de l'Organisation, il est à espérer que la Cour de cassation s'exprime d'une autre façon. Ce n'est pas que l'Italie ne reconnaisse pas les immunités mais il y a seulement cette distinction entre le sujet qui agit en temps que souverain pour ce but institutionnel et, de l'autre côté, le même sujet qui agit dans la sphère du droit italien. C'est là la difficulté.

LE PRESIDENT: Je ne vois plus d'autres drapeaux levés. Nous pouvons donc conclure sur ce point.

Nous avons pris note des différentes questions qui ont été soulevées. Nous prions le secrétariat et le Comité de rédaction de nous proposer un rapport.

L'heure est avancée mais heureusement nos travaux sont également bien avancés. Nous avons gagné un peu de temps sur l'horaire prévu. Il nous reste encore deux points à traiter: Etat des contributions, point 21.3, et le point 21.4 : Amendement du règlement financier. Puisque plusieurs délégations m'ont prié de leur laisser un peu de temps, je vous propose d'ajourner nos délibérations jusqu'à demain après-midi. Il n'y aura donc pas de séance de la Commission III demain matin et nous reprendrons les travaux demain après-midi pour traiter des deux points qui nous restent encore sur l'ordre du jour

The meeting rose at 17.35 hours

La séance est levée à 17 h 35

Se levanta la sesión a las 17.35 horas

conference

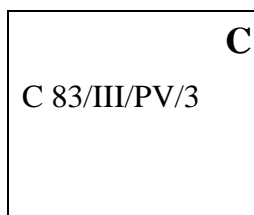
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Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

THIRD MEETING
TROISIEME SEANCE
TERCERA SESION
(18 November 1983)

The Third Meeting was opened at 15.00 hours
T. Glaser, Chairman of Commission III, presiding

La Troisième Séance est ouverte à 15 heures, sous Lapésidence de
T. Glaser, Président de la Commission III

Se abre la tercera sesión a las 15.00 horas, bajo la presidencia de
T. Glas Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)
PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

- B. Administrative and Financial Matters (continued)
B. Questions administratives et financières (suite)
B. Asuntos administrativos y financieros (continuación)
21. Other Administrative and Financial Questions (continued)
21. Autres questions administratives et financières (suite)
21. Otros asuntos administrativos y financieros, (continuación)
- 21.3 Status of Contributions
21.3 Etat des contributions
21.3 Estado de las cuotas

D.K. CROWTHER (Assistant Director General, Administration and Finance Department) : The documents relating to this Item are C 83/LIM/13, C 83/LIM/13-Sup.1, C 83/LIM/22. The Basic Texts of the Organization sets out the financial obligations of all Member Nations and are formally accepted by each Member Nation at the time it joins the Organization.

Article XVIII-2 of the Constitution establishes that each Member Nation undertakes to contribute annually to the Organization its share of the budget as apportioned by the Conference. The scale of contributions for the 1984-85 biennium has already been reviewed by this Commission and is being forwarded to Plenary for formal adoption.

With regard to the required timing of payment of contributions, Financial Regulations 5.5 establishes that they shall be due and payable in full within 30 days of the receipt of the communication of the Director General informing Member Nations of the amounts of their financial obligations or as of the first day of the calendar year to which they related, whichever is the later.

Documents C 83/LIM/13 and C 83/LIM/13-Sup. 1 set out the status of contributions at 2 November 1983 when the Council reviewed the matter. Subsequent to that date, approximately five million three hundred thousand dollars have been received from some 15 Member Nations, of which just over five million dollars was received from the United States. The amounts of these contributions received will be reflected in the Appendix to the Conference Report on this Item. You will note from the two documents that notwithstanding the required timing of the payment of contributions in accordance with the Financial Regulations, only 82 Member Nations had paid their 1983 assessment in full while a balance of 70 Member Nations had not met their obligations. In fact, approximately \$34 million of contributions were outstanding at 2 November 1983.

I would also call your attention to paragraph 90 of the document which sets out the cumulative percentage of current year's assessments received during each month of 1983. In accordance with the Financial Regulations, all current assessments should have been received by the end of February. Only 18.81 percent had been received at 28 February 1983. The Report of the Council at paragraph 93 draws attention to another unsatisfactory aspect arising from delayed payment by Member Nations relating to miscellaneous income.

Member Nations which delayed payment of their contributions indirectly reduced the total amount of miscellaneous income which could be earned from the interest on investments. At the same time, however, these Member Nations would enjoy an unearned share of miscellaneous income which was, in fact, produced only from the contributions of the Member Nations which paid promptly.

The Conference may wish to endorse the appeal of the Council to all Member Nations to meet their financial undertakings in accordance with the Financial Regulations of the Organization, both to prevent cash flow problems for the Organization, and to avoid inequitable treatment to the disadvantage of those Member Nations which paid on time.

I would also mention that the number of Member Nations with arrears, currently 38, is twice the number which had arrears on the same date in 1981, the previous Conference year.

While many are known to be suffering severe financial difficulties, the Conference may also wish to appeal to them to make every effort to pay their arrears at the earliest possible moment.

With regard to the nine Member Nations in danger at 2 November 1983 of losing their right to vote at this session of the Conference, from the reports of the General Committee you will have noted that five Member Nations' votes have been restored, two Member Nations have no representation at

the Conference, and the remaining two Governments have not taken action on which the General Committee could recommend restoration of their votes.

At this time, I should like specifically to call attention to the matters included in document C 83/LIM/22, and specifically make reference to the shortfalls that have been projected for next biennium.

In an attempt to determine what the likely financial position will be of the Organization and the ability of the Organization to meet the full Programme of Work and Budget for the next biennium, we have foreseen that estimated contributions outstanding at the end of this year, and therefore the end of this biennium, could be as much as twenty-two million dollars. During calendar year 1984, there is a foreseeable shortfall of approximately two and a half million dollars. This would increase our outstanding amount to as much as twenty-four and a half million dollars at the end of 1984.

During 1985, we would expect about the same amount of increased shortfalls will occur in contributions, and that is another two and a half million dollars, which would bring the total normal shortfalls that are foreseeable to approximately twenty-seven million dollars at the end of the biennium.

In an attempt to look carefully at what the financial picture will be at the end of the biennium, we have looked at all possible further developments and find that our largest contributor and our third largest contributor could have special problems from either legislation, financial or other problems, and we have a large number of other contributors who could also have very critical problems leading to a possible shortfall in contributions.

Now recognizing that this is the worst possible case, and also recognizing that these major contributors have always paid their contributions within the year that they have been due, nonetheless looking at the contingencies and legislation that exists today, there is a possibility that the largest contributor could have a shortfall in its contributions to the Organization during 1984-85 biennium of as much as \$7.8 million. The third largest could possibly have as much as a full \$40 million shortfall. Other large contributors could have critical problems amounting to as much as \$7 million. Again this worst case, if it were to occur, would amount to a total of an additional \$54.8 million in shortfall which, added to the \$27 million projected, could possibly have an outstanding contribution at the end of 1984-85 biennium of as much as \$81.8 million.

The Organization has been provided with selected funds in order to make up shortfalls. These funds, at the beginning of 1984-85 biennium, will have in the working capital fund \$12.9 million and in the special reserve account \$21 million, total \$33.9 million. We can foresee the normal shortfalls in receipt of contributions that I mentioned in both 1984 and 1985 amounting to a total of \$5 million, which would be charged against the working capital fund and reduce the \$12.9 million beginning balance down to \$7.9 million. Similarly we can see probable unbudgeted staff costs that result from increased spending contributions, health insurance contributions and general service summary increases that have not been included in the budget. These could amount to as much as \$7 million. These unbudgeted staff costs would be charged against the special reserve account.

In addition we see the possibility of post adjustment reductions that could amount to as much as \$1.3 million. This amount would also be charged against the special reserve account. Taking those amounts from the beginning balance of \$21 million in the special reserve account, the balance at the end of the biennium then could be \$15.3 million, together with a projected balance in the working capital fund of about \$7.9 million at that stage. We would have a total of \$23.2 million to guard against other unforeseen circumstances.

Now taking into account the worst possible case of as much as \$54.8 million in shortfalls from both contributors who have the possibility of other problems, we then would have an added shortfall that would totally take away the balance in the special reserve account in the working capital fund account.

At that point we would end up with a deficit of over \$31 million. The special reserve account was originally set up for a number of purposes, including to guard against lire rate fluctuation and inflation. If we consider the possibility of lire rate fluctuation and inflation of an average of 1,465 lire per dollar, that could show us a shortfall during the biennium of as much as an additional \$10 million. If that were charged against a special reserve account which, by this time, is way below zero, our total deficit then could be as much as \$41.6 million.

It is for these reasons that we have included the LIM document, and at this time I would like to ask the Deputy Director-General, Mr West, to go further into some of the reasons for proposing the LIM document.

DEPUTY DIRECTOR-GENERAL: You have heard a lot of figures and at first sight they are complicated but, in fact, the situation is basically a simple one. We have so-called "normal" shortfalls in contributions. We have growing difficulties among some Member Nations, many small ones, but also some who contribute fairly large amounts. We have also the possibility that in addition we shall be faced with difficulties, however unwelcome to themselves, by some of the largest contributors in making available their contributions. So we have an enormous amount hypothetically not available during this biennium. To offset that we have certain instruments, the special reserve account, the working capital fund and also the authority to borrow. The working capital fund is small. A certain part of it is earmarked for meeting emergencies, such as foot-and-mouth disease, outbreaks of other pests, etc. So we cannot use the whole of that anyway, simply in order to offset contributions. But even after putting that aside, we are still faced with the fact that we shall begin the biennium with the working capital fund already eroded by a fairly large amount, leaving little more than half the scheduled figures, because of existing shortfalls in contributions

So the extent to which one could rely on the Working Capital Fund to meet all or even some of these possible shortfalls in contributions during the course of 1984-85 is very limited indeed.

Then we have the Special Reserve Account, whose primary purpose is to guard against unbudgeted inflation occurring during 1984-85, and possible adverse currency developments. It is only as a subsidiary use that it can be used, if not required for other purposes, to offset shortfalls in contributions. We are foreseeing that, there is already a considerable charge on the Special Reserve Account that is likely to happen on account of changes in health insurance contributions, pension contributions and salaries for general services, and we have deducted in our calculations a possible reduction in professional post adjustments - we have not forgotten to do that. But it seems probable that the total amount of the Special Reserve Account could be available.

Then we have to take account of the possibility, which is foreseen by practically every commentator one reads at international financial gatherings or in the international financial monetary Press, that the present rate of the dollar cannot be sustained and is bound to come down some time - but nobody knows when, whether it is going to be next month or next year, but some time they feel there will be a big drop. It so happens that it is still rising, which means that the fall, if it comes and when it comes, is likely to be rather severe in its effects.

In this connection I would mention that the Italian lira, with which we deal to a large extent in this connection, may be weak against the dollar, but it is not out of line with the weakness of other currencies against the dollar. This is partly because of its position in the European monetary system, so it cannot be assumed that the dollar will remain stronger against the lira comparatively than it is against other currencies. Thus, if the fall comes it will affect us also. It would therefore be extremely imprudent to foresee running down the totality of the Special Reserve Account, because one might need quite a large part of it, or all of it, during the course of the biennium.

That would still leave the authority to borrow. When this was granted by the last Conference there was quite a lot of opposition to granting it. The Conference decided to grant it; the Director-General himself gave the guarantee that we would not use it unless we had to, and that he would report to the Conference if we had to use it. Well, owing to - I might claim, good management - we have not had to use it. It therefore continues unused, and this is available for dealing with problems in the next biennium. But the same reasons which led us not to want to use it during this biennium will lead us even more not to want to use it in the next biennium in the circumstances which we are discussing because, unlike other possible solutions, it carries additional penalties. We would not only be borrowing, mainly against unpaid contributions, which means that we have to pay it back, and this does mean eventually additional assessments on all Member Nations, some of which might also not be paid. But secondly, it would mean interest payments which would be another additional burden which otherwise would not pertain if other solutions could be adopted. So, we continue to feel that the use of the authority to borrow should really be the last desperate resource.

Why therefore have we come with this document? Because - to sum up the situation - there won't be much available in the Working Capital Fund; it would be folly to run down the Special Reserve Account in its totality; and we want to avoid authority to borrow in order not to create additional burdens for Member States. Hence the idea put forward in document C 83/LIM/22.

Why did we come with this during the Conference? Why was it a surprise to some delegations? We did take the matter to the Finance Committee in September when it appeared that the legislation of one country would be even worse in its effects than now appears might be the case, and a reference appeared in the report of the Finance Committee. This was discussed in Council and was brought up to date during the Council and Council included a reference in its Report. So the Conference had reason to know from the beginning that this was going to be a problem. We waited until the last moment in order to avoid confusing the Conference with what is obviously a complex and difficult problem to resolve. However, the best efforts of the largest contributor have proved unavailing (unless they are able to tell today that Congress has not adopted this provision), and we heard the other day from another major contributor of their problems concerning their contributions.

I want to emphasize very strongly that we are not pointing the finger at any particular delegation or delegations. There are many delegations which are not paying their contributions on time, and in the case of the largest contributor it has been evident from the beginning that they have done their utmost to avoid the situation with which they may be confronted through no fault of their own and through no fault of their colleagues in the capitals - we are all convinced that they have been doing their utmost to avoid the situation. As regards the other major contributor, the situation, I may say, remains somewhat obscure. We appreciated very much their attitude on the Programme of Work and Budget, but I think many of us were startled by the explanation of vote which followed; and, if I recall correctly, one delegation asked what its meaning was, and the explanation was somewhat delphic.

Let me say frankly that neither of those two major delegations - and I am only mentioning them because of the size of the contribution, not because of their good will or anything else, it is the sheer size of their contributions which makes it necessary to single them out - if either of them could give a guarantee today that these things positively would not happen, then I would tear up this document in front of you and leave the room. But no one can give such guarantees, particularly for 1984-85 - this is not only the 1984 situation, but the 1985 situation as well - and I am sure they will do their utmost to prevent this situation happening. However, none of us can be sure that it won't happen. Therefore the Director-General has concluded that it is his inescapable duty to come to you with proposals which, while not involving an immediate decision nor an irrevocable action, would provide the possibility of dealing with the situation in one year's time, or even in 1 1/2 years' time, if by then it would seem that something has to be done. If by then it would seem that nothing need be done, or that we could manage with the instruments we have at hand, we would not propose anything else. We would manage -- and I emphasize again that hitherto we have always managed very well: we have never come to you with a deficit situation. I think that the only time in FAO's history that there was a deficit was in 1952 or 1953, something like that, before any of us were involved in the affairs of the Organization. But in the last few years there has been a surplus and this time there is an unusually large surplus.

Why does the surplus arise? Because of good management with investments, good management with income from such things as the travel agents, and good management as regards the programme so as to avoid over-spending when we were unsure of contributions and wanted to avoid having to use the authority to borrow. We got the authority to borrow at the last Conference. We could have spent like mad up to the hilt on the programme and then said "Gentlemen, we have to borrow because we have implemented the programme in full and we still don't have enough money and therefore we are going to use the authority to borrow." But we didn't - we started out by saving as much money as possible so as to avoid placing that burden on Member Nations. So it is by good management that we have this sum of money available.

Returning to one of my points: it is an unfortunate situation for everybody but particularly for those Member Nations who help us avoid this situation of having to borrow by paying their contributions on time. It is at them that we should be pointing the finger as a good example to all the rest who cannot manage the same. So it is those who pay who are unfortunately involved with those among you who cannot pay that creates a problem. This is the problem: it is not between you and the Director-General, it is between yourselves that this situation arises, and the Director-General is only coming forward with the proposal which unfortunately will seem harsh or unfair to those who do pay on time, but nevertheless is, in his view, possibly necessary to meet a rather unusual situation.

I don't want to take too long so I will not go into too much detail; but I must make a few more remarks.

He could in certain circumstances have come to the Conference and proposed straight away that the Conference give him this authority - but he has not done so, because he is the first to inform you that the situation is still hypothetical. He has therefore proposed something which is a minimum action, which is simply to enable the Council to take action, if necessary, - no more, and if it is not necessary, no action will be taken.

There are many precedents for the Conference giving the Council enabling powers in financial matters. Furthermore, on his behalf, I want to assure you all - because you are all involved - that he will come first to the Finance Committee and then to the Council with full information on the situation regarding contributions at that time, the arrears, the late payments, the intentions of member governments as communicated to us. He will inform the Finance Committee and the Council of the existing commitments, if any, on the Working Capital Fund and on the Special Reserve Fund, of his assessment of the possible developments during 1985, as well as 1984, and he will undertake to use whatever is available on the basis of the assessment from the Working Fund and the Special Reserve Account to meet the situation before suggesting anything about cash surplus.

In this connection the resolution says "as the first source of funds...". I think this is misleading because it was meant first before authority to borrow and not first before the Working Capital Fund and the Special Reserve Account. We will certainly use them to the extent considered feasible and desirable before any move is made to use the cash surplus, and that is a categorical assurance; and, if necessary, we can propose a change to the wording of the resolution to make that absolutely clear. It is in the verbatim and it can also be put in the report.

To sum up, we regret very much to have to come to you with this item. We are not pointing the finger at anybody. It is they who have informed us of their problems, not we who have initiated this. It may not be as bad as we think. But we have to be prepared. However, the way we are asking to be prepared is simply to give the Council - not us - the opportunity to decide on behalf of the Conference what to do. What has to be done cannot be foreseen. It may be that nothing has to be done. Maybe nothing special has to be done. We are not in any way pre-judging what will be proposed, what will be decided. So I think despite the concern which this seems to occasion - for some reason financial proposals seem to occasion more concern than any other proposals - despite this, I think it is at heart a simple proposition which no one need be afraid of. It should concern everybody but no one should be afraid of it.

So I hope that the debate will reveal that the Conference can support the simple proposal to empower the Council to take whatever decision seems appropriate at the time. And one more point on that: if it feels unable to take the decision at the end of November 1984, it is also possible for it to take a further decision in June 1985, or again in November 1985. There is no final date up to the end of the biennium by which a fatal step is taken which is irreparable.

W.A.F. GRABISCH (Germany, Federal Republic of) (original language German): This paper, C 83/LIM/22, which was submitted to us here unexpectedly, was carefully examined by us and we are still dealing with it. We have also listened attentively to the two introductions by the Secretariat.

Now, Mr Chairman, permit me to speak on item 21.3 of our agenda and to state the following at this point. Firstly, I think it is necessary to do away with what was obviously a misunderstanding in connexion with our brief statement after having voted in favour of the Programme of Work and Budget for 1984-85 on the 16th November in the Plenary here. A number of delegates who spoke to us subsequently, obviously - due to a difficulty of translation, understood something different from what we said. Therefore, let me say this for clarification. The Budget Committee of our Parliament did not at all decide to freeze our contribution, but to provisionally block in the sense of to withhold our contribution for 1984, and, I stress for 1984 only. This to clarify the situation. This procedure was also applied in 1982 and 1983 in our country. In the last analysis it has not prevented the Federal Republic of Germany from paying its contribution in the year due.

May I add the following. The Federal Republic of Germany, in the 33 years of its membership of FAO, has always fulfilled its financial obligations in the respective budget year. On the other hand, if we look at document C 83/LIM/13, there are 68 countries that are in arrears with their contributions. That was point one

Now point two. After the initial examination of document 83/LIM/22, we have come to the conclusion that the measures proposed are not necessary. We think it is highly improbable that the Organization would arrive at such a difficult financial situation in which the implementation of the Programme of Work would be seriously jeopardized. It is our opinion that the instruments available, i.e. the Working Capital Fund, the Special Reserve Account and the Authority to Borrow, are sufficient to cope with the emergency situation as assumed here. Therefore the proposal contained in this document is one which we cannot endorse.

J.L. ZAPATA (Venezuela): Señor Presidente, a la Delegación de Venezuela también sorprendió mucho la lectura del documento C 83/LIM/22 en el cual, se narra una serie de circunstancias relativas al principal contribuyente de FAO, que nos llevan a gran preocupación.

Las palabras del representante de Alemania Federal nos tranquilizan en relación con la posición de ese país, que parecía diversa a la luz de la traducción que se hizo ayer de sus palabras. Sin embargo, nosotros consideramos que el problema, a la luz de estos documentos sigue siendo verdaderamente preocupante para el futuro de esta Organización.

El hecho mismo de que el Director General haya presentado esta solicitud, aun cuando se presente con esta forma y dando la posibilidad de que sea el Consejo quien decida en la oportunidad en que fuere necesario, pensamos en que el hecho mismo de presentarla es una demostración clara de que esa hipótesis está planteada. Y, ¿cuál es esa hipótesis? Muy simplemente, que estamos en presencia de la posibilidad de que la FAO no tenga los fondos suficientes y necesarios para hacer frente a nuestras obligaciones presupuestarias. No sé si nuestra delegación ha entendido mal, pero pienso que este es el significado de estos documentos.

Habría muchas preguntas que hacerse. Yo, al final de mi intervención, que espero sea breve, voy a leer algunas de las interrogantes que a nosotros se nos ocurren, para que el representante del Director General, aquí presente, nos las responda, si es posible.

Pero, desde luego, sí hay una interrogante fundamental y previa y es que, si no hay una voluntad política para seguir contribuyendo al mantenimiento de FAO, evidentemente estamos asistiendo al preámbulo de lo que pudiera ser la liquidación, si no total, sí parcial de esta institución. Entonces habría que hacerse una pregunta: si esta hipótesis está planteada, (por qué razón aprobamos ayer o anteayer el presupuesto de la institución, con unos datos que no contábamos con relación a esa hipótesis. Todo presupuesto debe contar con los fondos necesarios para hacer frente a las obligaciones que se contraen. Aprobamos entonces un presupuesto sobre base falsa. No contamos con la seguridad o la posibilidad más o menos cierta de tener los fondos necesarios para hacer frente a ese presupuesto. Entonces tendríamos que pensar en la posibilidad de discutir otro presupuesto más sincero, que cuente con una realidad distinta, pues los fondos que vamos a tomar de estos recursos que tiene FAO, evidentemente, como se ha demostrado y como se ha dicho ya, se van a agotar. Si los principales contribuyentes o todos no cumplimos con nuestras obligaciones oportunamente, nos veremos abocados a una crisis de financiación de nuestro presupuesto.

En consecuencia, yo creo que se impone una sinceración de esta situación y una sinceración de presupuesto. Si no hay los fondos suficientes y necesarios para hacerle frente en el presupuesto de FAO, tenemos que encarar esta situación con toda sinceridad y con todo realismo. Lo otro sería engañarse; porque, ¿qué institución financiera va a prestar fondos a una organización cuyos aportantes, cuyos miembros contribuyentes no están dispuestos a pagar esos créditos?

Entonces yo, como dije al principio, voy a concluir estas reflexiones haciendo unas preguntas, que serán las siguientes:

En primer lugar, si hay antecedentes según los cuales se haya autorizado en algunas ocasiones al Director General que tome dinero del fondo general, cuando el Reglamento Financiero en su Artículo 6.1(b) establece que: "todo superávit en efectivo que quede en el Fondo General al cerrarse un ejercicio económico se repartirá entre los Estados Miembros de conformidad con la escala de cuotas correspondientes al mismo ejercicio económico y, el primero de enero siguiente al año en que se terminó la comprobación definitiva de las cuentas del ejercicio económico..."

Segunda pregunta: ¿es justo castigar a los países solventes y premiar a los países insolventes?

Tercera pregunta: si se aprueba, de ser posible reglamentariamente, la proposición en marcha, esto supone que, una vez que los países deudores paguen sus deudas al Fondo General, éste será repartido entre los Estados Miembros, como lo determina el Artículo 6.1(b) del Reglamento Financiero ya citado?

Cuarta pregunta: Si algunos países que son los mayores contribuyentes no pagan o disminuyen sustancialmente sus aportes, como parece desprenderse del documento C 83/LIM/22, y declaraciones expresas que se hicieron en esta Conferencia, aun cuando ahora se ha aclarado que no es exactamente lo que se dijo, ¿de dónde se van a sacar los fondos para hacer frente a las obligaciones presupuestarias?

Quinta pregunta: Si no hay dinero suficiente aportado por los Estados Miembros, tendrá la FAO que tratar con organismos financieros públicos o privados para llevar adelante su programa del próximo bienio?

Sexta pregunta: Habrá instituciones financieras que estén dispuestas a dar un crédito a la Organización sabiendo que hay Estados, que hay países que no pueden y otros que no están dispuestos a cancelar sus cuotas correspondientes?

Por último, séptima pregunta, quisiéramos saber, qué sucederá con un presupuesto aprobado sin tener la garantía de que se va a poder ejecutar?

Estas son todas las preguntas.

C. Di MOTTOLA BALLESTRA (Costa Rica): Quiero ante todo, señor Presidente, agradecer a la Secretaría y especialmente al Director General Adjunto, por la forma clara con que nos ha expuesto una situación compleja y extremadamente preocupante. Según entiendo hay tres motivos de preocupación: las cuotas atrasadas que ya tienen cierta consistencia y que, posiblemente por falta de voluntad de los países, por causas imprevisibles, pero que pueden existir, pueden aumentar; el atraso del año en curso y, el otro motivo, podría ser la reducción que unos grandes países pueden aportar en sus cuotas.

Estoy completamente de acuerdo con el Director General Adjunto en que los dos medios constitucionales que tenemos para hacer frente a esta situación, o sea, el Fondo de Operaciones y la Cuenta Especial de Reserva, no son suficientes. Y no son suficientes especialmente en este momento. El Fondo Especial de Operaciones sirve para hacer frente a atrasos durante el año o enfermedades que se produzcan localmente en un país, cosa que en este momento no hay, pero que puede pasar de un momento a otro. No se puede disponer de este Fondo para otros fines.

La Cuenta Especial de Reserva puede servir en caso de grandes fluctuaciones monetarias, y éste es un momento de grandes fluctuaciones monetarias. Es necesario recurrir a otros medios

Estoy completamente de acuerdo en que se tienen que prever los casos; que todos los motivos de preocupación se averigüen al mismo tiempo y no que se averigüe uno. Tal vez en el documento que se nos presenta, el texto de resolución es una precaución, porque no es ninguna decisión, sino simplemente delegar al Consejo ciertas facultades. Estoy de acuerdo con la totalidad de la resolución, solo con una pequeña variación, que en la parte operacional se debería invertir el número 1 con el 3; o sea, se debería autorizar al Director General a recurrir antes al superávit de tesorería y, en un segundo momento, a préstamos. En este período en el cual los préstamos cuestan caros, no veo por qué se tiene que recurrir a ellos mientras exista superávit de tesorería.

Por tanto, hago esta sugerencia de que en el texto de resolución que se nos presenta se consiga la posibilidad de invertir el párrafo operacional 3 por el párrafo 1; que se ponga alguna frase para especificar que el recurso de superávit de tesorería sea antes que el recurso a los préstamos.

Tesema NEGASH (Ethiopia): First of all, I appreciate the representation by the Assistant Director-General of Administration and Finance Department and the explanations given by Mr West. Inasmuch as the Deputy Director-General, Mr West, regrets the necessity to bring this matter before us, we regret the situation that has led to the presentation of the paper and the draft resolution. Regrettable as it is, we strongly feel that it is incumbent upon this Conference to indicate possible solutions for the problems facing this Organization so that it can effectively meet its responsibilities.

Based upon the paper before us and the assurances just given by Mr West, we understand that the Director-General is not asking for the use of this fund to fill the shortfall, but rather authority for the Council at its forthcoming meeting to take appropriate action vis-à-vis the Special Reserve Fund in order to take account of the serious problems facing the Organization.

My delegation has no problem with accepting and endorsing the draft resolution. In fact, we hereby declare our agreement. But this is not the end of the road. Such a shortfall could reoccur and, as pointed out by the Assistant Director-General, this will almost definitely happen again. What is the end of the road? Where are the permanent solutions? Can this Organization continuously live with such reoccurring problems?

We believe that this Commission should address itself to the long-term resolution of the problem rather than limiting itself only to the current one. It is our earnest hope that this Conference will appeal to our major donors and all others who have failed to meet their commitments, to do so timely so that the Organization can meet the obligations entrusted to it by the world community.

O. BILBEISI (Jordan) (original language Arabic): Before discussing the document submitted to this Commission, please permit me to read out paragraph 4 of the first part of the report of Commission II, document C 83/II/REP/1 which reads as follows: "The Conference emphasized that the current world economic situation made it necessary now more than ever not to relax the momentum of international effort and commitment to reduce and eventually eliminate malnutrition and poverty. It agreed that FAO had to remain at the forefront of efforts towards this objective" which was universally shared.

Mr Chairman, I cited this quotation to prove the leading role played by the FAO in the eradication of poverty and malnutrition through the full implementation of the Programme of Work and Budget for the biennium 1984-1985. Following the adoption of Programme of Work and Budget for the biennium 1984-1985, we expect that the FAO Director-General will take the necessary measures to implement fully the Programme of Work and Budget. But this will not be possible unless we provide the Organization with all the necessary funds in accordance with the Budget approved by the Conference. We would like to emphasize the necessity for all Member States to pay their contributions on time and as soon as possible. We have great concern over the news we have heard recently about the possibility of reducing largely the contribution paid by one of the major contributors to the Organization budget. Yet we do hope that this major country will not resort to such a measure. Besides, the non-payment by the major contributors of their contributions, whether intentional or unintentional, is another source of grave concern. That is why we appeal to the representatives of those contributors to convey this message to their governments. We are thus not only expressing

the viewpoint of our country but we believe that the majority of the FAO Member States share with us this concern. The justifications of delays in the payment of contributions by the above mentioned countries or by any other country are unacceptable and illogical. Moreover, many of the Member States among which unfortunately there are some developing countries have not paid their contributions partially or completely for one reason or another. That is why we seize this opportunity to appeal to all Member States to pay their contributions in full and on time.

All these factors will lead to a shortfall in the liquidity of the Organization. Hence the FAO Director-General will find himself unable to implement the Programme of Work and Budget. We cannot blame the Director-General then, because he will not be responsible for such a situation; the responsibility will fall squarely on the Member States.

In order to avoid such possibilities, and in order to avoid the risk of having a shortfall in the funds available for the Organization, it is incumbent upon the Conference to adopt the necessary decisions that would secure sufficient monetary liquidity that will enable the Organization to implement its activities and programmes that will be approved by this session of the Conference. The document prepared by the Organization on this question has made it clear that the use of the working Capital Fund or the Special Reserve Account will not remedy in full this situation, because the expected shortfalls in contributions according to the FAO assessments, are larger than the capacity of these two sources.

The FAO Council has given the Director-General the authority to borrow subject to certain conditions, in order to meet such a situation, but the Director-General has not used that authority during the biennium 1982-1983. This should not mean that such an authority given by the Council has ceased. We support giving the Director-General the authority to borrow during the biennium 1984-1985 subject to the same conditions. It might be even more appropriate to maintain this authority to borrow for the Director-General after the coming biennium and subject to the conditions which the Council may deem suitable. But I would like to add that in this regard to borrow from banks is a very serious thing taking into account the high rate of interest and the high commission of loans given by these banks. That is why this form of borrowing would be used as a last resort to secure the financial resources for the Organization, Therefore, this proposal presented by the FAO Secretariat seems to be acceptable under such circumstances, namely the use of cash surplus that will be available at the end of the biennium 1982-1983 to cover the shortfall in contributions due to delay in payment or non-payment partially or in full as I mentioned before.

Therefore, we support the adoption of a decision by this Conference mandating the Council to review this decision as mentioned in the document under consideration.

Mr Chairman, in conclusion, since I am taking the floor for the first time, I should like to take this opportunity to congratulate you on your election as Chairman of this Committee. I should also like to extend my congratulations to the two Vice-Chairmen. I would also like to thank the Head of the Finance Department and the Deputy Director-General for their explanations of the financial situation of the FAO.

J. TCHICAYA (Congo): La délégation de mon pays a étudié avec le plus grand soin le document C 83/LIM/22 actuellement soumis à notre examen et tient à exprimer sa vive préoccupation de voir la conférence être obligée de recourir à des artifices pour permettre la réalisation du programme de travail et budget que nous avons librement et unanimement approuvé.

Nous avons écouté avec beaucoup d'attention les explications que M. West a bien voulu nous donner. Cependant, la situation étant ce qu'elle est, et compte tenu de ces explications, c'est-à-dire que nous nous trouvons dans une période d'incertitudes et où les impondérables semblent prendre le dessus, ma délégation voudrait donc apporter son soutien à la résolution qui confirme les dispositions de la résolution 2/80 du Conseil autorisant le Directeur général à emprunter, résolution qui par ailleurs avait déjà reçu le soutien de ma délégation.

De même que nous pensons qu'il est nécessaire effectivement de déléguer au Conseil le pouvoir d'autoriser, en cas de besoin, le Directeur général à ne pas répartir l'excédent de trésorerie par lequel pourrait se solder l'exercice 82-83, et à le mettre de côté comme première source de financement à utiliser en cas de besoin pour couvrir les dépenses budgétaires que nous venons d'approuver. Nous faisons ainsi confiance au Conseil, organe dont le sérieux est incontesté. De plus, nous sommes sensibles au fait que le Directeur général, grâce à une gestion rigoureuse, n'a pas été amené à se servir de l'autorisation qui lui avait été précédemment donnée par le Conseil.

Mais vous me permettez de profiter de l'examen de ce point de l'ordre du jour pour m'inquiéter une nouvelle fois de cette situation qui de toute évidence pénalise les gouvernements respectueux de leurs engagements, et favorise grandement les pays retardataires. C'est pourquoi la conférence devrait se pencher sérieusement sur cette question en prévoyant si besoin des pénalités de retard de paiements, et non se contenter d'expédients invitant les gouvernements à régler leurs contributions le plus rapidement possible.

Nous pensons qu'une telle mesure serait plus juste vis-à-vis des pays bons payeurs et les encouragerait à persévérer dans cette attitude, en même temps qu'elle inciterait les pays retardataires à prendre les mesures nécessaires pour accélérer les paiements de leurs contributions.

En effet, on peut même s'étonner que des Etats sérieusement éprouvés, dont les difficultés économiques sont connues de nous tous, perdent leur droit de vote en raison des arriérés qu'ils ont accumulés et qui, tout compte fait, restent minimes par rapport aux sommes perdues par l'Organisation en raison des paiements tardifs de certains pays gros contributeurs.

Enfin, la délégation de mon pays voudrait proposer, à la lumière de la présente situation et des arguments que je viens de développer, de faire une recommandation invitant le Conseil, par l'entremise du Comité financier, à étudier des mesures mieux adaptées à la situation et qui ne lèsent pas les pays qui payent leurs contributions dans les délais impartis car ils ne pourront indéfiniment permettre qu'on puise sur les excédents de trésorerie destinés à réduire leurs contributions futures, réduction qui paradoxalement s'applique indistinctement aux bons et aux mauvais payeurs.

Nous pensons qu'aucun prétexte ne peut, à nos yeux, justifier ces retards de paiement de contributions, lorsqu'on connaît les colossales sommes d'argent souvent employées à des actions qui parfois ne sont pas conformes à la morale internationale. Nous espérons sincèrement que ces pays sauront se ressaisir pour permettre à l'Organisation d'assurer correctement ses missions.

R.B. RYANGA (Kenya): I approach document C 83/LIM/22 with some frustration, because I feel that we should not be discussing such an issue here. However, the accumulated arrears are now reaching epidemic proportions. It was four million dollars four years ago, fifteen million dollars two years ago, and who knows about the future? It is certainly twenty million dollars at least at the beginning of the next biennium.

Even more serious are the unilateral delays in payment, not those by small countries who might be expected to have severe foreign exchange problems and other fiscal difficulties - we understand this - but those by large countries which delay payment on principle, either as a declared policy -we have had such declarations here - or, even more dangerously, as unannounced administrative practices.

We also face the possibility of a unilateral reduction in contribution in spite of the fact that the FAO budgets, including the current one, are agreed generally. I cannot plumb the depths of the minds of those who decide to take such action. I can only imagine that such actions are taken to demonstrate displeasure at the way that business is done in this house, or perhaps to harass the Organization into inactivity and perhaps eventual collapse. This is really the saddest part of the whole story, because the programmes which comprise the business of this Organization are fully debated here and agreed, and it is not necessary that absolutely everybody must agree with absolutely everything. That is what democracy is all about, and I should not be the one to talk about this. It is becoming quite clear that the full implications of democracy are acceptable to some people when and only when, they themselves agree with specific decisions regardless of the weight of public opinion.

I have now been reduced to the position where I have come to the unhappy conclusion that in spite of all the rhetoric here - and there is plenty of that, if I may say so - "democracy" is still just a beautiful word which we sometimes use to flatter ourselves.

The Director-General has to run this Organization. That is his job. He must be able to do so in spite of problems such as those outlined in this document. His proposals are sound. They are the proposals of a prudent executive who is securing the success of his programmes. They should therefore be supported, and we do support them now.

It is tempting to say "Let us wait and see what happens". It is tempting to argue, as it has been argued, that in the event there might be no need to activate these proposals, although I am not sure of the basis for such optimism. It may even be argued that we can always use the Working Capital Fund or the Special Reserve Account, and these things have been said already here. Of course we could do all those things, and the Director-General must surely have considered that possibility, but he must have come to the same conclusions as we did ourselves. Those funds do have their specified purposes and are therefore not totally available, and it would be self-defeating to divert them somewhere else only to be caught later, for example, with a locust or rinderpest outbreak without funds at hand.

Who knows what the dollar will be tomorrow? We do not. The questions raised by Venezuela and also by Ethiopia are relevant and need to be discussed. But at this time we support the resolution at pages 2 and 3 in its entirety.

L. ARIZA HIDALGO (Cuba): Pretendíamos hacer una intervención breve analizando los asuntos relacionados con la situación financiera de la Organización y los pagos de las cuotas asignadas para el bienio 1984/85, pero vemos que se han complicado las cosas, que una propuesta que a nuestro juicio tiene la intención de salvaguardar un poco el futuro incierto se está manipulando; no entendemos.

Hay delegaciones que han planteado algunas cuestiones de fondo; de fondo diríamos nosotros, porque si no hay otro motivo que el que se ha expuesto, no creemos que la situación es para dramatizar. Los miembros de la FAO saben el valor que tiene la FAO, y que esto es así por los muchos años de apoyo y ejercicio directo a la alimentación y a la agricultura; y si en los últimos años la causa fundamental de la crisis mundial financiera, como ha señalado claramente el Sr. West, alimentaria fundamentalmente en el Tercer Mundo, ha obligado a que la FAO se convierta realmente en un paladín del Tercer Mundo para paliar estas situaciones que, por lo general, quienes las pagan son los países pobres; situaciones de las cuales los países pobres no son responsables, porque todos sabemos que los países pobres no son responsables de la situación del dólar, ni son responsables de la situación alimentaria, ni son responsables de la situación financiera, nosotros, en términos generales, vemos que hay un problema de fondo y éste es un problema de fondo que si ya se quiere hablar del fondo, aunque estamos de acuerdo con las delegaciones que han planteado esto, debe analizarse y posible- mente preparémonos nosotros para analizarlo con más tranquilidad y con más fuerza en el futuro; futuro que parece se va a presentar rápido, pero creo que de pasada debemos decir que el ataque sistemático a las organizaciones multilaterales no es una casualidad; hay excepciones, y no nos explicamos por qué a un organismo se le facilitan los fondos periódicamente y a otros no; es el caso de la FAO, es el mismo caso del PNUD al cual se le han reducido los fondos; es el mismo caso del FIDA al cual se le han reducido los fondos.

¿Objetivo? Habría que analizarlo posteriormente; pero mientras llega este momento prácticamente creemos que debemos caminar con los dos pies, y es lo que ha propuesto la dirección de esta Organización; ha propuesto, ante una situación inusitada, porque hace solamente dos días, sí señor, hace dos días, la Plenaria de esta Conferencia aprobó el Programa de Labores y Presupuesto para el bienio 1984/85; lo aprobó unánimemente porque los miembros de la FAO necesitan de la FAO y necesitan, simplemente, este presupuesto; ya lo ha dicho el Sr. Crowther magistralmente: el artículo 18.2 de la Constitución de nuestra Organización dice: "los Estados Miembros se comprometen a pagar por entero las cuotas correspondientes de conformidad con la escala adoptada." Sin embargo, estamos en presencia de unas situaciones reales, situaciones que creo que la forma en que se trata de resolverlas es la mejor.

Hay algunos países cuyas legislaciones han expresado que contribuirán al Presupuesto de la Organización, "si no se efectúa en el plazo establecido o se suspenda provisionalmente", como se dice, esta provisionalidad o suspensión también es bastante indefinida; situación que realmente se conoce y se mantendrá para el bienio. Esto, a nuestro juicio, es lo que hace que la dirección de la Organización presente el documento C 83/LIM/22.

Tenemos otra preocupación: precisamente los dos países que están planteando la situación de dificultades de pago son los dos grandes países y son, por sus porcentajes, los que obtendrían mayor parte en el superávit; esto es interesante.

Señor Presidente, este Presupuesto aprobado por la Conferencia para el bienio 1984/85 nosotros consideramos, como ha dicho la distinguida delegación del Congo que no debemos ser castigados los que pagan y que debe ser decidido plenamente por el Director General y, por consiguiente, corresponde a esta Conferencia misma proporcionar las facilidades resolutivas para cumplimentar ese importante mandato, porque ese es un mandato que ya esta Conferencia dio.

Para asegurar este futuro próximo el párrafo 8 del documento C 83/LIM/22 nos recuerda el mandato que fue dado al Director General referente a que en caso de necesidad tomara dinero en préstamo para financiar la ejecución del Programa de Labores y Presupuesto que se apruebe, en espera de que se reciban las cuotas atrasadas. Este recurso en su momento no pareció apropiado y aunque debería ser utilizado en última instancia, y por consiguiente tratando de encontrar fórmulas más prácticas como realizó la FAO, porque realmente el Director General logró no utilizarlo, no emplear este mandato, nos parece oportuno en este momento que esta Comisión dé su aprobación para que el superávit de tesorería que por diversos conceptos probablemente producirá el bienio 1982/83 sea utilizado como primera fuente de financiación del déficit de ingresos que por concepto de cuotas ha de producirse hasta que los ingresos fuesen suficientes para cubrir las consignaciones presupuestarias dentro del nivel del presupuesto aprobado. Esto es lo que yo llamo caminar con dos pies. Vamos a solucionar esta situación inmediata que se presentó de improviso y el futuro ya lo discutiremos, porque habrá que discutirlo. La FAO permanecerá y tendrá que seguir discutiendo muchos futuros; no creemos que la FAO vaya a desaparecer, no creemos que las fuerzas que quieren eliminar a la Comunidad Internacional de las Naciones Unidas van a hacerla desaparecer; las Naciones Unidas seguirán siendo Naciones Unidas y la FAO seguirá siendo el organismo especializado de las Naciones Unidas para la Alimentación y la Agricultura.

Para concluir, mi delegación apoya la Resolución presentada por el Director General en el documento C 83/LIM/22 sobre la financiación de las consignaciones presupuestarias para el bienio 1984/85.

Podríamos estar en condiciones de analizar la proposición específica que hizo el representante de Costa Rica sobre un reordenamiento interno dentro de la Resolución; sin embargo en este momento no podría dar mi total aprobación hasta no analizar la situación.

ZHONG SHUKONG (China): The Chinese delegation has listened carefully to the proposal made just now by the Director-General and the Secretariat concerning inter alia the use of the cash surplus if and when genuinely necessary and of the related matters. This delegation views the proposal as being a rational one.

In this connection my delegation wishes at this moment to state the following: firstly, as recognized by the speeches at the Plenary by over 130 leaders of delegations in the last ten days or so, FAO has done a lot of work conducive to the interest of mankind. Therefore, such work of FAO deserves support from us all in words and in deeds.

Secondly, the proceedings of our Conference over the last ten days or so indicate that there exists the question of arrears due to special reasons, and there also exists the question of decision yet to be made on the exact aggregate amount of membership contribution on the part of a major contributor country, etc.

On the other hand, without the necessary financial resources, FAO cannot carry out its work. It is against this background that the Director-General and the Secretariat have put forward the proposal now under deliberation. Evidently this is a kind of safeguard or precautionary measure compelled by circumstances. As such, it is a matter of necessity.

Thirdly, the use of the cash surplus is undoubtedly a major question which should be decided through democratic procedures by the delegations of member nations of FAO. Happily the approach to this question as approached by the Director-General and the Secretariat is in keeping with the democratic principle: for the Secretariat has first of all requested us, Commission III, to consider this matter which, along with the draft resolution, will be submitted finally to the Plenary, that is the highest organ of FAO, for consideration and adoption.

Moreover, whether or not the surplus will be used is a question which will be subject to the consideration and decision of next year's Council meeting to be duly authorized by our Conference. All this is in line with the democratic principle and is feasible.

In view of the above, the Chinese delegation supports the content of the relevant draft resolution as put forward just now and as contained in document C 83/LIM/22.

M. TRKULJA (Yugoslavia): Firstly, let me explain our own position. I am satisfied to say that I received today a cable from Belgrade making sure that our contribution will be paid in a matter of days; even more so that we have taken steps so as to escape a similar situation in years to come. We appeared in the list of those who had substantial arrears, not necessarily because of economic difficulties, but because of very inflexible financial procedure of the Federal Government. I have received news from Belgrade that the procedure has been amended thus allowing us to pay in time.

Coming now to document C 83/LIM/22, I want to express our gratitude to Mr West and Mr Crowther who introduced the resolution at certain length. I feel even that it took them too much time to present a fairly simple case which perhaps unnecessarily produces an image of defence. We consider the resolution as a contingency scheme which will be put in practice only if the worst sequence of events occurred. Such as painted so ably by Mr Crowther. Furthermore, what is in fact contained in the resolution is a provision for Council to review the authority to borrow which it has already granted to the Director-General. We are a little concerned, in the light of what Mr West said, that the emphasis is only of the next session of the Council in 1984; it might perhaps be necessary to insert two sessions of the Council to include 1985 as well. Again, it requests the Director-General to keep the Finance Committee abreast with the financial situation of the Organization -- something that has been traditional in the house.

Finally, it is an alternative for the Council to provide necessary safeguards for the implementation of the Programme of Work and Budget which was so unanimously approved yesterday. We are not willing to be involved in guesswork as to whether a sequence of events is probable or not. We have heard some delegations saying that it is highly improbable that such a sequence could occur. We hope very much that it will not happen but in case it does happen, this is a small contingency scheme which would then be put into effect.

I will not dwell on the sound management of the house and the Director-General I do not think it is necessary.

Let me touch on only one issue, the last one: that it might perhaps be proper for us to consider the possibility of taking into account the timeliness of contributions as a factor in accounting the reimbursement amounts. I think I have full moral rights, as my Government is also in arrears, to propose that a simple formula could perhaps be very easily found to take account of this very simple fact.

I.P. ALVARENGA (El Salvador): Ante todo, quisiéramos con la más absoluta sinceridad, agradecer la exposición hecha por la Secretaría, particularmente por el Sr. West, cuya acostumbrada y lúcida inteligencia nos ha permitido resumir un problema complejo en pocas palabras y con absoluta claridad.

Es probable que, debido al momento en el cual nos toca intervenir tengamos que repetir algunas exposiciones ya formuladas, pero creemos que el punto que estamos discutiendo así lo precisa.

Nuestra delegación, señor. Presidente, con base en el uso de ese derecho, realmente exaltante para nuestra Organización, que permite a un país, a cualquier país, hablar con el mismo derecho que le corresponda a cualquier otro país, hemos hecho, cada vez que ha sido posible y necesario, un llamado a todos los miembros de la Organización a que cumplamos con los deberes que el hecho de pertenecer a la misma nos impone.

En el caso presente sinceramente no creemos que exista mala voluntad. Sabemos que hay dudas expresadas o tácitas por parte de algunos sectores, de algunos países, o de algunos países en conjunto, sobre la validez de la ayuda multilateral. No se nos oculta que existen síntomas alarmantes en contra de ese tipo de ayuda que nosotros siempre hemos defendido. Sin embargo, no pensamos que en este caso nos hallemos ante una situación de ese tipo. Creo que es necesario tratar de comprender las dificultades que todos los países tienen, las cuales con sinceridad han sido expuestas acá y que debemos confiar en que esos países superarán dichas dificultades y cumplirán con los compromisos que han adquirido.

La situación financiera, tal como nos la plantea el documento que tenemos ante nosotros, es ciertamente preocupante; pero debemos recordar que no es la primera, ni será la última sin duda de ese tipo que vive nuestra Organización. Todos nosotros, o algunos, recordarán cuando se presentó la primera crisis del PNUD. Parecía que la FAO iba a cerrar sus puertas, y no las cerró y de eso hace ya casi diez años. Cuando la posibilidad de obtener préstamos, para hacer frente a los compromisos de la Organización, en virtud de la falta de pagos, también se hizo motivo de alarma; pero esas dificultades igualmente fueron superadas. Estamos seguros de que también de este paso actual vamos a salir adelante, sobre todo gracias a la acertada gestión de quienes dirigen esta Organización.

Sobre el tema en concreto, parece entenderse que, por una parte se recurre en todo caso al fondo del superávit, cuando bien sabemos que pudiera ser que esa medida sea innecesaria. Si los fondos comprometidos para la Organización llegan de una u otra manera a tiempo, esa medida no tendrá aplicación. Pareciera entenderse que si se recurre al fondo del superávit, eso no será devuelto nunca a los países. Entendemos que no es así y nos satisface saber que una persona tan competente como es el representante de Yugoslavia nos haya hablado de una solución al respecto.

Si existe la duda de que esto también depende del arbitrio, ya se ha aclarado en el sentido de que estará sujeto al control del Comité de Finanzas, del Consejo y por supuesto al control que todos los países tenemos sobre esta Organización.

Finalmente, pareciera pensarse en que habría un daño, si esa medida se aplica. Si hubiese un daño, sería temporal, y aunque sólo fuese temporal, debemos tener consciencia de que en más de alguna oportunidad tendremos que sufrir las consecuencias, pero estaríamos dispuestos a aceptar ese daño, si existiera. De lo que sí estamos seguros es de que se trata de una medida transitoria y que después los fondos serán oportunamente restituidos.

En cuanto al fondo del problema, es decir, al punto de las cuotas, es satisfactorio saber que la resolución propuesta en los párrafos 2 y 4 hace alusión específica a la necesidad de establecer un sistema para que esta situación no se presente en el futuro, o para que se resuelva en una forma satisfactoria.

No está de más señalar algo que ya se ha mencionado y es que recurrir al fondo del superávit es una medida más sana que recurrir a préstamos. Si la Organización tuviese que adquirir préstamos, ahí tendríamos una carga mayor para todos los países, porque tendríamos que pechar con los intereses.

De modo que la solución propuesta nos parece la mejor y en consecuencia damos nuestro apoyo a la resolución planteada, tal como se encuentra propuesta por la Secretaría.

J. HEIDSMA (Netherlands): I should like to limit myself to document C 83/LIM/22, and the draft resolution contained therein: in particular paragraph 3 of that resolution.

We agree with the Secretariat that there is a theoretical possibility that the Organization might run into cash troubles during the next biennium. However, we believe that this possibility is very limited indeed. Member Nations are obliged to pay their contributions, and there is no sufficient reason yet to believe that they will not do so -- at least, not to such an extent that cash problems will occur.

The resolution before us is of an enabling character and as such, does not necessarily lead to any concrete action. This is true: nevertheless, the resolution provides for a significant change in a long-and well-established principle which exists throughout the United Nations system. We do not think that it would be a responsible act to dispose of this principle, and certainly not within the very short time we have had available to study all these details and broader consequences.

There is another angle to this issue, to which my country attaches great importance. The resolution can in fact be considered to be a penalty for those countries which have paid in full and on time. My country happens to be one of those countries. We do not accept the idea that because Member States do not pay their obligatory contributions, the Netherlands would not receive its share of the cash surplus. This is a matter of fairness and of principle -- indeed, it is impossible for my country to compromise.

Finally, I would like to recall that if all existing safety nets appear to be insufficient -- and I repeat it is extremely unlikely -- there is still the possibility for the Director-General to call an Extraordinary session of the Conference to cope with it.

We realize, of course, that this would involve additional costs. As the possibility of this being necessary is very remote, however, we believe that it is worthwhile to take a chance instead of deciding now, on the spur of the moment, so to speak, on a principle of such a controversial nature.

H.M. CARANDANG (Philippines): As indicated earlier by the Deputy Director-General, what we have before us is a contingency scheme. What is being requested is to allow the Council to give authority to the Director-General to use certain monies if need be. Therefore the members of the Council will again have the occasion to make a decision at that stage whether or not it is appropriate, indeed, that the Director-General should use such monies as proposed. In principle, therefore, I would have no very strong objections to this. Nevertheless, I have some misgivings and, like the delegate of Venezuela, I would like to ask a few questions.

It is, indeed, very important that FAO should implement its budget - the budget that has been voted upon, which has been approved, which is according to the priorities, and which has been debated almost ad infinitem from the sub-committees up to the Council, up to the Conference. Nevertheless, there are certain legal implications and some precedents which the practice would create if ever put into effect.

First of all, in the case that the cash surplus was used to cover up the shortfall, what it would amount to is that the cash surplus which should have been returned to individual countries would be used to cover up because somebody has not paid. In effect, it is somebody paying for somebody else's contributions. I do not know whether this is really what it means, but if I look at the Basic Texts, in the Financial Regulations, when there is a cash surplus the cash surplus shall be allocated among Member Nations in accordance with the scale of contributions. And so, in other words, it is money belonging to one being used to fill up the gap which is not paid by another.

Suppose the Philippines, for example, was unable to pay its contribution in 1984 and 1985, could such a cash surplus be used to pay the deficiency of the Philippines? This is a question which has already been asked previously, although in different words, by other countries and I am just wondering whether if that were to happen it would be a just thing?

Second, I would like to ask whether the Bill pending before the Congress of one particular country, which is indicated in paragraph 3 of document C 83/LIM/22, refers to the calendar year 1984 or 1983. I understand, however, that the appropriations bills are made for one year and, if so, it could refer to either 1983 or 1984.

Now if the foreseen cash surplus is supposed to be \$30 million, just in case it may materialise, now taking into account the provisions of Financial Regulation 6.1(b), it is said that if there is any cash surplus it should be allocated among Member Nations in accordance with the scale of contributions and shall be released and applied to liquidate, in whole or in part, first, any advance due to the Working Capital Fund; secondly, any arrears of contributions. In other words, if 25 percent of that should be given back to the country which has not paid for that particular year, 25 percent of 30 would be more or less something like the amount cited in paragraph 4(i). Of course, I am just speculating with figures. I am playing with figures. Anyway, all the figures are speculative. I am just wondering whether that provision which is now written in the text would not suffice to meet that possible shortfall indicated in paragraph 4(ii).

Up to now this Organization has had arrears by member countries. Up to now this Organization has been able to face such arrears in contributions in one way or another. I hope this will not happen now because of the contingency which is indicated in document C 83/LIM/22. I hope I shall receive some clarification of the doubts that have arisen after reading this document closely and hearing other delegations.

H. ZANNETIS (Cyprus): When we unanimously approved on Wednesday in Plenary the Programme of Work and Budget of the Organization for the biennium 1984-85, we were actually doing three things. Firstly, confirming our confidence in our Organization and its Director-General who tabled the said Programme of Work and Budget; secondly, giving a kind of mandate to the Director-General of the Organization to proceed with the implementation of the Programme of Work; and, thirdly, committing ourselves in accordance with Article 28, paragraph 2, of the Constitution of the Organization to provide the required and unanimously approved budget resources for the implementation of the said budget.

However, it appears from certain information contained in document C 83/LIM/22, and from the explanations on this document provided by the Deputy Director-General this afternoon, that the situation may arise in the future whereby the Organization might face the risk of not having adequate cash resources to implement the Programme of Work which, I repeat, we have approved unanimously.

This possibility gives rise to concern and creates a peculiar situation in which the Organization might find itself unable to implement in full its Programme of Work. This is, indeed, a very unfortunate eventuality.

It is noted that the Working Capital Fund, in addition to the Special Reserve Account, might not be able to handle the situation because of the potential magnitude of possible shortfalls in receipts and, as the Director-General has said before, a proportion of these funds, especially the Working Capital Fund, is already earmarked to handle emergencies. In the light of the above, and in order to prepare for the worst, we agree that the provisions of Council Resolution 2/83, giving the Director-General authority to borrow, be confirmed by the Conference, leaving it to the Council to decide on the future of the authority, as necessary, if appropriate, at its session in November 1984.

In addition to the above, we fully agree that the Conference delegates authority to the Council to authorise, if necessary, the Director-General - notwithstanding the provisions of Financial Regulation 6.1 - to withhold any cash surpluses which may arise from the 1982-83 biennium and to set such surpluses aside as the first source of funds to be available, as required, to finance approved expenditure under approved budgetary appropriations.

Although we are not at all happy with this eventuality, we prefer to make use of the cash surplus, if necessary, rather than resort to borrowing as a first step. We therefore support the draft resolution. Of course the only way that it could be avoided is for Member States to take the necessary action to provide their contributions in full and in time in order to enable the Organization to function smoothly and evenly.

Youssef HAMDY (Egypt) (original language Arabic): We would like to thank Mr Crowther for his introduction on this subject and also Mr-West for the clarification he made with regard to document C 83/LIM/22.

First of all, we would like to re-affirm the confidence of my country's delegation placed in the wise administration of the activities of this Organization by the Director-General. We believe we are not the only delegation to do so. There are many other delegates who have already expressed this feeling in the past few days by unanimously approving the Programme of Work and Budget.

The Director-General, who is the guardian of the funds of this Organization, is administering the financial affairs of the Organization and he anticipates the difficulties that could take place and which might affect the Programme of Work and Budget and the good conduct of its activities. If we try to summarize such difficulties, that would lead to such a situation, we could say that they could be confined to the accumulated arrears in contributions resulting from the economic difficulties faced by some member countries. In addition, there are some intentional or unintentional delays by some member countries with regard to the payment of their contributions.

We share the view of the Director-General and his concern with regard to the possibility of having a shortfall in the funds available to the Organization; and he has previously taken some precautions that would help him to meet any deficit in resources and we supported him in doing so. Among such precautions is the authority to borrow and to raise the reserve from 2.5 percent to 5 percent. Here I would like to mention that despite all these measures which have not been used by the Director-General, as a matter of fact, this was due to the fact that he was very keen not to use the funds of the Organization in loans of high interest or to touch upon the Special Reserve Account which has specific purposes.

The Director-General is asking us to build another defensive line in order to meet some probabilities with serious consequences; in other words, the Conference should give a mandate to the Council to give the Director-General, if necessary, the authority to hold or to use the cash surplus for the biennium 1982-83. We find that this surplus is but more evidence of the wise and efficient use that the Organization has made of its resources. My delegation approves this request and supports the idea of giving such authority as proposed in this draft resolution.

J. SAULT (Australia): We would like to thank Mr West for his explanation of the reasons that the proposal in document C 83/LIM/22 has been brought before us and Mr Crowther for his projections of the future financial position of the Organization.

As the document on this matter, that is C 83/LIM/22, has become available only recently, it is under consideration in Australia not only in regard to its implications for FAO but also as regards the possible implications that it might have throughout the UN system. However, I would like to make a few broad observations.

At the outset we are strongly of the view that since the Conference has unanimously endorsed the Programme of Work and Budget, all members should meet their obligations by paying their contributions so that the programme which they have endorsed can be implemented.

We also recognise that the Director-General should bring to the attention of the membership any difficulties he might foresee regarding contributions and suggest measures to alleviate any difficulties that might arise. Indeed, he has the responsibility to do that. However, we do have very real difficulties of principle with the proposal to give the Council authority to withhold the cash surplus. Moreover, we are far from convinced that the Organization needs any additional safeguards over and above those it already has in order to meet any shortfall which might arise regarding contributions.

Mr West has stressed that the resolution in document C 83/LIM/22 is simply an enabling measure. The matter would be considered by the Finance Committee and the Council and the cash surplus would be used only as a last resort. However, the proposal does represent a very significant step down a road that causes us significant difficulties in principle. May I refer to a couple of these difficulties.

In the first place, the proposal does nothing to encourage members to meet their obligations to pay their contributions as soon as possible. Quite the reverse, it gives a signal to members who are in arrears - let us be quite frank, there are a very large number of such members - that the Organization can carry on with its programme even if their contributions continue to be in arrears.

We also have difficulties in proposing yet another device to safeguard the Organization against developments which our own national administrations, to one degree or another, have to cope with. May I refer to a number of safeguard measures that have been implemented or expanded in recent years.

Firstly, the Special Reserve Account. This was established in 1977; it was replenished in 1979, and doubled to 5 percent in 1981. It was also extended to cover unbudgeted extra costs in 1981. Also, we had the introduction of the authority to borrow in 1981. We now have another proposal, which is that the estimated US\$ 30 million cash surplus be withheld, a cash surplus which under the existing rules would otherwise revert to members on 1 January 1985.

Is there a necessity for the proposal? The Organization already has a number of devices to safeguard itself against a shortfall in contributions: the Working Capital Fund, the Special Reserve Account, and the authority to borrow. The latter was, of course, approved by the Council after very considerable debate only a couple of years ago. These measures have proved more than sufficient during the last biennium. Indeed, the Organization is currently in a very healthy financial position which has resulted in the cash surplus of US\$ 30 million. The only really new development has been the possible amendment to the US State Department authorization bill which is pending before Congress. Of course, we do not know whether the amendment will be passed by Congress, and even if it is, the State Department has discretion in its application. In this respect, the United States has only very recently voted in favour of the FAO Programme of Work and Budget.

Mr Crowther has given us some very interesting projections of other shortfalls that might arise in contributions, and we are very grateful for these. We note that some US\$ 40 million of the projected shortfall is attributed to the Federal Republic of Germany. Yet, as the representative of that country has explained, the Federal Republic of Germany has always paid its contributions in full before the end of the calendar year.

Similarly, other very pessimistic projections are made about contributions by other members. The Secretariat has also referred to possible unfavourable movements in the lira/dollar exchange rate. Exchange movements are, of course, unpredictable, but we do note that the Secretariat is assuming a

very significant appreciation of the lira against the dollar; thus, the very worse scenario, as I think it was termed, of a deficit at the end of the biennium of US\$ 41.6 million. We just cannot see that some US\$ 47.8 million of that sum will arise, and we think that a further several million dollars is highly doubtful.

Thus, while appreciating that there are always uncertainties, I cannot see that additional safeguards over and above those that the Organization already has are required. Those already seem adequate even if the authority to borrow is not used.

In summary, may I repeat that Australia believes that all members should meet their obligations in contributions to the budget which they have approved so that the programme they have endorsed can be implemented. We do not think that this proposal encourages members to meet their contributions. We have other difficulties in principle and we are by no means convinced that the Organization does not already have sufficient safeguards to meet any foreseeable shortfall in contributions.

DEPUTY DIRECTOR-GENERAL: I assure you that I am not going to enter into any discussion on the arguments used so far. I want to clarify questions asked principally by the Representative from the Philippines. He referred to Regulation 6.1 (b), but only to the first part. He did not refer to the second part, which says that before the cash surplus is distributed any arrears of contribution shall be set off against it. That refers to the previous year. In other words, in this case before there is a cash surplus of US\$ 30 million, or whatever it is going to be, any shortfall in any contributions for 1983 will be set off against that cash surplus before it would be distributed. It so happens that the country to which he referred does still owe us US\$ 6.8 million for 1983. We have not taken account of that in the figures that we have given you because we are hoping that it is going to be paid before the end of the year; it may not be, nobody knows. Therefore, even the figures we gave you are optimistic to the extent of another US\$ 6.8 million for 1983, not US\$ 7.8 million. That is another figure for next year.

In that connection I should point out that in this particular case the repayment of that cash surplus could not be offset against the legislation because the legislation would limit the contributions to the Organization in dollar terms and not in terms of the regulations on what was contribution and what was arrears and what was cash surplus. It would be a dollar level, so it would not help there.

Furthermore, in this connection I want to mention another technical point which has come up. There is no issue of principle involved because Regulation 6.1 (b) already refers to using the cash surplus to offset arrears. The only change here is timing. The Regulation already foresees that shortfalls in contributions have to be set off against cash surplus before it is distributed. We are discussing only a question of timing. However, if the Special Reserve Account and the Working Capital Fund are drawn on, they have to be replenished in another biennium, which means additional assessment on Member Nations. Therefore, somebody is going to lose money, however unjustly. It is a question only of when they lose the money, next year, the year after or the year after that.

P. OLMOS MORALES (Uruguay): Por ser esta nuestra primera intervención en esta Comisión permítanme expresar nuestras felicitaciones al Presidente y a los Vicepresidentes. Asimismo, expresar nuestro reconocimiento al señor Director General Adjunto por las explicaciones introductorias del tema que en este momento nos ocupa.

Mi delegación ha analizado detalladamente el documento C 83/LIM/22 y el proyecto de Resolución adjunto que se presenta a estudio de esta Comisión.

En ese aspecto interesa reseñar las situaciones planteadas en cuanto a la situación financiera de nuestra Organización. Evidentemente, hay algunos aspectos que plantean un futuro incierto al cual, efectivamente, los distintos mecanismos vigentes, sea el Fondo de Operaciones, sea la Cuenta Especial de Reservas o la aplicación de la Resolución 2/80 del Consejo por la cual se autorizó al Director General a tomar dinero a préstamo, no nos plantea la seguridad de que efectivamente la situación planteada pueda ser subsanada por estos mecanismos. Por lo tanto, consideramos que los lineamientos planteados en la Resolución a estudio nos brindan una medida de emergencia más frente a la situación que afronta nuestra Organización por la situación de los distintos adeudos de cuotas de 1983, y aun de cuotas de ejercicios anteriores.

En ese sentido nuestra delegación, compartiendo lo expresado por algunos otros colegas que nos precedieron en el uso de la palabra, brinda su apoyo a la Resolución propuesta y destaca que el mecanismo de emergencia que pueda utilizarse permiten flexibilizar las medidas para afrontar la situación presente, o que pueda presentarse en el próximo bienio, de una manera que efectivamente pueda subsanar las condiciones de incertidumbre sobre el futuro del ejercicio 1984/85. Por ese motivo, y compartiendo lo expresado por otras delegaciones, nuestra delegación apoya la Resolución presentada por el Director General.

M. FENWICK (United States of America): This delegation, too, for the first time speaks in Commission III and I could wish that it were on a happier occasion. In the three days which membership is given to study and deliberate the proposal before us, my Government has reached certain conclusions which I should like to share with you. They are conclusions which, frankly, are not favourable to the proposal before us.

Before explaining the nature of our conclusions and the reason behind them, I wish to make two points clear. We fully recognize the prerogative of the FAO Secretariat to make contingency plans for the future. Prudence and duty and a sense of responsibility require no less. On the other hand, the United States Government, which has been singled out in document C 83/LIM/22 before us, has never been in arrears, and in fact has a record of strong and consistent financial support for this Organization.

The United States Government owes nothing to FAO for any year previous to 1983. For the present year we have already paid over \$ 38 million of the \$ 45 million payment which FAO assigned to us. Payment of the balance due, \$ 6.8 million, will be made in the very near future upon completion of certain formalities, and I am distressed to hear any questioning of this, because we have made it perfectly clear that there is absolutely no chance of the \$ 6.8 million not being paid. It only depends on certain formalities. It has nothing to do with the Lugar amendment which is referred to later. This I take very hardly. The FAO will have its \$ 45 million, and more, before the end of the year.

It has been the policy of our United States Administration to ask Congress for the funds to meet our assessed commitments, and the Administration has opposed any such legislation.

A small point, but it does make a difference perhaps: in the very preamble of C 83/LIM/22 it speaks of the Department of State Authorization Bill. This is a Congress Bill for an appropriation for the Department of State. It is not a Department of State Bill. That is a very big difference in a democratic society.

I should like to point out - I am afraid I am not going to be very brief - that in 1983 the approximate sum for the whole FAO, this arrangement of it, was \$ 180 million. Outstanding there are some \$ 34 million for 1983, for arrears of this year and past years. Forty countries have not paid; 74 countries are in arrears, and ours is the only country which has been singled out. It is not the largest part of the \$ 34 million which is outstanding, it is \$ 6.8 million, and assurance has been given that that will be paid for 1983.

With this record in mind, we must take exception to the blame and the onus that has been placed on the United States Government and on Congress in the proposal and the explanatory memorandum placed before the Conference. As I have said, the United States Government alone is singled out for mention, despite a steady and consistent financial support for this Organization, and despite the fact that potentially - I stress the word "potentially" - we are only a small part of the potential problem. Indeed, we are smaller than indicated in the Secretariat's explanatory memorandum, for the Lugar amendment, if enacted, would apply only to 1984 - not 1983, not 1985, as the paper somewhat seems to suggest.

Let me turn to the reasons for the unfavourable reaction to this proposal. First, my Government - I stress "my Government" - has seriously questioned the need for the proposed enabling resolution for a future need, actual or potential, to authorize the Director-General to have access to the cash surplus from the current biennium.

Despite the information which the Secretariat has placed in our hands - information which I believe its authors would agree is in the "worst possible case" category - we are simply not persuaded that the possibilities of this Organization facing a serious financial problem in the coming biennium are sufficiently great to warrant what can only be described as a major change with complex and far-reaching implications in the financial management of this Organization. It has simply not been demonstrated that there is a realistic likelihood in the next biennium of a shortfall in income which will or is likely to exceed the capacity of the safety nets already in place in the form of the Working Capital Fund and the Special Reserve Account to meet such contingencies.

Secondly, if the worst case contingencies portrayed in the material prepared by the Secretariat and all the interesting economic prophecies that we have heard here this afternoon should materialize and prove too heavy for the mechanisms and safety nets already in place - should these hypotheses become a reality, this Organization is not powerless to respond. There are provisions for action of the Council or a special Conference to allow the Director-General to borrow. The financial management of this Organization is of great importance to all of us, to the Director-General, to the Secretariat, to each and every member. I would not hesitate to describe it as of fundamental importance, and because this is so my Government feels there must be careful deliberation and thought before a major change is made in that management - a change which would seem to rest on a principle my Government cannot accept - that a cash surplus is an asset which an international organization is able to draw on or withhold at its own discretion.

The opportunity for careful and deliberate thought on such a major change which could affect not only FAO but, by extension, every other United Nations Agency is not with us in the time constraints we all face at this Conference.

I do hope that the Conference will decide that there is no reason to bring this matter and decide upon it at this Conference now. If my remarks have been too heated, I apologise, but I do feel we have heard of justice here, we have heard of fairness, and those words are important and compelling. I do not think that this is just.

M. YUSOF bin AHMAD (Malaysia): In lending its support to the resolution, my delegation would like to echo what other delegations have said on the reason why it is necessary for this resolution to be accepted and approved. Many speakers have emphasized the possible financial problems that may arise as a result of the delay in the submission of contributions due either to genuine inability of the countries, or due to declared policy or practice of some member countries. Many members have also discussed possible measures that might be available in order to meet these possible problems.

As we know, the Director-General can resort to the Working Capital Fund and the Special Reserve Account, but these funds have very distinct uses and may not be able to cover the gap that may be created. To overcome that, the last Conference agreed to delegate the authority of the Council to enable the Director-General to borrow. As we know, the Director-General has never used these measures because he considered this to be a last resort.

Whether or not this need will arise during this biennium depends on how member countries will respond to the call for payment and submission. We do not know what is coming and therefore how to accommodate possible gaps, and to be far-sighted the resolution simply asks the Conference to give authority to the Council to review the situation and to allow the Director-General to borrow if need be.

The resolution does not ask for any action now. Since the next Conference will take place only two years from now, many things could happen which may require the Director-General to take action to ensure that the Programme of Work will not be jeopardized. We are not pre-judging the situation.

Based on the considerations above, my delegation once again reiterates its support for the resolution, and we hope it will get the understanding and the approval of all of us.

J. GLISTRUP (Denmark): We have listened very carefully to the introduction and the deliberations on this Agenda item, and I have the pleasure to speak on behalf of the Nordic Governments: Finland, Norway, Sweden and Denmark.

The document before us on the financial position of the Organization and payment of assessed contributions for the next biennium touches upon a problem which, regrettably, is of growing importance for the international organizations of the United Nations system.

The Nordic Governments have always emphasized the timely payment of contributions to the FAO and to other United Nations Organizations. Against that background there is reason for concern that an increasing number of Member States find it difficult to meet their obligations on time.

Besides the more general delays in the payment of contributions, document C 83/LIM/22 describes the possibility for decreases in the payment of Member States's assessed contributions. Like other delegations, we would have preferred this issue to have been brought up earlier in the Conference, perhaps parallel with the deliberations on the Programme of Work and Budget for 1984-85. There is not much time left for consideration of the issue, where matters of principle are involved. The outcome of these deliberations will also have an important bearing for other organizations of the United Nations family.

Furthermore, the Director-General is seeking the delegation of authority from the Conference to the Council. At this stage we will only voice our preliminary comments. Therefore, we reserve the right to intervene on this complex subject at a later stage.

We understand that the Secretariat expects that should this hypothetical problem materialize, it will only be a one-time phenomenon. The Nordic countries think the problem is so hypothetical that it does not call for a decision at this stage along the lines which the Director-General is seeking. We have noted that the Member States, for whom non-payment of assessed contributions could occur, have voted in favour of the Programme of Work and Budget for 1984-85. In our opinion, the problems connected with non-payment of contributions and arrears within the coming biennium can, therefore, be solved with the existing mechanisms for which the Director-General already has authority.

With respect to the options proposed by the Director-General in the draft resolution, we would like to say that the authority of the Director-General to borrow is one of the measures which was approved to enable the Organization to cope with such situations should they arise.

With regard to the application of the cash surplus, we think that this proposal in its present formulation might encourage further delay to payments of assessed contributions. This could not be the idea behind the proposal.

As far as the members who have paid their contributions on time are concerned, it is our opinion that a cash surplus, as stated in the Financial Regulations 6.1.b, should be reallocated to these Member States.

A.S. OULD MOLOUD (Mauritanie): Je vous remercie Monsieur le Président. Ce que j'avais à dire a été dit par mes collègues les délégués du Congo et de Cuba. Néanmoins, j'ajouterai tout simplement l'appui de ma délégation en faveur de la résolution qui nous est soumise.

M.B. SY (Sénégal): Puisque notre délégation intervient pour la première fois au sein de votre Commission, je voudrais vous présenter toutes mes félicitations pour votre élection ainsi qu'aux membres du Bureau de la Commission.

A la lecture de la résolution qui nous est soumise j'étais persuadé qu'aucune discussion n'aurait été suscitée tellement, apparemment, le problème paraissait simple. A la lumière des débats, on se rend compte que les diplomates ont ceci de particulier, ils arrivent à donner au problème le plus clair une dimension nouvelle et fort intéressante.

En tout cas, le Sénégal est tout à fait d'accord pour supporter sans réserve cette résolution parce qu'il est fidèle au principe selon lequel un bon gestionnaire est celui qui prévoit les situations les plus difficiles et je crois qu'il n'est pas nécessaire ici d'insister sur les qualités de gestionnaire du Directeur général de la FAO puisque s'il n'avait pas réalisé les économies dont le sort est aujourd'hui discuté aucun reproche ne lui aurait été fait.

Cela dit, j'ai tout de même quelques observations sur les deux premiers paragraphes de la résolution. Je pense que pour la délégation sénégalaise les arriérés signalés d'un certain nombre d'Etats membres devraient être en tout cas atténués pour que cela n'apparaisse pas comme étant un paradoxe parce que ce qui se passe, c'est que l'on aura constaté que des Etats ne payent pas d'une part, et que d'autre part, l'on demande des sacrifices de bons payeurs. Mais puisque les arriérés, en fait, pour la plupart des Etats, dépendent de situations économiques particulièrement difficiles résultant d'une situation dont la détérioration est liée à divers facteurs que je me réserverai d'analyser ici, je voudrais seulement proposer que l'on ajoute à ce premier paragraphe le fait que la plupart de ces Etats membres sont confrontés avec de sérieuses difficultés économiques et financières.

En ce qui concerne le deuxième paragraphe, au nom du principe selon lequel le Sénégal se refuse à s'immiscer dans les affaires intérieures des Etats (et surtout lorsque l'on ne va pas jusqu'au bout du raisonnement) nous souhaiterions quand même une modification au deuxième paragraphe. Il est fait mention d'une manière singulière d'un Etat et malheureusement l'erreur a été relevée et c'est le point favorable: il ne s'agit pas d'un gouvernement d'un pays mais d'un organe législatif.

Ensuite, il y a une seconde préoccupation qui a été soulignée et répétée: un autre pays dont l'organe législatif envisage une mesure qui peut avoir les mêmes répercussions, or cela ne ressort pas de la même résolution. Pour cette raison, le Sénégal pense que l'on aurait pu dire tout autant que certains organes législatifs de certains pays bailleurs de fonds ont pris des initiatives tendant soit à réduire leur contribution, soit à retarder le versement de celle-ci. Nous pensons que ces deux idées fortes pourraient quand même éviter la singularisation d'un pays bien déterminé et permettre de reconnaître l'injustice de la situation que nous craignons.

D'autre part, il est assez étonnant de dire que si le Directeur général rencontre des difficultés, il peut emprunter. Très simplement, en tant que profane, je m'étonne que l'on ait de l'argent bloqué quelque part et que l'on aille emprunter à des taux d'intérêt exorbitants.

En second lieu, on dit: "si la situation se produit, on peut convoquer une session extraordinaire de la Conférence". A partir de ce moment, ne peut-on pas se demander à quoi servent les organes de la Conférence que l'on a créés et que tous les Etats ont élus; je veux parler du Conseil et de l'organe pratique de celui-ci, c'est-à-dire le Comité financier. Dès lors qu'un Etat ne peut plus faire confiance à un organe, que tout au moins des Etats ne peuvent plus faire confiance à des organes qu'ils ont créés, je me demande vraiment à quel jeu nous sommes en train de nous livrer.

Je pense qu'à part ces quelques observations que nous avons formulées pour rendre le texte, à notre avis, beaucoup plus juste par rapport aux discussions et aux débats qui se rapportent à ces deux questions, nous approuvons encore une fois, de toutes nos forces, cette résolution qui n'est qu'une garantie comme celle que l'on avait donnée au Directeur de contracter des prêts et qu'il n'a jamais utilisée. Donc il faut seulement souhaiter qu'il ne l'utilise pas mais il faut tout de même prévoir des situations difficiles.

G.E. GONZALEZ (Argentina): Mi Delegación ha escuchado con suma atención la clara y sincera exposición que nos hiciera la Secretaría General y muy particularmente el Sr. West, así como las valiosas intervenciones de las delegaciones, dando argumentos de peso, tanto a favor como en contra, de la conveniencia de aprobar la resolución presentada.

Estimamos que algunas de las dudas planteadas son válidas, y quizá me refiero aquí a lo que dijo la distinguida y muy respetada embajadora de los Estados Unidos. Existe quizá una explicación racional para el por qué se ha mencionado a su país en uno de los documentos que tenemos a nuestro estudio. Pienso - y no estamos tratando de justificar a nadie - que es que el Gobierno de los Estados Unidos era el único para el cual se preparaban estos documentos, porque había anunciado la posibilidad de hacer un recorte en el presupuesto de sus contribuciones a los organismos internacionales.

Pero, señor Presidente, a pesar de la validez de muchas de esas dudas planteadas, la delegación argentina ha llegado a la conclusión de que es justo dar nuestro respaldo al proyecto de resolución que tenemos frente a nosotros por las siguientes razones:

En primer lugar, porque no estamos asumiendo ningún compromiso específico. Tan sólo estamos autorizando al Consejo de la Organización, llegado el caso, a analizar la necesidad y conveniencia de retener una parte o todo el superávit de Tesorería; pero los Estados Miembros de esta Organización continuamos reteniendo el poder y la autoridad política de la decisión.

En segundo lugar, porque creemos que no podemos correr el riesgo de que la Organización deba suspender o cortar el Programa de Labores; aunque confiamos en que no tendremos que llegar a una situación tan extrema o dramática.

Tercero. - porque nos sentimos alentados a que el Consejo no tendrá que enfrentarse a este problema, que no será necesario activar esta resolución, conociendo el espíritu, autoridad y racionalidad administrativa que anima a las autoridades de la Organización. El hecho de que estemos precisamente discutiendo que hacer con un superávit de treinta millones de dólares, creo que es muestra cabal de esta actitud.

Cuarto.- porque confiamos también en que, tanto los grandes como los más pequeños contribuyentes de esta Organización, realizaríamos los esfuerzos necesarios para cumplir con los compromisos que formal y libremente hemos asumido.

Sin embargo, señor Presidente, debo dejar constancia de que apoyamos la resolución, aunque sin ningún entusiasmo. Argentina ha sido siempre reacia a tener que caer en este tipo de disposiciones. Entendemos que lo justo sería liberar a la Secretaría de este tipo de problemas, pagando todas nuestras cuotas a tiempo y sin tener que crear este tipo de problemas, que pone en peligro, o al menos limita, las actividades de una organización como la FAO; organización que consideramos un instrumento fundamental para el desarrollo de muchos de nuestros países.

Señor Presidente, nosotros no tenemos dudas acerca de la justificación de la existencia de la FAO y continuaremos prestando toda nuestra cooperación hasta el máximo de nuestras posibilidades. Sin embargo, el hecho concreto es que nos podemos ver enfrentados a un problema financiero serio y comprendemos que a la Secretaría no le queda otro remedio que traerlo a esta Conferencia.

Por ello - y lo repito - daremos nuestro respaldo a la resolución.

M. BENNIS (Maroc): Le document C 83/LIM/22 que nous examinons et qui traite du paiement des contributions ordinaires de l'exercice 1984/85 semble soulever, à notre sens, deux questions de nature différente ou du moins deux questions qui nécessitent des solutions différentes.

En effet, le premier point évoque le risque de voir certains pays réduire leur contribution.

Le deuxième point pose quant à lui le problème des retards dans le versement des contributions par un certain nombre de pays.

En ce qui concerne la réduction de la contribution, déjà au niveau du Conseil, lors de sa dernière session où cette question a été soulevée, ma délégation a lancé un appel auquel se sont d'ailleurs jointes d'autres délégations pour exhorter l'ensemble des Etats Membres à éviter de mettre en difficulté l'avenir de l'action de la FAO, cette Organisation qui a encore beaucoup à faire.

La réduction des contributions pose un problème différent de celui des modalités de leur versement et nécessite en conséquence des solutions différentes.

Pour ce qui est du retard du règlement des contributions qui, en fait, est à l'origine de la résolution qui nous est proposée, nous estimons que la proposition du Directeur général tendant à différer la répartition des excédents de trésorerie et à les utiliser pour couvrir le retard de quelques contributions, nous estimons que cette formule constitue effectivement une solution de circonstance. Or, comme nous l'a expliqué M. West tout à l'heure dans son introduction, chaque fonds et chaque compte ont leur destination spécifique. Il en est ainsi du Fonds de roulement comme du Fonds de réserve spécial. Il devra en être de même des excédents de trésorerie.

La solution proposée, bien qu'elle pénalise ceux qui font l'effort de remplir leurs engagements de contribution dans les délais impartis, mérite cependant d'être appuyée dans la mesure où elle représente un palliatif provisoire au problème. Mais cette mesure ne doit pas, en fin de compte, encourager les retardataires dans leur comportement, bien que pour beaucoup de pays, le retard soit dû essentiellement aux difficultés économiques auxquelles ils se heurtent. Il s'agit donc pour ceux-là presque d'un cas de force majeure qui doit susciter la compréhension.

C'est pourquoi, Monsieur le Président, la mesure qui nous est proposée semble convenable puisqu'elle devra assurer un simple relais provisoire destiné à soulager temporairement les pays en difficulté sur le plan économique, mais elle ne devra pas servir, pensons-nous, à couvrir les réductions de contribution décidées pour toute autre considération.

Elle ne devra pas non plus servir à faire face aux paiements délibérément en retard pratiqués par certains contribuants importants.

On peut d'ailleurs, pour ces cas déplorables, rechercher d'autres solutions, mais de toute manière, nous estimons que l'utilisation des excédents de trésorerie est de nature à permettre de réaliser, avec le moins de difficultés possible, la mise en oeuvre du Programme de travail et budget que nous avons retenu à l'unanimité.

Cette mesure mérite donc notre soutien, d'autant plus qu'il s'agit en fait de confier au Conseil le soin de permettre d'y avoir recours en cas de besoin seulement et après un nouvel examen de la situation. Il s'agit donc d'une mesure conservatoire qui reçoit tout notre appui.

LE PRESIDENT: Nous sommes ainsi arrivés à la fin de la séance d'aujourd'hui et je vous souhaite un bon week-end.

The meeting rose at 17.55 hours

La séance est levée à 17 h 55

Se levanta la sesión a las 17.55 horas

Conference

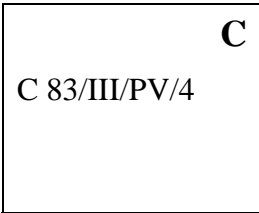
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conférence

ORGANISATION DES NATIONS UNIES POUR L'AUMENTATION ET L'AGRICULTURE

conferencia

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

FOURTH MEETING
QUATRIEME SEANCE
CUARTA SESION
(21 November 1983)

The Fourth Meeting was opened at 15.30 hours,
T. Glaser, Chairman of Commission III, presiding

La quatrième séance est ouverte à 15 h 30,
sous la présidence de T. Glaser, Président de la Commission III

Se abre la cuarta sesión a las 15.30 horas,
bajo la presidencia de T. Glaser, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)
PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

- B. Administrative and Financial Matters (continued)
- B. Questions administratives et financières (suite)
- B. Asuntos administrativos y financieros (continuación)

- 21. Other Administrative and Financial Questions-(continued)
- 21. Autres questions administratives et financières (suite)
- 21. Otros asuntos administrativos y financieros (continuación)

- 21.4 Amendment to Financial Regulations (External Audit Certificates)
- 21.4 Amendement du Règlement financier (attestations de vérification extérieure des comptes)
- 21.4 Enmienda del Reglamento Financiero (Certificados de comprobación externa de cuentas)

LE PRESIDENT: J'ouvre la quatrième séance de la Commission III.

Nous avons suspendu vendredi soir le point 21.3 de l'ordre du jour: Etat des contributions. Pendant le week-end, il y a eu des consultations à la suite du début de débat que nous avons eu vendredi. Il en est résulté un nouveau texte qui va remplacer celui que nous avons discuté vendredi sur le C 83/LIM/22. Ce nouveau texte va être distribué dans le courant de l'après-midi et je vous propose donc de suspendre maintenant le débat sur ce point de l'ordre du jour jusqu'à ce que nous ayons ce texte. Entre-temps, nous pouvons prendre le point suivant, c'est-à-dire le point 21.4. Amendement du Règlement financier; et nous allons commencer par l'adoption de la première et de la deuxième partie du rapport.

S'il n'y a pas d'objections à cette manière de procéder nous passons au point 21.4 de l'ordre du jour et je prie M. Crowther de nous le présenter. M. Crowther vous avez la parole.

D.K. CROWTHER (Assistant Director-General, Administration and Finance Department): The item under consideration is a proposal to amend the Additional Terms of Reference Governing External Audit which are included in Annex 1 to the Financial Regulations. As stipulated in Financial Regulation 15.2, such amendments require the approval of the Conference in the same manner as provided for amendments of the General Rules of the Organization.

The amendments are proposed by the Panel of External Auditors to the United Nations and Specialized Agencies. The aim of the proposed amendments is to more adequately reflect modern auditing practices.

With regard to the Auditor's opinion of the financial statements, the amendments have been reviewed by the Finance Committee at its Fifty-second session and by the Council at its Eighty-fourth session..

For your information, the United Nations General Assembly has adopted the same amendments to its Financial Regulations. A draft resolution is contained in document C 83/LIM/19 for consideration and adoption by the Conference.

While there are a number of changes in the opinion to be expressed by the External Auditor that are included in the Terms of Reference, the most important one for consideration is the expression of the Auditor's opinion concerning his certification that the financial statements are correct. That has been the old language. The new language that has been proposed is that the External Auditor shall express and sign his opinion on the financial statements which includes a statement that the financial statements present fairly the financial position. Now, as I imagine, there are some other changes but that is most probably the most critical change of substance and it has been adopted by the General Assembly as amendments to its Financial Regulations.

LE PRESIDENT: Merci M. Crowther. Y a-t-il des commentaires sur ce sujet qui a été clairement présenté par M. Crowther?

Si tel n'est pas le cas, je constate que la résolution contenue dans le document C 83/LIM/12 est approuvée.

ADOPTION OF REPORT
ADOPTION DU RAPPORT
APROBACION DEL INFORME

DRAFT REPORT OF COMMISSION III - PART 1
PROJET DE RAPPORT DE LA COMMISSION III - PARTIE 1
PROYECTO DE INFORME DE LA COMISION III - PARTE 1

Nous pouvons ainsi passer à l'adoption du rapport et je prie le Président du Groupe de rédaction de nous rejoindre.

Le Groupe de rédaction a fait un travail dur et long. Vous avez le résultat devant vous. Nous commençons avec le document C 83/III/REP/1, débat du 18 novembre 1983: Projet de rapport de la Commission III, première partie.

Paragraphs 1 to 2 approved
Les paragraphes 1 à 2 sont approuvés
Los párrafos 1 a 2 son aprobados

PARAGRAPHS 4-6
PARAGRAPHES 4-6
PARRAFOS 4-6

I.P. ALVARENGA (El Salvador): Le ruego encarecidamente, señor Presidente, me disculpe, pero por razones que usted seguramente comprenderá, no pude estar presente al inicio de esta discusión. Quería preguntar si el párrafo cuarto qued tal como está propuesto o se sugirió alguna modificación.

Nuestra delegación en el curso de la reunión hizo la observación de que, de alguna forma, quedase constancia de que el hecho de que la Región Latinoamericana hubiese aumentado sus miembros hacía necesario que en un futuro próximo se considerase la posibilidad de aumentar el número de miembros de la Región dentro del Consejo. Creo recordar que, aparte de la Región Latinoamericana, algunas, delegaciones apoyaron también estas observaciones. Yo pienso, señor Presidente, si no sería posible dejar constancia de ello en el informe, ya que, como digo, tengo la impresión, no sé si me equivoco, de que otras delegaciones apoyaron esas observaciones. No sé si usted, señor Presidente, tendrá a bien considerar esta cuestión o si la da por superada; en cualquier caso yo acepto su dictamen.

LE PRESIDENT: Vous avez parfaitement raison, le point a été soutenu. Ce qui n'est pas tout à fait Correct c'est de revenir sur ce point, mais si tout le monde en est d'accord, exceptionnellement, nous pouvons le faire.

Le secrétariat pourrait-il nous proposer un texte dans le sens décrit par le délégué de El Salvador?

D.C. McLEAN (Secretary, Commission III): I do not know whether the delegate from El Salvador has a proposed suggestion. Perhaps we could insert there, if he wishes, a text along the following lines: "It was suggested that the distribution of Council seats for the Latin America and the Caribbean Region should be consistent with the increased membership of the region."

LE PRESIDENT: Je vois que le délégué de El Salvador donne son accord sur ce texte. Je ne vois pas d'autres réactions... La délégation des Etats-Unis a la parole.

M. D. METELITS (United States of America): Frankly, I must express a small degree of confusion about this proposed change because the agenda item we are discussing is the change in the title of a region. The agenda item is not about the composition of governing bodies. Although the statement was made, and there was even some agreement to it, it is not really relevant to this section of the Report that we are considering.

LE PRESIDENT: Merci. Y a-t-il d'autres points de vue? Nous avons une opinion pour et une opinion contre; j'ai besoin d'autres opinions!

I. P. ALVARENGA (El Salvador): Yo creo que, como en tantas oportunidades se ha señalado, el Informe debe recoger lo que sucedió dentro de la reunión. Nuestra Delegación entiende que fue apoyada por otras delegaciones, que dimos nuestra aceptación al cambio de nombre porque reflejaba la realidad de que nuevos miembros se han introducido en la Región; pero que ese hecho no creíamos lesionase la proporción que debe existir entre miembros de la Región y miembros en el Consejo. Pedíamos que en la primera oportunidad, aunque probablemente ese momento no era el más oportuno para plantearlo, los organismos competentes de la FAO tomaran medidas para adecuar el número de miembros de la Región con el número de miembros que le corresponde en el Consejo.

Nosotros quisiéramos que se añadiera una frase, en el momento oportuno, si la delegación de Estados Unidos está de acuerdo.

R.A. SUAREZ MELO (Colombia): Nuestra delegación desea apoyar al delegado de El Salvador, Como usted bien lo dijo, la propuesta es que se diga lo que se trató en la reunión. Por lo tanto, nosotros no tenemos ningún inconveniente en que ese párrafo se añada a la numeral 4.

R.R. FAJEYISAN (Nigeria): I think I would support the view expressed by the representative of the United States. What we have on the agenda is a change of title of the region, which was what was considered at the meeting.

P.S. McLEAN (United Kingdom): I believe the United States delegate is fundamentally right, as my colleague from Nigeria has just stated. Although this matter was raised under item 18.1, and there is no denying that, it was perhaps only a very indirect contribution to what was a very formal item to change a title. Nevertheless, I think this does happen; we recognize that various contributions are made to debate which may not necessarily reflect the item under discussion. The problem, I think, is that in order to meet the point made by the representative of El Salvador it would be very difficult to find a place in the report to reflect the point of view they expressed during the discussion of this item, which was supported by some other delegates. I do not know whether it would help my colleagues from the United States and Nigeria if a slight qualifying phrase was inserted at the beginning of the sentence that the Secretary proposed in order to indicate that it was not entirely appropriate for this to be discussed under the item - a phrase such as "in this connexion". I do not feel that therefore we need spend too much time on it, if the Secretariat would agree that there is no other place in the report that it could reasonably be included.

CHAIRMAN: Before I give the floor to other speakers, may I ask the Secretary to read again the text as it is now suggested by the United Kingdom.

D.C. McLEAN (Secretary, Commission III): The text which I read out would now begin: "In this connexion it was suggested that the distribution of Council seats for the Latin America and the Caribbean Region should be consistent with the increased membership of the region."

CHAIRMAN: Now before I give the floor to Panama and to the Netherlands, I give the floor to the Deputy Director-General, Mr West.

DEPUTY DIRECTOR-GENERAL: With regard where this could go, I think the only other place it could be included would be in relation to Council votes that are taking place today, or under item 26 of the Conference, Any Other Business. Personally I think that both of those possibilities are less desirable than what has just been suggested.

A. ACUÑA HUMPHRIES (Panamá): Fiel a los antecedentes, señor Presidente, nosotros somos partidarios de que en el Informe se recoja lo tratado en los debates. Por tanto, apoyamos la propuesta de El Salvador en el sentido de que se recoja lo que señalaron varias delegaciones.

J. HEIDSMA (Netherlands): My delegation entirely agrees with what the United States indicated, that perhaps that this is the wrong agenda item for this issue. Nevertheless, it is a fact that this was debated under this agenda item. What we try to do here is not to improve the debate but to reflect the debate. Therefore, I think it would be appropriate to include the sentence here, and the addition proposed by the United Kingdom would put this sentence in a somewhat better perspective. I could support that also.

H.D. METELITS (United States of America): In the interest of expediting our deliberations here I would like to say that I made the point only to indicate an apparent inconsistency. However, I would not want to stress this point, and I simply would say that I have no objection to the inclusion as long it is recognized that it is a bit inconsistent with the agenda item with which it is being reported.

M.B. SY (Senegal): Je crois qu'un rapport doit refléter les points de vue discutés mais il n'est pas dit que tous les points de vue doivent être recensés, sinon chaque délégation pourrait demander que l'on reflète ce qu'elle a dit, ce qui n'est pas l'objet d'un rapport qui doit, en fait, ne s'attarder que sur les accords et les points principaux qui ont directement un lien avec l'ordre du jour.

Les deux questions que je voudrais poser à la lumière de ce qui vient d'être dit et qui pourraient intéresser l'Afrique sont: Est-ce que dans l'Organisation de la FAO il n'y a pas un acte ou un règlement qui traite de la proportionnalité des sièges par rapport au nombre de membres d'une région? Si oui comment peut-on introduire une modification de ce règlement?

Deuxième question: En réalité à quoi servirait, d'une manière objective, cet amendement dans le cadre du point de vue ainsi examiné?

LE PRESIDENT: Merci au délégué du Sénégal. J'aimerais tout de suite dire que nous ne voulons pas du tout ouvrir un débat sur la composition du Conseil. Je crois que la phrase proposée ne va pas dans cette direction non plus. Il s'agit uniquement d'un désir qui a été exprimé par plusieurs pays: Comment et où, plus tard, cela pourrait-il être étudié? Cela ne nous concerne pas ici, pour le moment. Je crois qu'il ne faut pas brûler les étapes.

M. B. SY (Sénégal): Je pense que vous ne m'avez pas compris; je fais bien ce que vous avez dit; c'est un manque d'informations et je pense qu'une délégation peut demander des informations: est-ce que pour la composition des membres du Conseil il y a un règlement qui fait que, pour telle raison, pour tel nombre de pays, il y a tant de sièges, auquel cas la modification n'inclut nullement le changement du nombre de sièges? C'est simplement une question; si la question est inopportune j'y renonce.

LE PRESIDENT: Certainement, il y a un règlement, mais je trouve que nous dévions un peu de notre ordre du jour; cependant, je crois que c'est assez simple et je peux peut-être demander à M. Roche de nous éclaircir brièvement cette question car cela pourrait nous aider.

LEGAL COUNSEL: This is covered by the Regulations. Rule XXII of the General Rules of the Organization, paragraph 3, sets out certain criteria which are applicable in the election of the Council. In addition, there are so many seats for each region, and it is precisely on this basis that in Plenary Session this morning - and I think still this afternoon - certain seats have been and are being filled. The problem which has been raised is one which has arisen on a number of occasions. In fact, the number of Council members laid down in the Constitution has from time to time been amended in order to make it possible for the increased membership of the Organization to be reflected in the Council, and at such times as these amendments are introduced it is indicated how the balance should be distributed amongst the regions because in the past, for instance, there has been a very considerable increase in the number of Member Nations of the FAO in Africa, and in proportion to that the overall number of seats has been increased and the allocation has been made equitably to the various regions.

KWANG-HEE KIM (Korea, Republic of): I agree that the Report should reflect as correctly as possible that which has been discussed in the debate, but I do not think everything should be reflected in the Report. If that were the case, all the comments on the scale of contributions should be reflected in the Report too.

I.P. ALVARENGA (El Salvador): Yo creo que hay consenso en un punto y es que el informe debe recoger lo que se debatió. Ahora bien, no se debe recoger lo que diga una delegación simplemente, o lo que representa solamente una opinion aislada.

Aquí tenemos en este informe el párrafo 13, en el que se dice: "Algunos miembros expresaron ..., etc.," ejemplos los podemos encontrar por todos los lados.

Para ser coherentes, sugeriríamos que se dijera lo siguiente: "A este respecto algunos países propusieron que en el momento y la forma oportunos, ... etc." y después seguiría el texto propuesto por el Reino Unido.

Creo que así se refleja lo que se dijo en la reunión y no se daña a nadie.

D.C. McLEAN (Secretary, Commission III): The suggested revision is:

"In this connection, some countries proposed that in due course the distribution of Council seats for Latin America and the Caribbean Region should be consistent with the increased membership of the Region."

LE PRESIDENT: Je vois qu'il y a accord, nous allons donc modifier le paragraphe 4 dans le sens que vient de nous le lire le Secrétaire général. Avec cette modification, le paragraphe 4 est approuvé pour la seconde et j'spère dernière fois.

Paragraphs 3 to 6 as amended, approved

Les paragraphes 3 à 6 ainsi amendés sont approuvés

Los párrafos 3 a 6 así enmendados son aprobados

Paragraph 7, including resolution as amended, approved

Le paragraphe 7, y compris la résolution ainsi amendée, est approuvé

El párrafo 7, incluida la resolución así enmendada, es aprobado

Paragraphs 8 to 9 approved

Les paragraphes 8 à 9 sont approuvés

Los párrafos 8 a 9 son aprobados

Paragraph 10, including resolution, approved

Le paragraphe 10, y compris la résolution, est approuvé

El párrafo 10, incluida la resolución, aprobado

PARAGRAPHS 11-14

PARAGRAPHES 11-14

PARRAFOS 11-14

N. SALTAS (Greece): In paragraph 13 of the Report, on the third line, where it says "economic conditions of many developing countries", I propose that the word "developing" be deleted so the paragraph will then read:

"Several members expressed serious reservations on the criteria on which the current UN scale had been based because they felt that it was not correlated with the present economic conditions of many countries."

LE PRESIDENT: Il est proposé de supprimer à la troisième ligne du texte français, à la fin de la première phrase: "en développement".

Je ne vois pas d'objection. Le paragraphe 13 avec l'amendement proposé par la Grèce est donc approuvé.

Paragraphs 11-14, as amended, approved

Les paragraphes 11-14, ainsi amendés, sont approuvés

Los párrafos 11-14, así enmendados, son aprobados

Draft Report of Commission III, Part 1, was adopted

Le projet de rapport de la Commission III, première partie, est adopté

El proyecto de informe de la Comisión III, Parte 1, es aprobado

DRAFT REPORT OF COMMISSION III - PART 2

PROJET DE RAPPORT DE LA COMMISSION III - PARTIE 2

PROYECTO DE INFORME DE LA COMISION III - PARTE 2

LE PRESIDENT: Passons maintenant à la deuxième partie du rapport C 83/III/REP/2.

Le premier titre est le suivant: "Autres questions administratives et financières"

Paragraphs 1 to 5 approved

Les paragraphes 1 à 5 sont approuvés

Los párrafos 1 a 5 son aprobados

PARAGRAPHS 6-9

PARAGRAPHES 6-9

PARRAFOS 6-9

D.C. McLEAN (Secretary, Commission III): In the first line there is a reference to the decision of the Corte di Cassazione, and we say "in October 1982". We think that the word "October" should be deleted. The decision was made earlier in the year although released in October, so it would be easier to say "in 1982".

LE PRESIDENT: Le paragraphe 6 avec la modification consistant à enlever le mot "octobre" dans la première phrase est approuvé.

D.C. McLEAN (Secretary, Commission III): This paragraph came in rather late on Friday evening, and we only took it in the French language. It has been retranslated, but we would like to suggest one or two modifications to improve the English. I will read the paragraph:

"7. The Representative of the host country explained that the principle of immunity as conceived by the Italian Court of Cassation reflected a doctrine and jurisprudence well known in the courts of this country and in some judicial fora of countries with a similar legal tradition. He added that it was difficult to imagine a modification or adaption of Italian law which could guarantee more explicitly the immunity of States or intergovernmental organizations since the Court of Cassation would uphold that doctrine in any interpretation which it would be called on to give of an internal law or of an international treaty designed to vary or clarify the scope of immunity. With regard to possible measures of execution, the Representative of the host country renewed his Government's assurances that such measures would not be enforced."

M.D. METELITS (United States of America): My delegation has no problem with these clarifications by the Secretariat, and would ask if it would be possible if, instead of this rather inelegant phrase of reference to the Italian Court of Cassation, we could just refer as we did in paragraph 6 to the Corte di Cassazione.

CHAIRMAN: Since there are no other comments, is paragraph 7 approved in the version read by the Secretary, with the modification proposed by the United States of America?

Paragraphs 6-9, as amended, approved

Les paragraphes 6-9, ainsi amendés, sont approuvés

Los párrafos 6-9, así enmendados, son aprobados

PARAGRAPHS 10-20

PARAGRAPHES 10-20

PARRAFOS 10-20

H. FADHLI NAJEB (Iraq): I note in paragraph 17 of the Annex that once again there is a reference to the judgment of the Corte di Cassazione as being in October 1982. As we had decided to delete "October", I feel that we should not delete "October" here, I repeat, we should not delete "October" here but rather mention it also in paragraph 17, i.e. we should mention the exact months. That is to say in paragraphs 17 and 6 we mention the exact month rather than October. We could leave a blank until we know exactly what the month was.

CHAIRMAN: It is a little bit complicated because the two paragraphs you mentioned do not say exactly the same thing; in one it says that the judgment became available and before it says that the Corte di Cassazione had decided. May I ask the Legal Counsel to advise us on this problem?

LEGAL COUNSEL: The fact of the situation is that the judgment itself is dated 1 April 1982. However, the judgment became available in its full text only in October. So the first time we mentioned it, in paragraph 6, I think it would be enough to say that the decision was taken in 1982. Then in the Annex we refer to when it became available and then October is rather relevant, because it shows that it became available in October just after the Finance Committee and the CCLM had their autumn sessions, just before the Council.

H. FADHLI NAJEB (Iraq) (original language Arabic): I am looking at the Arabic text of course, and in paragraph 6 of the Arabic text it says that the Corte di Cassazione took its decision in October, and not that it became enforceable in that month. So according to my text the decision was taken in October.

CHAIRMAN: In that case the Arabic text seems to be wrong. In the English and French texts we took October out because it says that the Corte di Cassazione decided - and then we just leave the year 1982 without specifying the month. Could we leave it to the translators to make sure that the Arabic text corresponds exactly to the English, French, Spanish and Chinese? Thank you.

Then I think we have finished the adoption of parts 1 and 2 of the Report. I would very much like to thank the Chairman of the Drafting Committee and the whole Drafting Committee for the excellent job they have done. The fact that we did not even have to ask any enquiry of the Chairman of the Drafting Committee proves that the work was so clear that it caused us no problem at all. Actually I think we did quite well timewise in adopting it. So thank you very much, Chairman of the Drafting Committee and the whole of the Drafting Committee.

Paragraphs 10 to 20 as amended, approved

Les paragraphes 10 à 20, ainsi amendés, sont approuvés

Los párrafos 10 a 20, así enmendados, son aprobados

Draft Report of Commission III, Part 2 was adopted

Le projet de rapport de la Commission III, deuxième partie, est adopté

El proyecto de informe de la Comisión III, Parte 2, es aprobado

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

B. Administrative and Financial Matters (continued)

B. Questions administratives et financières (suite)

B. Asuntos administrativos y financieros (continuación)

21. Other Administrative and Financial Questions (continued)

21. Autres questions administratives et financières (suite)

21. Otros asuntos administrativos y financieros (continuación)

21.3 Status of Contributions (continued)

21.3 Etat des contributions (suite)

21.3 Estado de las cuotas (continuación)

CHAIRMAN: We come back on our agenda to item 21.3 Status of Contributions. As I said at the beginning of this afternoon's session, various consultations have taken place over the week-end and the Deputy Director-General has some news for us. Mr West, may I give you the floor please?

DEPUTY DIRECTOR-GENERAL: As you said, Mr Chairman, during the week-end there was reflection on the debate which had taken place on the various points that were made and consultations on ways in which certain concerns which I had attempted to deal with orally in my introduction could be introduced into the draft resolution. Of course, one cannot introduce every possible contingency into a legal text, particularly as we cannot forecast in advance the exact amounts of contributions that might or might not be received by the time the Council meets in November 1984.

Some could certainly be introduced so as to reassure those who were concerned lest the cash surplus be tapped, even if it were not necessary. We have no intention of doing that, but we looked at the resolution to see if those concerns and others could be met. Accordingly, the Director-General has substituted a revised text which is now circulated to the Commission and I would like to explain the main changes in the revised text.

The first change is in the new operative paragraph 2. This is designed to make it clear that the use of the cash surplus will not be resorted to as the first thing to be done. It makes it clear that the Council will have before it full reports on the whole situation as regards income and expenditure and will first examine the extent to which the Working Capital Fund and the Special Reserve Account could be drawn on to meet the foreseen situation. Only then, and I repeat, only then, would it go on to consider whether or not to exercise the authority referred to in paragraph 3 which would be delegated to the Council by the Conference.

Here I have to repeat that unless the Conference delegates this authority specifically concerning suspension of Financial Regulation 6.1(b), the cash surplus cannot be touched under any circumstances. So there has to be this specific delegation if the cash surplus is to be used in any way. But it is not an obligation, it is purely permissive, to allow the Council to decide if it sees fit and not otherwise.

Now in paragraph 3 we have introduced a layer of safety nets, so to speak, to ensure that the cash surplus will either not be used, or will only be used to a certain extent, or would be used in full if necessary, but that, if it is used to any extent, the possibility will be provided, for the amount which is used temporarily to provide enough to maintain the cash flow to be subsequently redistributed to Member Nations if and when contributions are paid up during the biennium, or even subsequently. The mechanism will be to put the cash surplus in a special account and to hold that in suspense so that it can be used up or replenished as and when contributions are available. So if all went well the only governments who would lose anything would be those still in arrears from 1982-83 and previous biennia. But it would not affect those who were delaying their contributions during 1984 for reasons of whatever kind, either economic hardship or legislative difficulties.

Now the safety nets, as you see, are provided in sub-clauses (a), (b) and (c). There is a reference in (a) to 76 percent. The reason for this figure is that over the last five years, on average, at this time of year, in November, we have usually received 75.91 percent of total contributions. In earlier consultations I did mention the figure 75 percent to a number of delegations and, as far as we are concerned, it can be 75 percent; so it can be 75 percent if people prefer to knock off that 0.91 percent and make it just a round figure. But as you see, 75 percent means that 25 percent is missing. But over the last five years 25 percent has been missing at that stage and we have not had any cash surplus on which we can draw. We are saying if the situation is "normal" - in other words, 25 percent only missing - we will not be able to touch the cash surplus under any circumstances. It is only if the contributions are below 75 percent that we should be able to come on to the provision in (b).

Now (b) is not a final provision, it is a further layer, because here we say that if at that time the contributions are between 64% and 75%, then at least US\$ 15 million of the cash surplus will still be distributed, and only the remainder of this cash surplus retained for possible use. I underline "possible use". The reason for the 64 percent is a little delicate, but I suggest you refer to the percentages of the three main contributors and see how they add up. I think that will give you a clue as to why it is 64 percent.

The other thing I can mention in that connection is that if it were only 63.5 percent, we would, in the worst case, have US\$ 20 million missing still, which would be more or less most of the Special Reserve Account and Working Capital Fund on normal assumptions. Therefore, we think we have to take some action below 64 percent of the contributions received. Even so under (b), there would be US \$15 million already distributed immediately on 1 January 1985.

Then under (c) we have the final and full provision for the really bad situation in which the amounts received are less than 64 percent - what I have just been talking about is between 64 percent and 76 percent; (c) deals with below 64 percent. In that case the whole of the cash surplus would be set aside and used to cover expenditure, but as and when contributions came in they would be put back into the Special Reserve Account and would be available to the Council for subsequent distribution. You could even have a situation in which all of the cash surplus was first used up, but then distributed because contributions did after all arrive, even though somewhat late. That is provided for in the provisions of (e); after (d) (i) (ii) (iii) you get (e) in brackets and it is provided there.

In (d) you will see that those who under case (b) and (c), i.e. the 64 to 75 percent situation, or the below 64 percent situation - those who have paid all their contributions would be given their full share and under (ii) those who had paid some of their contributions would get a proportionate share. Finally, those who paid up would get their full share.

Paragraph 4 would still leave the Authority to Borrow untouched, so if we got a really catastrophic situation that would still remain; but as I have emphasized both here and in consultations that would be a really catastrophic case. We would much prefer not to have to use it.

Finally, in 5 there is an attempt to persuade the people - again - not to put us in this position.

This is not basically different from what was proposed before, insofar as it is envisaged that in certain circumstances - the very worst situation - the cash surplus could be tapped if the Council so desired. But it is better, insofar as it does provide safeguards that it will not be tapped unless the contributions situation can really be shown as such that requires this action; and furthermore it provides that the cash surplus would not be lost forever, but would eventually be distributed. So in that respect it is a better provision than the previous one, as well, I think, as answering most of the objections which were raised the other day. I very much hope, therefore, that this new proposal can receive the agreement of all or most Member Nations, in recognition of the fact that we had a unanimous vote for the Programme of Work and Budget, and everybody would obviously like to see that the Programme is implemented in full.

CHAIRMAN: Thank you, Mr West. I have a short announcement to make; it seems that upstairs in the Plenary they do not have a quorum; the voting is still going on and they have asked those delegations who have not voted to please do so now. I have some procedural problems. We interrupted the debate on the current item on Friday evening with a rather long list of speakers. I think that the introduction of the new paper which you have just heard from Mr West has created a somewhat new situation, so I wonder whether it would make much sense just to continue with the list of speakers which were left on Friday afternoon. I would rather suggest, if you agree, that we start again and debate that new paper now. There is of course an additional difficulty; this paper has just been distributed, and I do not know if you have had time to read it carefully.

You have had the explanation from Mr West, but it may very well be that some delegations need more time, so I would like to announce now that we do have the possibility of continuing the discussion on this item when we meet tomorrow morning; but, since we must also have a report on the whole thing, the Drafting Committee has to meet again and we do not have very much time. Therefore, I suggest that we now initiate the debate, that we go as far as we can, and then, if we cannot conclude tonight, we will conclude it in the meeting tomorrow morning, which I hope will then be very short.

I now open the floor for discussion of the new paper C 83/LIM/22 Sup.I.

H. LAUBE (Austria)(original language German): As this new text includes all the wishes expressed by my delegation, I am able to adopt it.

B.F. DADA (Nigeria): My delegation welcomes the presentation of this document before us, which explains the status of contributions vis-à-vis the financial position of the Organization. The Deputy Director-General, Mr West, has eloquently clarified the situation in which the Director-General may find himself in the next biennium if some countries fail to make their full contributions to FAO.

It is my delegation's understanding that the primary purpose of document C 83/LIM/22 and the supplement is to ensure that the Organization will be able to fully implement the Programme of Work and Budget for 1984-85. It is true that the global economic recession has created financial problems for many countries, including my own. One can therefore appreciate the apprehension concerning possible shortage of funds expressed in the paper. It is our wish that such a situation should not be allowed to arise, considering that the budgetary operation was approved unanimously by the Conference only a few days ago. However, we cannot ignore the hypothesis put forward in this document. Because of the magnitude of the cash deficit foreseen, we would agree that appropriate steps should be taken to forestall the type of financial crisis that may halt the full activity of FAO. This is in view of the deteriorating food situation which we have all lamented in this Conference.

We would like to commend the financial prudence of the Director-General which has led to the accumulation of a cash surplus of about US\$30 million. Naturally, my delegation would have liked to have had a percentage of this fund to offset part of our future contributions, having regard for the financial stringency which has necessitated the introduction of austerity measures in my country.

Having given careful consideration for circumstances described in the document we are of the opinion that the proposal to set aside the cash surplus as a possible source of funds to finance approved expenditure in accordance with the approved budget, has merits. We would however like to seek a qualification: that is, that the funds which are withdrawn from the cash surplus be treated as a loan and the various countries credited with their entitlement as soon as the financial division approves.

We notice that in the new supplementary paper which was just circulated, there is a typographical error in paragraph 6 - there is a reference to the "Twenty-third session in 1965": that of course should be 1985, I presume.

Subject to the foregoing observations and qualification, my delegation would support the Director-General's proposal, as well as the draft resolution as revised, for financing the 1984-85 budgetary appropriation.

As this is the first time we have had an opportunity to congratulate you, I would like to give you, and the Vice-Chairmen our hearty support.

J.D.L. RICHARDS (New Zealand): The text before us is a great improvement upon the paper which we looked at on Friday, which my delegation would have had to oppose. It is a great improvement -but to say that is not to say that it is good or even, in our view, necessary. At least, this text does not reward countries which do not pay their contributions on time and in effect imposes financial levies on those that do. But I am not sure that the new text may not have the effect of encouraging late payment or even a short period of arrears. Its language certainly seems deficient in places to my delegation.

We are also very doubtful as to whether the resolution is necessary. It has been drafted, as the Deputy Director-General said, with the worst situation in mind. Even if that worst case occurred -it is a most remote possibility - there are adequate means in our view for the Organization to protect itself. However, our delegation might be wrong. Even if we were wrong, and there was in fact a real need for a measure of this sort, we are certain that it would not have arisen within the last 6 days. The proposals we have been looking at involve the suspension of part of the financial rules. To do that in any Organization is something which should be done only with the greatest reluctance and with plenty of notice, so that all implications can be studied. By contrast, this issue was raised and discussed here only after the Programme of Work and Budget had been agreed and the budget voted on and adopted. A number of delegations from smaller countries, believing that matters of financial interest to them were settled, had already left Rome. It does not seem to us that this has been a very well-organized episode. Having said that, my delegation is prepared to accept the resolution in its present form.

Finally, I am sorry to say that we have been swapping our delegation around a little, and I am not sure whether we have actually intervened in this Commission before. In case we have not, and on my own behalf, may I formally say that it is a pleasure to work under you.

D.J. ABEYAGOONASEKERA (Sri Lanka): My delegation has been following this debate on this important item which began on Friday.

There are, I think, two aspects on this item on contributions which are inter-connected. In the Report of the Eighty-fourth session of the Council, in paragraphs 90-94, we are told of the disappointing situation in regard to the payment of contributions, which appears to be a steadily deteriorating situation over recent years. I think there is no doubt in anybody's mind that this is a serious situation. One is also reminded of the situation which prevailed in 1981, when, during the Eightieth session of the Council, in the debate which took place prior to the approval of the resolution on the Authority to Borrow, the same fears and concerns were expressed.

Under normal circumstances, any shortfalls in the cash flow arising from delays in the payments of contributions, provided they are not so prolonged, are expected to be met from the Working Capital Fund which has been established at the level which the Director-General considers sufficient to cushion any delays - going purely by experience. Its level was increased from \$6.5 million in 1980-81 to \$13.2 million in 1982-83. Similarly, the Special Reserve Account has been set up to meet the need for unbudgeted or unforeseen budgetary expenditure; payments arising from changes in the exchange rates. This is now set at 5 percent of the total effective working budget.

The Assistant Director-General, Mr Crowther, in his introduction gave the figures relating to foreseeable shortages in contributions during the forthcoming biennium, his judgement being based, firstly, on the actual payment situation during this biennium and, secondly, on the possible shortfalls if the large contributors continue to pay in the same manner as they did before and, thirdly, if the intended legislation under the Lugar Amendment is actually enacted by the United States Congress, which will lower very considerably the input from the biggest contributor for the 1984-85 budget. He has also given us figures relating to unbudgeted staff costs, such as the amount the Organization would have to pay to meet the increase in pension payments, general service salaries, enhanced contributions to the Pension Fund, post adjustment, some of which have already been recommended by the International Civil Service Commission and approved by the UN, which FAO has to implement. He has also taken into consideration the effects of any variation in the lire-dollar rate fixed during this Conference, which may affect the Organization adversely. The built-in conventional safeguards which the Organization has, such as the Working Capital Fund and the Special Reserve Account (the authority to borrow which has not been used so far) would be adequate if conditions remained normal. We do not think that they are adequate by themselves when we consider the effects during the next twenty-four months of a serious decline in resources consequent upon delayed payments from measures which are currently being contemplated in certain legislation of Member Nations which would make the situation a bit abnormal.

The situation which has been reported to us in the document C 83/LIM/22, paragraphs 1-10, is exactly the situation which was reported to the Finance Committee and Programme Committee, only it was a little more serious than as the original amendment referred to in paragraph 2 would have reduced the level of payment to that prevailing in 1980 and thereafter it would have been progressively reduced each year from 90 percent to 80 percent and then to 70 percent of that level.

I think that the basic reasoning for presenting this resolution is found both in the past history of payments by Member Nations and in the likelihood of measures such as those referred to in paragraphs 3 and 4 being enacted by the biggest contributor.

Let us remind ourselves that we acted very responsibly by unanimously agreeing to a Programme of Work and Budget for 1984-85. The Director-General, to whom the implementation of the Programme of Work and Budget has been entrusted, should be free from management problems created by irregular cash flow and payments if he is to perform his job to our satisfaction. What the resolution is meant for is to provide him with authority to adopt preventive measures, some of which have already been given to him, like the authority to borrow, and these measures, prior to implementation, will be brought to the notice of the Finance Committee and the Council, which have been delegated with the responsibility to scrutinize these measures as the body directly responsible to this growing body, which is ourselves.

There is some concern expressed by a few members regarding the use of the cash surplus. I think one has to again question the reasoning behind the decision asking for this, what one might call the fourth safeguard to ensure the implementation of the Programme. The cash surplus under normal circumstances is reimbursed or redistributed after the accounts of the biennium during which it accumulated have been audited. The 1982-83 cash surplus will become available only in January 1985. It is also precisely at the beginning of the first quarter of 1985 that the Organization is expected to feel the strain of slow or reduced payments and not during the second half of the biennium. This was the case in 1981 when the third leg on which to fall on in the event of reduced cash flow was sought and approved by the Council at its Eighty-first session. The suggestion to withhold the whole or part of any cash surplus which may arise from the 1982-83 biennium and to use it as another source is reasonable because once you use up the Working Capital Fund, the Special Reserve Account, then it is preferable to use the cash surplus to borrowing as the latter implies payment of interest. What is more, the cash surplus arises not only out of savings or under-expenditure but due to economies incurred in the expenditure during the biennium. This implies frugal or good management. Is it not but logic then to make use of the surplus to meet any gaps between income and expenditure rather than borrow and incur added expenditure and thereby eventually burden the Member Nations with additional liability in the biennium to come?

Some delegates have expressed concern that these clauses in the resolution, if approved, could create a bad precedent and would also permeate to other international organizations. We do not feel that this fear is justified because if the anticipated shortfalls do not occur, then it will not be necessary to implement this clause at all, but as long as the threat of a shortfall remains, like the sword of Damocles, it is feasible to provide this as another method of meeting such a situation. I think if we continue to treat the cash surplus as an investment of our contributions in the FAO, we are justified in thinking so insofar as we abide by the rules of the Organization pertaining to payment of contributions. But one could question the ethics of receiving a portion of the surplus at the time it is redistributed if we have not done so. In fact we would go further and say that there ought to be some re-thinking on how to reward more those Member Nations who have stood by the rules steadfastly than to let their sacrifice be another's bonanza.

To conclude, we go along with the resolution for the reasons we have been enumerating so far. We are confident that these proposals are basically preventive measures to be taken in anticipation of future shortfalls in the cash flow of FAO which would inhibit the implementation of the Programme of Work which the Conference has approved. The Director-General has not, and will not act, irresponsibly. We are certain of this. It is we, members of the Organization, who should give him the support he needs and not deny what he seeks.

In conclusion, there should be no illusions as to what would befall the Organization if it is unable to implement its Programme of Work due to delayed contributions or non-payments during the biennium. The greatest danger is complacency. We should not permit this tendency to delude ourselves about the realities of the situation which have been projected in this paper.

M.B. SY (Sénégal); Monsieur le Président, je crois qu'à la lumière des débats de vendredi et à celle du texte présenté aujourd'hui, la délégation sénégalaise ne peut qu'exprimer sa satisfaction et son appui à la résolution. Elle pense quand même que la FAO n'aurait pas dû se donner une peine aussi grande pour envisager certaines hypothèses surtout le D. En effet, le D aurait pu être épargné, mais nous appuyons totalement la résolution telle qu'elle a été présentée cet après-midi.

A. MARTOSUWIRYO (Indonesia): Having studied document C 83/LIM/22 and read quickly Supplement 1, and listened attentively to the introduction and the declaration made by the Deputy Director-General, I would like to say that the Indonesian delegation regrets the situation which forces the Director-General to propose a draft resolution on financing for 1984-85 budgetary appropriations.

The grounds for the considerations of the proposal by the Director-General and the purpose of the draft resolution are fully understood. Hence, Indonesia does not have any problem in supporting the draft resolution. Nevertheless, I would like to make some brief remarks.

We have discussed the Programme of Work and Budget for 1984-85 and have approved the increase of the 0.5 percent. It appears our expectations have been high in terms of having an expanded Programme of Work and Budget of the Organization. We expected that the approved Programme of Work of the ' Organization would be carried out effectively and without any financial difficulties.

I am of the opinion that operative paragraph 3 is a very appropriate provision, thinking in a positive way, namely hoping the Organization can refrain from borrowing since that would put a new financial burden on the Organization. Hence, we warmly welcome the proposal that borrowing should be used as a last resort, as recognized in the preamble to this draft resolution.

R. RAHMAN (Bangladesh): My delegation has gone through document C 83/LIM/22 and the new draft resolution in Supplement 1 for the Conference to authorize the Council to empower the Director-General to withhold the whole or part of the cash surplus and other measures suggested in the resolution, if ' necessary, to meet the shortfall in cash resources during the biennium 1984-85.

In this connection, I must thank the Deputy Director-General, Mr West, for his introductory remarks on on the subject, with his usual clarity, which I think will help us to come to a satisfactory conclusion on the issue.

My delegation also listened with great interest to the debate that has so far taken place on the issue. In view of the circumstances explained in the document and further clarification given by the Deputy Director-General, my delegation fully agrees with the previous speaker who supported the revised draft resolution for empowering the Council to authorize the Director-General to withhold the whole or part of the cash surplus if the eventual situation demanded it.

The timely initiative of the Director-General in bringing the possible cash resources problem to the notice of the Conference and in submitting the revised draft resolution as a contingency measure speak of his sagacity, far-sightedness and sincerity of purpose. Because it is his bounden duty and sole responsibility to ensure fully the implementation of the Programme of Work and Budget once it is approved by the Conference. My delegation congratulates the Director-General on this timely initiative.

Some of the delegates have stated that no such serious cash resources shortage would occur and hence the measure proposed in the draft resolution was not necessary. Let us hope that the cash resources position will improve through timely payment of all contributions and the method proposed in the draft resolution will not be necessary, even though it is approved by Conference. In this connection the sentiments of some of the major contributing countries are quite reassuring and encouraging. But nobody knows what will actually happen during the next two years before the Conference holds its next session.

It will probably be very prudent for the Conference to adopt the new draft resolution as a contingency measure. The draft resolution if adopted will also encourage the member countries to pay their contributions timely.

In this connection it may also be pointed out that in the past the Director-General was authorized by the Council to borrow if necessary. But the Director-General did not borrow as the necessity did not arise. In the future also my delegation is confident that even if the Conference empowers the Council and the Council authorizes the Director-General to withhold the cash surplus he will not use this power unless it is absolutely necessary. Moreover, before empowering the Director-General to withhold the cash surplus, the Council and the Finance Committee, which are also representative bodies of the Member Nations, will fully evaluate the situation. In view of this, my delegation fully supports the new Draft Resolution as a measure of last resort.

Finally, my delegation wishes the Director-General very much success in his relentless fight against hunger and malnutrition through full implementation of the Programme of Work and Budget in the next biennium.

S. ABOUJAOUDE (Lebanon): My delegation shall not elaborate further on this since the distinguished delegates who preceded me have so ably and eloquently expressed the points of view with which we agree. However, I would like to point out that we are gathered here to ensure that our unity is always preserved, and that our aims are always upheld. And the main concern of each and every delegation is to safeguard the interests of the Organization, to further its aim and use all possible means to prevent endangering its fair name.

If we all agree that this amended proposal will ensure that the fair name of the Organization will not be endangered, and since there is a consensus to accept it, then please count our vote as a supporting one for this proposal.

C. di NOTTOLA BALESTRA (Costa Rica) : Señor Presidente, mi delegación está completamente de acuerdo con la propuesta que se nos acaba de someter. Estaba de acuerdo también con la propuesta del viernes, porque pensamos que las medidas que hay actualmente para enfrentarse a la crisis de déficit de liquidez son totalmente insuficientes. El fondo de operaciones y la cuenta especial de reserva sirven para otras tareas. El fondo de operaciones sirve para enfermedades, para acontecimientos de carácter monetario, etc. Entonces, puede haber otras razones de déficit de liquidez. Lo que le gusta a mi delegación de esta propuesta es que el recurso a prestamos pasa después del uso del superávit; o sea, que el superávit se empieza a utilizar antes y se nombra antes, y los préstamos - en estos momentos carísimos - vuelven a ser verdaderamente el último recurso.

En ese sentido, esta propuesta es mejor que la del viernes.

KWANG-HEE KIM (Korea, Republic of): My comment will be on the delegation of power by the Conference to the Council. We do not like the idea of delegating the authority of the Conference to the Council. If the worst situation should arise, could not the other Conference empower the Director-General? However, if the resolution before us is warranted for prudent financial management for the FAO, we can go along with the revised text even though we do not like the delegation of power to the Council.

A. EL SARKY (Egypt) (original language Arabic): My country's delegation does not wish to dwell at length on this subject. However, after having listened carefully to the debate on this matter and after having expressed our own view on the matter, we wish to welcome the new wording of the resolution as it is clearly an improvement on the former wording.

We congratulate Mr West on the statement he has just made. My country's delegation is fully prepared to approve this draft resolution.

I wish to express my hope that the Director-General will succeed in his efforts to combat hunger and to implement the new budget without difficulty.

P.S. McLEAN (United Kingdom): I will try to respect the wish for brevity which you expressed at our previous Session. Like others, we accept that it is the Director-General's responsibility to carry out the Programme of Work and Budget so far as possible. We recognize also that sound financial management requires farsighted financial planning. But we continue to have misgivings about the proposal put before us as we continue to have serious doubts as to whether the case for its introduction has been made.

The representative of the United States at our previous session has already spoken vigorously about the overemphasis in the original paper regarding the US contribution, or rather the conditionality of the US contribution to the United Nations and some Specialized Agencies. Even if this amendment becomes law, there is still no indication as to how the US administration would apply it or what it would mean in terms of payment to the FAO. Similarly, the representative of the Federal Republic of Germany has demonstrated to my satisfaction that it was quite unjustified for the Secretariat to doubt payment of its full contribution during 1984-85.

What of the other elements on unbudgeted costs in the biennium? This has been a feature of UN Agency budgets for some time and instruments have been devised to cope with this. As to the possible fall in the value of the dollar, financial analysts have been forecasting this for some time, especially if the US current account deficit continues to increase. But a fall requiring such a large drawing on the Special Reserve Account as we have seen forecast seems to me most unlikely.

In short, like others we are not satisfied that the case has been made. Like them we remain unconvinced that there is a need to adopt a resolution with such a far-reaching solution to what is still a hypothetical situation. Nevertheless, I listened very carefully to the further arguments and qualifications which Mr West gave this afternoon in connection with the revised text. I am prepared so far as my delegation is concerned to give some further reconsideration to this matter, but I have to say that I would like a little further time to do so and I would hope therefore that the debate will not be closed tonight and can be continued tomorrow.

MoEo BONDANZA de FILIPPO (Argentina): La delegación de mi país ya había expresado el viernes pasado que apoyaba el anterior proyecto y dijo que lo hacía con cierta resistencia. Ese malestar derivaba más que de los textos de los proyectos, de la situación financiera que se le plantea a la FAO, porque hay algunos Estados Miembros que no pagan puntualmente sus contribuciones; pero, en fin, la situación es esa y hay que aceptarla y hay que prever todos los mecanismos hábiles para poder seguir operando.

Por lo tanto, examinando el nuevo proyecto, nosotros consideramos, lo mismo que casi la totalidad de las delegaciones que se han expresado, que mejora en mucho el anterior y que sale al paso de muchas inquietudes que se habían planteado.

Así, pues, agradeciendo también las explicaciones del Sr. West, que nos han dado mucho valor, damos nuestro apoyo a este nuevo proyecto. Además, nos tranquiliza saber que es siempre el Consejo el que tendrá que apreciar siempre la situación y decidir en su momento si se ponen en práctica los nuevos • mecanismos que se preven.

A. ACUÑA HUMPHRIES (Panamá): Muy concretamente, creemos que el párrafo 3, con sus cláusulas de previsión, acercan las posturas e interpretaciones opuestas que se dieron en el debate del viernes de la semana pasada.

La distinguida delegación de Sri Lanka ha abundado en argumentos, a nuestro juicio de mucho peso y valor. Es por lo que esta delegación no tiene dificultades en dar su apoyo a la resolución revisada, y ello porque creemos en primer lugar que se trata realmente de una medida de precaución plenamente justificada por principios administrativos, y en segundo lugar señor Presidente, porque consideramos que es deber ineludible de todos los Estados Miembros de esta Organización garantizar la ejecución del Programa de Labores y Presupuesto de 1984-85, que esta Conferencia aprobó la semana pasada.

H. MOHAMAD I (Sudan) : As this is the first time I have asked for the floor I would like to express our thanks to Mr Crowther for introducing the subject and thank Mr West for his clear explanation of the current situation of contributions and future budgetary possibilities. We also thank him for seeking those constructive proposals which will guarantee that the Organization will continue to implement its sacred duty and to reduce hunger and poverty, if not to eradicate them. I would also like to thank Mr West for the additional clarification he provided in which he answered some of the questions raised by delegates. I also thank him for the explanations of the amended version of the resolution.

We were fully satisfied when we heard some of the reassuring clarifications provided a few days ago indicating that some countries did not seek to freeze the level of their contributions or even to reduce them. We are further pleased that this was reflected in the preamble of this new draft resolution. Despite all this, the Sudanese delegation supports the idea calling for the need to find permanent solutions to any budgetary deficits of the Organization arising out of failure of countries to pay fully their contributions. However, at the same time we believe that because of all the circumstances and reasons given, these will still lead to a failure to fulfill commitment and pay in contributions in due time by some developing countries.

The failure of some countries to attend this session of the Conference or to participate in the voting procedures is due to special circumstances. This is not an appropriate time or place to go into the reasons behind such problems.

Today we are facing an emergency situation. I do not think I need to stress here the basic facts that were indicated in the document or in the discussion which took place, these indicated the possibility of a budgetary deficit due to circumstances which go beyond the abilities of this Organization.

The Director-General may be unable to implement the budget for the next biennium. However, we must congratulate him for all his efforts. The proposed solution in the draft resolution submitted today is a very careful solution which will only be used as a last resort. We should like to thank the Director-General for the care which he has taken in drafting this proposal. We should also like to draw attention to the fact that the authorization to borrow has not previously been resorted to. Therefore, I find there is no scope to entertain those doubts raised by some delegations about the proposals before us.

We should like to reaffirm our confidence in the Council and the delegation of authority to the Council. Although some countries believe that no fear need be entertained as to the failure to

fulfil contributions, nevertheless the Council will be able to assess the situation. We also need to take some precautionary measures in the interim period between the convening of the various sessions of the Conference.

My delegation therefore supports the new draft resolution which takes into account all the points to which I have just referred.

A. BENADI (Algérie): Les explications données dans l'excellente présentation du document par M. West me semblent convaincantes. L'Algérie appuie pleinement le projet de résolution présenté puisque le compte de réserve mentionné dans cette résolution ne serait utilisé qu'en cas de besoin et que le Directeur général et le Conseil de la FAO ont toute notre confiance pour prendre les décisions les plus appropriées dans le sens de l'intérêt de notre Organisation.

J'ajoute en outre que ceci a déjà été beaucoup plus grave, que le budget 84-85 est en quasi-stagnation depuis le biennium 82-83 et ne manque pas d'être inquiétant pour notre Organisation. J'appuie donc pleinement le texte de la résolution qui a été présenté.

Mohd. YASIN bin AHMAD (Malaysia): My delegation expressed its support for the draft resolution in the debate on this topic on Friday. After hearing Mr West's clear explanation of the revised text, which is indeed an improvement, my delegation reiterates its support for the draft resolution.

J. HEIDSMA (Netherlands): My delegation has already spoken in some detail on this issue, on the basis of the original version of the resolution, and at that time, on Friday, we voiced our serious reservations with the proposal. Without being able to give our final views at this stage, since the resolution has been introduced so recently, I should like to say now that in my opinion the new text is much more prudent, balanced and fair. There are still elements with which we are not entirely satisfied, and we have certain doubts as to whether the resolution is necessary at all, but following further consultations I am confident that my delegation will be able to support this proposal tomorrow.

F.H. JAWHAR HAYAT (Kuwait) (original language Arabic): Mr Chairman, I know that you appreciated Malaysia's brevity, and therefore I shall be even briefer.

The delegation of Kuwait, after having studied document C/83/LIM/22-Sup.1, would like to express its approval of the draft resolution because we think that the delegation of power to the Director-General is a preventive procedural measure, the Organization's foresightedness and its awareness of the negative situation which may arise in the next two years. It is a wise step taken by the Organization to provide for possible difficulties which may occur. I would also like to thank Mr West who has given us a comprehensive view of this new text.

M.D. METELITS (United States of America): My delegation intervened last Friday, as some may remember, on this agenda item. We have before us a new draft which has been with us for a matter of less than a few hours.

This is a matter of considerable importance, one that could conceivably have repercussions through out the United Nations system. Whether or not the hypothecated authority is used, the precedent would have been set.

My intention is simply to say, first, that we have asked our Government for instructions, which we have not received; and second, we support what the representative of the United Kingdom said when he hoped that the discussion on this item would not be closed this evening.

E.BORTEI-DOKU (Ghana): My delegation wishes to express its appreciation to all those who, at such short notice, were able to submit this revised draft resolution.

My delegation shares with the Director-General his concern to make sufficient provision to enable him to carry out his Programme of Work. In this regard, I wish to indicate my delegation's support for this revised resolution which, from all indications, represents a consensus view of Member Nations.

M. ABDELHADI (Tunisie): Je serai bref et ne ferai pas un exposé détaillé justifiant la position de ma délégation sur le contenu du document soumis à notre examen et dont l'importance a suscité l'intervention d'un grand nombre de rapports.

Compte tenu du peu de temps qui reste pour l'examen et la discussion de ce point d'une part, considérant d'autre part l'importance d'une telle mesure sur le bon fonctionnement de l'organisation, compte tenu par ailleurs des explications très nettes et très claires de M. West, je voudrais ajouter ma voix à celles nombreuses des autres délégations pour appuyer sans réserves le projet de résolution soumis à notre examen.

M.I. MAHDI (Saudi Arabia, Kingdom of) (original language Arabic): The Saudi Arabian delegation has listened to Mr West's explanation very attentively, and we should like to support the Bangladesh delegate in congratulating the Director-General and the Deputy Director-General, Mr West, on this revised draft resolution.

In view of the financial difficulties and problems facing the Organization, we wholeheartedly support the draft resolution, and we hope that those countries who have expressed reservations will review their attitudes, and tomorrow, take a stand satisfactory to us all.

M. TRKULJA (Yugoslavia): My delegation stated its position on Friday, and I should like to say that for us the original text was even more acceptable than the one which has emerged as a result of the very intensive behind-the-scenes negotiations, to which we were also a party.

The reason why we preferred the original text is really very simple. We felt that the previous text only delegated certain authority to the Council. After all, the Council is composed of almost one third of FAO's membership. Although Yugoslavia is not in the Council at present, and certainly will not be next November, my delegation has no doubt that the Council will very seriously study the whole matter next November and take the appropriate decision. For us originally it was only a problem of formally delegating power to the Council to make the proper decisions. If, in the minds of many delegations here, the present text represents an improvement, we are prepared to go along with it.

Let me also say that we feel the way in which the matter has been procedurally handled has been more than fair. Document CL 83/LIM/22 was announced about seven days ago, and certainly all of us have had sufficient time to consult among ourselves, in certain groups, and to seek instructions from our capitals.

With regard to the issue of repercussions, I really do not understand the misgivings here about other parts of the United Nations system. I think FAO's case will be very welcome just to provide the necessary essential safeguards throughout the UN system, so I do not see any reason for fear or misgivings in that regard.

Finally, there is one point which we raised on Friday, and perhaps this might also be considered at a certain point, though we are not going to insist. I think Sri Lanka also stated more or less the same thing in another context. It is the question of the time of payments being taken into account in calculating disbursements. Let me only say that, given the high interest rates and the strong likelihood that they will prevail in the months to come, many governments are tempted to delay their contributions. In that case, if the time of payment is taken into account, and it is possible technically speaking, I think it would remove one situation that is likely to arise. As I said, we will not insist on that, but we hope that that point will be taken into account in the near future.

Tesema NEGASH (Ethiopia): My delegation made its intervention on the item before us last Friday and extended support for the proposal presented then. Here again, we wish to put on record our support for the new proposal. We believe that the new proposal is more balanced and more even-handed and deserves unanimous support.

G. BULA HOYOS (Colombia): Ayer escuché con mucha atención la interesante declaración que hizo la distinguida Embajadora de Estados Unidos; creo que conviene irnos poniendo de acuerdo en algunos puntos porque tengo la impresión de que estamos llegando a una feliz solución en este debate. Sin duda sería necesario reconocer la responsabilidad y la manera consciente como el Director General ha estado animado a esta propuesta dirigida sólo por el buen deseo, por la recta intención de asegurar el funcionamiento y eficacia adecuado de nuestra Organización; yo estoy seguro de que a ese deseo y a esta iniciativa todos ofrecemos nuestro apoyo.

El colega de Australia manifestó algo importante, que incluyamos, aunque sea una enésima vez en este Informe, la necesidad de un llamado a todos los Estados Miembros para que a la luz del Reglamento paguen oportunamente sus contribuciones.

Al participar en este debate creemos que el origen de esta propuesta no está dirigido contra ningún país; creemos que es así y proponemos que en la parte del Informe que preceda a este proyecto de resolución se haga simplemente una redacción en términos generales sobre la posible ocurrencia que ha motivado esta propuesta, sin hacer ninguna referencia en ningún sentido a ningún país.

Somos conscientes de que la gran mayoría de los miembros de esta Comisión apoyan esta propuesta y nosotros también lo hacemos; pero la delegación de Colombia piensa que no es conveniente para la Conferencia ni para los Estados Miembros que al final de una Conferencia como ésta en que todos hemos contribuido de una u otra forma al mejor resultado de nuestras labores, una Conferencia en la que el Programa de Labores y Presupuesto fue aprobado por unanimidad, no convendría, repetimos, que se adopte una resolución como ésta porque la mayoría así lo desee, sino que sería mucho más conveniente y saludable que se adoptara una decisión por consenso, por unanimidad entre todos los de esta Comisión. Es así como hemos oído y compartido alguna de las actitudes constructivas que expresaron aquellos representantes de países que tienen todo su derecho a considerar que podrían disponer de tiempo para tomar una decisión definitiva y que se les dé ocasión hasta el día de mañana para que sus países tomen las decisiones respectivas. Creemos que si ellos nos acompañan en este consenso que nosotros solicitamos, podríamos compartir con ellos la confianza, la fe, la esperanza de que no va a ocurrir nada de lo que estamos previendo y que nos vamos a encontrar satisfechos y felices sin nada que lamentar.

P. PASCAL (France): Monsieur le Président, le projet de résolution qui nous est présenté aujourd'hui nous semble traduire de sensibles améliorations par rapport au projet précédemment examiné.

En effet, certaines hypothèses de recouvrement des contributions et en particulier le cas de figure selon lequel une proportion des excédents serait distribuée, conduisent à une moindre pénalisation des Etats qui s'acquittent, dans les délais impartis, de leur cotisation.

Aussi, sous réserve des améliorations techniques, ce projet dans l'ensemble paraît acceptable à la délégation française. Néanmoins, permettez-moi de regretter, Monsieur le Président, que la Conférence n'ait pas été saisie plus tôt du problème important qui nous occupe aujourd'hui et que le temps qui est laissé aux Etats Membres pour se déterminer, notamment certains d'entre eux parmi les plus directement concernés, soit aussi bref.

Sans doute serait-il souhaitable, à cet égard, que l'on accède à la demande de ceux qui souhaitent, une certaine prolongation du délai de réflexion.

Enfin, et sans préjugés aucunement de l'issue des travaux de la Commission sur ce point de l'ordre du jour, j'exprimerai un double souhait: que la non-répartition ou la répartition partielle des excédents ne soit pas un premier recours en cas de crise financière et d'autre part, que les nouvelles dispositions de recouvrement des arriérés de contributions ou de réduction de versement qui pourraient être mises en place ne constituent qu'un palliatif temporaire et ne conduisent pas à une institutionnalisation.

M. FRANCISCI di BASCHI (Italie) : Merci Monsieur le Président. Je voulais simplement dire que nous sommes en présence de cette nouvelle version de projet de résolution, et que nous considérons cette nouvelle version améliorée, plus équilibrée.

Nous remercions M. West pour les explications qu'il nous a données ce soir mais nous avons encore des réserves sur le texte. C'est pour cette raison que je voudrais me rallier aux trois délégations qui ont demandé de ne pas clore la discussion ce soir, parce que malgré ses réserves d'aujourd'hui, je pense que l'Italie pourrait faire un effort pour se rallier à la résolution demain. Pour cette raison, je vous prie donc de ne pas clore la session ce soir. Merci Monsieur le Président.

G. STUYCK (Belgique): Merci Monsieur le Président. Ma délégation n'avait pas encore eu l'occasion, depuis l'ouverture de ce débat vendredi dernier, d'intervenir dans les discussions de ce projet de résolution. Je ne reviendrai pas sur les raisons pour lesquelles ma délégation a fait de très expresses réserves au sujet du texte initial qui nous avait été soumis par le document C 83/LIM/22. Le texte qui vient de nous être soumis et dont nous remercions vivement M. West, Directeur général

adjoint et ses collaborateurs, nous apparaît également comporter des améliorations sensibles par rapport au texte précédent. Toutefois, ma délégation se trouve, dans la même situation qu'un certain nombre d'autres délégations qui ont pris la parole cet après-midi. Nous ne pouvons pas nous prononcer encore d'une façon définitive sur ce projet, faute d'instructions et je voudrais à mon tour, vous demander de ne pas clore le débat ce soir pour donner à ma délégation le temps nécessaire pour recevoir des instructions. Je vous remercie.

H. TAKASE (Japan): Our delegation did not speak on Friday, but we were going to oppose the original resolution, C 83/LIM/22. Now the amended text may seem to be an improvement but to our mind there are still some important elements to consider. We have been informed only today about the next text, so we would like to reserve our position and we would like to comment later when we receive our instructions from our government.

R. B. RYANGA (Kenya): Last Friday the Kenyan delegation fully supported the text of the original resolution. Indeed, the revised resolution before us, in our view, accommodates - and should accommodate - the position of those who perhaps were opposed to, or had reservations on, the former text. We would wish to reiterate and emphasize our full support for the revised text before us.

J. SAULT (Australia): We spoke on Friday about, and gave our views on, the principle of, and the necessity for, a resolution regarding withholding the cash surplus. We have before us now a new text. It represents some improvements on the original text, in our view, and we have drawn these improvements to the attention of our authorities. They have the matter under consideration. Therefore, we are not in a position, at this stage, to give a final opinion and we would join with those other delegations who have requested that the debate be kept open and that we return to it on Monday.

If I may make a couple of comments, however, I think that, firstly, some of the concerns that we expressed on Friday would be further alleviated if, in the preambular paragraph to point 3, it were made quite plain that it would only be after the examination in paragraph 2 of the existing safety nets, if the Council deemed it necessary, it would give consideration to the use of the cash surplus.

The other point I would like to make is that it seems to me that there might be something missing in the resolution, in that the circumstances are defined in which funds would be set aside from the cash surplus into a special fund. There is also a definition of how these funds, how these special funds, would be utilized, and there is also something about how it might be returned to members, any undistributed balance might be returned to balance. But the resolution does seem to be silent on the question of what happens in terms of subsequent receipts of delayed payments and payments in arrears. Are they paid into this special fund that has been set up? The resolution seems to be silent on this question. I make this point because I think - and I think it was Nigeria who also brought this up - we would like to ensure that, as far as possible, any retention of the cash surplus is only a temporary measure, and in so far as possible, it is eventually returned to member governments.

W.A.F. GRABISCH (Germany, Federal Republic of): We spoke to the original draft on Friday, and we said at that time that we had serious reservations about it. We will certainly admit that this proposal shows considerable improvements on the original draft. It is certainly a more balanced text, although we have not reached a final opinion on all details of it. We wonder whether the emergency situation which is being assumed in this document will actually occur. We have very little time indeed to agree on a very difficult question, and therefore I pray your indulgence if my delegation reserves the right to come back to this problem tomorrow. We would like to discuss this matter when we have got instructions from our Capital.

P. GOSSELIN (Canada): Given the number of speakers that were heard last Friday, we did not have an opportunity to express ourselves on this very important issue, however academic it might be. Had we had that opportunity we would certainly have argued against the proposal being put forward in C 83/LIM/22, and the reasons for that have been expressed many times. We feel very strongly about shifting the burden of the budget, unfairly in many ways, from those who pay regularly and express their support for the organization through their budgetary-assessed contribution, and those who delay or do not pay at all.

I would like at this point to provide some support for the Australian suggestion for strengthening paragraph 3 to make it absolutely clear that the normal and already-provided-for safeguards of the Working Capital Fund and the Special Reserve Fund would be exhausted, or used to the extent that it is possible, before moving to this extraordinary measure, regardless of what the percentage of paid-in contributions was in 1984. I do not think that is as clear as it might be.

We would also like to support the Australians in their suggestion that perhaps a little more information needs to be given in the resolution as to how the cash surplus fund would be replenished at some later date.

Finally, I, like many others, would like to reserve the possibility of coming back to this tomorrow at the earliest, once we have had an opportunity to get in touch with our authorities and receive some instructions.

CHAIRMAN: You were the last speaker for today, Canada, but I would like to ask Mr West whether he would take up some of the questions asked during the debate.

DEPUTY DIRECTOR-GENERAL: First of all let me thank the Commission for their consideration of this revised document at such short notice - especially those who have been able to study it and support it. I would like to express my sympathy with the position of those delegations who still need to obtain instructions but feel that subject to this further consultation, they may be able to go along with what is proposed. My only concern is that when we meet and discuss tomorrow, we could have another full debate all over again, and then we would run into time problems. However, obviously some delegations do need time, so I would hope - not for the sake of getting the resolution or not, but simply in order to finish the Conference in good order and not late - that we do not spend too much time - and that includes myself - debating the subject. So what I say now will I hope contribute towards this.

Much has been made of the fact, still, that the worst case may not happen, or probably won't happen. My answer to that, quite frankly, is that it might not happen: we admit this, but in that case, what are people afraid of? The resolution will not come into effect - and this is clearly foreseen now, spelled out in black and white in the resolution. So that seems to be an insubstantial fear.

The point has been made by one or two delegations that they are concerned not only about that, but also about setting a precedent for other Organizations. Of course, we here cannot worry about other Organizations - but I can tell you that in at least one case, that of one of the other Organizations concerned, they already have standard provision for setting off the cash surplus against their budget level. That is standard in that Organization - so in a sense the precedent has already been established a long time ago.

The position in fact is a little firmer than it was when we discussed the matter on Friday, because today we have had confirmation that the United States Congress had adopted an Amendment. This is only part of the problem - I am not singling out the United States at all, except to say that that has happened - but we still do not know whether it has happened in the same way as forecast, or ven worst: the Press Reports are not clear. But certainly one of the contingencies is even firmer than it was on Friday when you discussed this, and the whole problem about this is that nobody can be sure about what is going to happen or its extent. When the United States representative was referring to the amount of time that you had had available to discuss this resolution he said, "Less than a few hours" - and that is the kind of vague situation in which we are as regards the amount which might be forthcoming. No one can say "It was five hours and 36 minutes" or "It will be so many millions in the kitty" - we just do not know. So this is why we have to foresee - not the worst situation, because now the amendments in the resolution foresee more than one situation - they foresee getting by without doing it, they foresee getting by with doing only half of it, and they foresee the temporary character of the action, insofar as even if we have to go to the worst case, still the contributions will be distributed when the contributions do finally arrive. So all these are big steps towards improving this resolution.

On the points raised by Australia: I do not think there can be any problem about inserting into the second line of paragraph 3 after the words "set forth in sub-paragraphs (a) to (e) below", "that subsequent to consideration of the provisions of section 2 of this resolution". That would make it clear that the Council would first consider section 2 before considering section 3. That is certainly the intention, and there would be no problem in spelling it out, if it is thought that that would make a difference to the views of those governments tomorrow.

As regards spelling out the provisions concerning the special fund, etc., I do not think we can get that into this resolution. I think it is so detailed and so technical that it would be difficult and inappropriate to put it here. Section 3(e), according to the advice we have taken

from the Legal Counsel, gives us all that is necessary to ensure that when contributions are subsequently received, the equivalent amount could be paid back into the special account which will have been established from the cash surplus, and from that can be distributed to member governments, irrespective of time problems. Section (e) guarantees that - but I do not think it would be appropriate or helpful to start expanding that by reference to special funds. The Finance Committee can go into all that; the Council can review all that; but I do not think that you can put it here because, quite frankly, there would have to be another round of consultations with Capitals to ensure that somehow the Secretariat was not again trying to put something over the delegates. We really are not - it is a simple bookkeeping provision to set up a special account, put the cash surplus in it, take the money out, and replace the money when contributions come in. There is no problem there: it is on the record that I have said it and we will do it.

I hope that we will meet the two main problems raised today which are of concern and will I hope overcome the problems we have.

S. ABOUJAOUDE (Lebanon): We had earnestly proposed that the devised proposal would not raise any controversies since, as has been explained by many delegates, this issue is just a procedural action, proposed as a protective measure against possible shortfalls. I do not think reporting the discussions or trying to postpone it until tomorrow will change opinions. We really sympathize with those delegates who are waiting for instructions, but we feel that, as we have discussed this issue on Friday and today, it is now appropriate to refer it to the Drafting Committee, because we feel that there are representatives of both opinions in the Drafting Committee. It can be discussed at length; it can be modified in certain ways; the Drafting Committee would reflect the opinions of those who discussed it today, and we hope that those delegates who are awaiting instructions will have positive instructions, and can report them to us in the Plenary Session after the drafting has been proposed.

So - as Mr West has explained - we feel that it is appropriate now to refer this issue to the Drafting Committee, and we will then come up with the Report which has already been discussed in the Plenary Session where all the opinions will be explained.

CHAIRMAN: Thank you - that is the first intervention, as far as I can see, which suggests that we should close the debate now. Several delegations have clearly asked not to close the debate today, and there is only one who suggests this now. I see that Pakistan has asked for the floor.

T. AHMAD (Pakistan): We have a similar procedural question to this: if you reopen the debate tomorrow, then (i) we are falling behind time, and (ii) there is the question of the drafting of the report, and then the adoption of the report by Commission III, and then by the Plenary. The general feeling indicated during the debate was that the revised C 83/LIM/22 can be endorsed. Of course some delegations have reservations on which they perhaps wish to obtain instructions from their countries, and return to it.

So we were wondering if procedurally, and if you want to make sure that you do not really consume as much time to prolong the Conference, and as you have had two seconds on this debate, would it be more feasible to send the report to the Drafting Committee and when you are adopting the report, at that time if some delegations have some positions or instructions from their capitals which can be indicated, without reopening the discussion generally, they could be made. Normally when the report is being adopted there are modifications and changes made. That would save some time. That is our suggestion.

F.H. JAWHAR HAYAT (Kuwait): I second what my friend from Lebanon said and my friend from Pakistan. I am not going to go through procedures but exactly what they have said is so clear and at this point I think we should close the subject and not come back to it.

A.R. PIRES (Cap-Vert): Le Cap-Vert se rallie aux délégations du Koweït, du Liban et du Pakistan.

M. TRKULJA (Yugoslavia): We support the procedural suggestions that have just been made.

M.B. SY (Sénégal); Quand une délégation appuie une résolution, en fait c'est pour se déterminer et l'on n'appuie pas pour permettre l'ouverture d'un débat. Nous aussi nous sommes partisans que la question soit définitivement réglée aujourd'hui, compte tenu de la majorité qui s'est dégagée.

G. CAMELARIS (Cyprus) ; There has been prolonged discussion on this issue which is indeed very crucial. My delegation feels that the subject has been discussed adequately. It is to be referred to the Drafting Committee and any new point can be brought during the adoption of the report in Commission III or in the Plenary. I therefore suggest the discussion be terminated and the matter referred to the Drafting Committee.

M.D. METELITS (United States of America): I must confess that I am not really sure what this proposal means. Is the proposal that the Drafting Committee is to reach a decision for Commission III on this issue? Because clearly we have not reached a decision. There have been a great many delegations which have expressed a view one way or another. There have also been a large number of delegations which have stated that they are unable to present their views on this new proposal without having first received instructions from their capital.

It would seem therefore that the proposal asks the Drafting Committee to take a decision for Commission III. I am not clear on that.

J.D.L. RICHARDS (New Zealand): All I wanted to say was that New Zealand has said that it can accept the resolution as it is. But I have just noted that there are a great many delegations which say they are not in a position to accept it at the moment and it seems to me that it would be quite premature to close the debate at this stage.

J. TCHICAYA (Congo): I suggest that the Secretariat consults with the group of countries which are awaiting instructions from their capitals and after that report the outcome of the consultations to the Plenary, that is the Commission here, without reopening the debate. Otherwise referring the drafted report which has not been endorsed by so many countries to the Drafting Committee would be very difficult to do successfully.

DEPUTY DIRECTOR-GENERAL: As I understand the proposal, it would not terminate the possibility of expressing views on the resolution. The idea which was at present in my mind too was we should avoid using up a lot of time tomorrow in an open general debate in which somebody would say something, six others would say something else, and ten others would say something else, then six others would say the first thing again, etc. We should go ahead with the Drafting Committee without making it final. We can say "We have a resolution, we do not like it, we have an amendment." That will not be different from other reports where a draft resolution is debated, it goes to the Resolutions Committee, then to the Drafting Committee and comes back as part of the report for adoption. After all it is the resolution we are talking about and not the draft report itself. This is how I understood the proposal and from my point of view this raises no problem except getting the report out quickly, which we are prepared to do.

S. SCHÜMM (Germany, Federal Republic of): Mr West really took the words out of my mouth. But if I may I would like to appeal to the logic of this Commission. We do agree that in a report we take up what has been discussed. Now if you have decided - and I think you have - that the discussion is not concluded yet, then this part of the discussion cannot be taken as such and the report would be incomplete, and so to have a discussion on an incomplete report would take longer than if we had a complete report before us. That would be less of a problem.

P. GOSSELIN (Canada): I, as well, am somewhat surprised by the haste with which some of my colleagues want to close the debate which from their point of view is virtually over. From the point of view of some of us who have yet even to receive instructions from our governments, or have had an opportunity to consider the issue that was put before us just a few hours ago, I find it a little surprising that we want to close the debate and move to the Drafting Committee so that the Drafting Committee can consider and produce a report that does not even reflect the debate that took place. So I would ask

my colleagues to be indulgent of those who still hope that we can be positive, give us some time first to express our views - because if I understand it correctly, the statements one makes at the time the report is being adopted are not recorded in the same way as the statements which are made in Plenary. So some of us feel strongly about this issue and would like to see the views of our governments reflected in the report before a decision is taken.

J. SAULT (Australia): I also think that we continually stress that our reports reflect the views that are expressed during debate in the Commission. I cannot see how the Drafting Committee can prepare a report unless all those views have been expressed, and there are a number of delegations which have made it plain that they do have further views to express. I think that we should keep the debate open and enable them to express those views then they would be incorporated in the report.

J. HEIDSMA (Netherlands): I can see that the text of the resolution, if what we have discussed today does go through the Drafting Committee, would not be touched by the Drafting Committee because obviously that would not be very useful because a number of delegations have not made up their minds on this issue. If that is the case, and what we discussed today goes to the Drafting Committee, but the draft of the resolution is not touched by the Drafting Committee, how would what the delegations have to say tomorrow on the resolution be reflected in the report? I would like to seek clarification on that matter.

DEPUTY DIRECTOR-GENERAL: Quite frankly my thought on that today was that it was a number of people saying they are not in favour of this but they might get new instructions. If the new instructions say no, the draft report will be O.K. because it will reflect their negative views. If their instructions are to support the resolution then we can take out some of the negative part which is much easier than putting in negative parts.

So I do not see an enormous problem of views being expressed tomorrow which are going to make the life of the Drafting Committee worse. I thought it would make it better. Even if they get instructions saying "we want to change this part of the resolution", that could also happen at the time of the adoption of the report. Since we have been promised tremendous substantive views tomorrow we had better wait for them. They may even be positive. As far as I am concerned, we had better meet tomorrow morning.

S. ABOUJAOUDE (Lebanon): Frankly, I disagree with Mr West about delaying this matter until tomorrow because I think our colleagues have not really understood our approach. What we meant is that we would like to know whether they are against the principle or for it. If they are against the principle, nothing is going to change; if they agree with the principle but they do not like the words or some of the sentences, this could be taken care of in the Drafting Committee. When we come back we will not present you with a final decision. We are going to propose, probably bring ideas together in a better way which will make it easier to discuss the matter here. We are now turning in a circle, we are repeating each other; we have redundancy. We are not going to reach a decision. By presenting a draft report which could reflect the opinions of both sides in a very impartial way we could present tomorrow something that would probably make things easier for everybody.

For the sake of finishing this Conference on time we would prefer to refer the matter to the Drafting Committee tonight.

T. AHMAD (Pakistan): We do not want to belabour the point, but there are two aspects to it. One is the draft report and the other is the text of the resolution itself. The crux of the matter of course is the text of the resolution. A number of delegations may have differing opinions, they may want amendments to some parts of the resolution. However you go about it, at the time of the adoption of the report any Member Nation has the right to propose amendments or changes in the text of the resolution.

What we were suggesting was that instead of going through two rounds you would be saving one round. When we come to the point of adoption of the report, if any Member State wishes an amendment to the text of the resolution that can be offered and it can then be accepted, discussed or rejected by the Commission. That would save time and it would not deny any Member Nation the right to make changes in the text of the resolution.

If, on the other hand, there was a ruling saying that at the time of the adoption of the report, the text of the resolution could not be changed, then perhaps we would understand. But we know that it can be changed. That is why we were suggesting that it would save a round of discussions.

CHAIRMAN: Thank you, my dear friend from Pakistan. I am sorry to say that I strongly disagree with you. I have always felt that if you want to have a clear job done you have to know what you are doing. If you mix up debate and report then you get into a mess. I think it is much better to have the debate and arrive at conclusions; then you report on that debate. When you discuss the report the debate is over; you do not negotiate again. That is done before. I think that what is suggested here would be a mixture of considering a report and still negotiating the matter. I think it is worthwhile to spend a little more time on the debate. Then I would imagine and hope that the report would be straightforward, brief and clear.

The Secretariat has assured me this afternoon that it is technically possible to have a meeting tomorrow morning for the debate. Then the Drafting Committee would have to meet in the afternoon, and it is hoped that later in the afternoon the Commission would meet again and adopt the report.

In that way we can keep within time. I hope that it would be a much clearer procedure. We can of course go on; I am told that the interpreters are available for quite some time. We can go on and discuss this procedural question but we cannot discuss the substance any more because we have to wait for those who need instructions. We have been told that they will have them tomorrow morning. Alternatively, we can close and come back and have what I hope will be a short meeting tomorrow morning. Is that agreeable?

I thought we did quite well today with this meeting but someone, obviously, is not of that opinion. As you will remember, we had our first meeting up in the beautiful Plenary Hall. Now we meet here in the nicely-decorated Red Room. Tomorrow we have to go to the Green Room, but we will have to live with that. Maybe that is another reason to have the meeting short tomorrow morning.

The meeting rose at 18,20 hours

La séance est levée à 18 h 20

Se levanta la sesión a las 18.20 horas

Conference

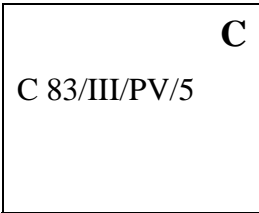
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conferencia

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

FIFTH MEETING
CINQUIEME SEANCE
QUINTA SESION
(22 November 1983)

The Fifth Meeting was opened at 11.30 hours

T. Glaser, Chairman of Commission III, presiding

La cinquième séance est ouverte à 11 h 30, sous la présidence de

T. Glaser, Président de la Commission III

Se abre la quinta reunión a las 11.30 horas, bajo la presidencia de

T. Glaser, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)
PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

- B. Administrative and Financial Matters (continued)
- B. Questions administratives et financières (suite)
- B. Asuntos administrativos y financieros (continuación)

- 21. Other Administrative and Financial Questions (continued)
- 21. Autres questions administratives et financières (suite)
- 21. Otros asuntos administrativos y financieros (continuación)

- 21.3 Status of Contributions (continued)
- 21.3 Etats des contributions (suite)
- 21.3 Estado de las cuotas (continuación)

LE PRESIDENT: J'ouvre la cinquième séance de la Commission III. Nous poursuivons le débat sur le point 21.3 de l'ordre du jour: Etat des contributions. J'ai déjà deux orateurs sur la liste et je prie les délégations qui veulent prendre la parole de s'annoncer.

Je donne la parole à la délégation danoise.

B. LOLK (Denmark): I have pleasure in speaking on behalf of the Nordic countries, Finland, Sweden and Denmark. We also spoke on Friday when we expressed concern in connection with the way in which the problem in relation to FAO'S Cash flow situation was brought to the attention of the Conference.

Furthermore, we were not in agreement with the resolution contained in document C 83/LIM/22. We have now had an opportunity to review the amended resolution submitted yesterday with document C 83/LIM/22-Sup.I. I must admit that we still disapprove of the way in which this serious and wide-ranging problem has been brought to our attention and we would strongly recommend that should such problems occur in the future, due time should be allowed for full consideration.

With respect to the new draft resolution, we are still in principle against the delegation of authority from the Conference to the Council.

However, in the spirit of obtaining a consensus on this issue which applies only to the Programme of Work and Budget for 1984-85, we can go along with the resolution which constitutes a financial security net for the Organization in five phases which can be applied in case the financial situation should develop in an undesirable direction.

We appeal to all Member Nations to take action as soon as possible to pay in full their outstanding contributions, including arrears, and also to remit their assessed contributions for 1984-85 in accordance with Financial Regulation 5.5, and we recommend that the Secretariat give due consideration to finding a fair solution to situations such as this in order to avoid last minute ad hoc arrangements.

H.M. CARANDANG (Philippines): The Philippine delegation has studied with care the new version of C 83/LIM/22, as indicated in Supplement 1. We are happy to see the improvements that have been made in this new version which provides on the one hand additional safeguards for full implementation of the budget against possible shortfall, and on the other hand also makes provision so that less harm is done to those who honour their obligations in time. I am particularly happy to see the provisions in (d) (i) which provide for reimbursement of whatever share has been taken from the cash surplus when full payment of the outstanding contributions are made for the biennium.

Therefore, we fully support this resolution.

H. POPP (Switzerland): We were among those delegations last Friday who had the opportunity to give our opinion. We thank the Secretariat for its efforts to revise the original proposal; it is a definite improvement in the sense that it provides more safeguards, and it is more realistic. Secondly, it is less unjust to the extent that it distinguishes between those countries that have paid normally and correctly and those countries which are in arrears. Nevertheless, the second proposal is not basically different from the first one and we therefore have the same basic reservations that we had on the first one. It is mainly two points on which we disagree. The first one is that like the Scandinavians we disapprove of the way this matter has been brought up, that is, too late and in a too hasty manner. It is such an important matter that it needs careful evaluation by every delegation and we did not have the necessary time to do so. The second reservation is that we still are not convinced that it is really necessary. The Secretariat has sufficient possibilities to meet the kind of emergencies which are envisaged - the Special Reserve Account, the Working Capital Fund, possibilities of saving, and the possibility of borrowing.

Therefore, we would have hoped that this untimely proposal would have been withdrawn, but we have learned now that this is not possible. We appreciate the efforts of the Secretariat in making substantial improvements. We can go along with this new proposition. We do not oppose it even though, as I state again, we do not think that it is necessary.

M. FENWICK (United States of America): A great deal has been said on both sides to question and to support the proposed use of the cash surplus as a new safety net. My Government has instructed me to oppose the proposal and my explanation on this will be brief.

In giving its support to the Director-General's Programme of Work and Budget my Government did so with every intention of honouring its commitments, and we will. We are grateful that the new proposal no longer unfairly singles out our country. Nevertheless, my Government considers the measure to be unnecessary, an overreaction to possibilities whose remoteness do not justify the potential of this measure to serve as an unacceptable precedent for this Organization and for other United Nations agencies also. Perhaps before such a wide-reaching precedent is established through a solution which is temporary it might be wise to present the question to the Finance Committee.

Two years ago the United States opposed giving the Director-General the authority to borrow. The measure before us now contains a reaffirmation of that authority, and the opposition of my Government is as strong now as it was two years ago. My Government opposes in principle any measures that would have the consequence of withholding the cash surplus. Such funds in my Government's view belong to the Member Nations and should not be considered a ready resource to be tapped at will. Although the draft proposal establishes limited operative conditions under which the cash surplus could be withheld, it nevertheless violates the principle that the cash surplus belongs to the Member Nations. That is the position of the United States Government.

M. FRANCTSCOT di BASCHI (Italie): Pour ma part, je dois confirmer les réserves que j'avais exprimées hier devant la Commission. Pour des raisons de principe je pense que nous ne pouvons donner notre approbation au projet de résolution contenu dans le document C 83/LIM/22. Je reconnais que la nouvelle version représente une amélioration très sensible, mais je le répète pour des raisons de principe nous sommes arrivés à la conclusion qu'il fallait nous abstenir sur cette résolution. Les raisons de principe et fondamentales sont que dans le projet de résolution, même amélioré, on ne fait pas de distinction entre deux éléments qui sont essentiels à mon avis: d'un côté il y a les contributions qui pourraient être retardées, de l'autre côté il y a le risque de contributions qui ne pourraient jamais être récupérées totalement ou partiellement. C'est un point très grave pour nous dans le sens où les pays membres ici représentés ont approuvé le budget de programme de travail et le nouveau barème des Nations Unies a été approuvé également.

Par conséquent, je ne vois pas pourquoi on devrait approuver le principe d'une délégation de la conférence qui a approuvé ces deux règles ou ces deux arguments au Conseil. La conclusion est que la délégation italienne s'abstiendra sur le projet de résolution.

M.S. ZEHNI (Libya) (original language Arabic): As we have not participated in the discussion so far, please allow me first of all to thank the Director-General on behalf of my delegation for drawing our attention in document C 83/LIM/22 to the various difficulties that might arise in the future and during the biennium concerning the implementation of the Programme of Work and Budget. The Director-General's ability to predict the various problems before they happen and to propose various solutions to the problems which do crop up instead of leaving the Organization exposed in a very precarious manner, prove to us that there is a sound management in the Organization and that the Director-General is eager to assume fully his responsibilities.

I have to say first of all that the financial problems indicated in the document which might occur in the next biennium have been created by all of us. And I think that all of us have directly or indirectly participated in creating these problems for which we are responsible. We think that if the Director-General did not draw our attention to these problems and had he not presented various solutions, all in sufficient time in advance we would have been the first to criticise the Director-General for not doing so. But as usual he has done it in a very frank manner and talked to us about the various problems and solutions. Therefore, I think we would not be fair to him if we did not support him in this direction.

The proposal presented to us in its present form is in our opinion a very logical one. After reading this proposal we understood very clearly that this draft resolution does not ask for any definite decision right now. That could be left to the Finance Committee and the Council according to the mandates that we give them. They can review the situation and determine the various needs for 1984. Only then would they have to take the right decisions to face the various problems in case they occur. If it turns out that the the various possible solutions concerning the working capital and the Special Reserve Account are not enough to solve these problems, we would be in complete agreement with keeping a part of the cash surplus that we have acquired during this biennium. We think that if we did that it would give the Director-General enough flexibility to allow him to face the various possible financial problems which could arise in future years.

I would like to repeat that my delegation supports the present draft resolution and its amended version. It seems that many delegations support the resolution in the way in which it is now presented.

G. BESCOS FERRAZ (España): Mi delegación, señor Presidente, apoya la nueva Propuesta de Resolución sobre financiación de las consignaciones presupuestarias para 1984-85, sometida a la consideración de esta Comisión por el Director General.

P. GOSSELIN (Canada): As we did not speak on this issue on Friday, we welcome the opportunity to give some of our views on this revised version.

My delegation is fully sympathetic to what it means to run an organization as large and as active as this one when faced with uncertainty with respect to contributions from member countries. It is truly unfortunate that this situation is not limited to the FAO and we find it repeating itself in many other specialized agencies of the United Nations system.

We would have preferred it if this potential problem had been presented to us in sufficient time for our authorities to give it all the attention that it deserves. Canada is a fervent believer that it is the duty of all member countries, whether they be large or small, to pay their assessed contributions when they are called for. I am pleased and proud to say that it is Canada's long established practice to do so, not only in FAO but throughout the United Nations system.

It should be obvious to everyone here that if all member countries, large and small, were also to meet what is, after all, their legal obligation the problems affecting FAO as described in document C 83/LIM/22-Sup. 1 would disappear. However, we do not live in an ideal world and events do not always unfold as they should. That is precisely why this Organization, like many others, has built-in safeguards which exist to enable it to go on and implement its programme even when faced with monetary crises brought on by shortfalls in contributions.

FAO has three such safeguards, some of which have been established quite recently: the Working Capital Fund, the Special Reserve Account, and the authority to borrow. My delegation believes that is where the funds should be sought. It is our understanding that both the Working Capital Fund and the Special Reserve Account are virtually full at present. The considerable amounts which have been accumulated, undoubtedly due to good management but despite past non-payments and late payments, I might add, should be applied and should be sufficient to meet the present difficulties and the difficulties that could arise in 1984.

I will not dwell on that latter point as it has been fully discussed by a number of other speakers. However, we believe that the figures that have been presented to us in support of this proposal present a far too pessimistic picture: a view of events which we do not share.

We will not speculate on the question of exchange rates since there are as many opinions on that issue as there are experts, but on the question of late contributions we find it very difficult to accept as a reasonable projection of events that the major contributors, who have just recently voiced their support for the Programme of Work and Budget by voting for it, would now place it in jeopardy by not paying their share of their contributions. On this point there should be no confusion about where Canada stands. We disapprove of these actions, and we urge all members to meet their legal obligations.

Further, we believe that if a problem should develop there are still other options open to the Organization. For example, the Director-General could call for an extraordinary conference meeting in 1984 to deal with a real problem should one materialize. Undoubtedly, there would be some costs involved. However, these might be minimized if such an extraordinary meeting could be called at the same time as a Council meeting.

The point really is that we should not take extraordinary measures to deal with problems that are conjectural. We should also not provide extraordinary powers - powers that could have repercussions throughout the United Nations system - to deal with a potential problem in this agency.

We who are members of these other organizations cannot really afford to act as if decisions in one organization would not have repercussions for others. We believe that it would be preferable to incur the extra expenditure of having an extraordinary meeting of the Conference in response to a problem that is manifest.

In view of the above, my delegation cannot lend its support to the Draft Resolution contained in document C 83/LIM/22-Sup. 1. If it were passed, we believe this action could have negative effects. It would give the wrong signals to those countries which are delinquent in this matter, encouraging them not to pay in the firm belief that others would pick up their obligations. It would penalize member countries which pay on time, thus forfeiting substantial gains on interest, and in fact it might encourage those very countries also to disregard their obligations and delay their own payments.

Finally, it could establish an unfortunate precedent which could be copied elsewhere throughout the United Nations system.

For all the above reasons, we are in the position of not being able to support the resolution that is before us.

A.S. OULD MOULOUD (Mauritanie): Je pense qu'il ne s'agit pas d'être pour ou contre cette résolution, il s'agit en fait de sauver cette Organisation en cas de besoin. Ceux qui pensent que les pays ne paieront pas leurs contributions, je crois là que c'est une affirmation gratuite puisque quelle que soit leur situation économique ils ont toujours payé, même si ce versement arrive en retard. Franchement, je ne comprends pas lorsque certaines délégations disent que le Directeur a tous les moyens pour ne pas demander que cette résolution soit approuvée; que le Directeur est autorisé à prendre des crédits, je ne vois pas quel est le bailleur de fonds qui va accorder des crédits à une organisation lorsque les difficultés sont dues au fait que certains pays n'ont pas payé à temps leurs contributions. Je pense que la version actuelle de la résolution qui nous est présentée est le fruit de plusieurs efforts de la part de toutes les délégations: personnellement, ma délégation appuie cette résolution.

T. AHMAD (Pakistan): Despite the fact that this issue has been debated in the last two or three sessions, we have not had the opportunity of expressing our views on the subject.

We have recently approved the Programme of Work and Budget of the FAO by consensus, and we appreciate the fact that the Director-General has brought out the problems which the Organization may encounter while implementing the Programme of Work and Budget which has been approved by consensus.

We appreciate the fact that there are mechanisms available within the FAO system to meet certain shortfalls of finances, but following the explanation given by the Director-General and the Deputy Director-General about the fact that the Working Capital Fund is basically a small amount which is meant for purposes other than these, and particularly when it is meant for meeting the emergency needs of some of the developing countries in the area of livestock disease, perhaps it would not be feasible to draw on that to the extent that would be required.

Similarly, the Special Reserve Account also has other demands on it, and we are also concerned that now, when you are taking the dollar at 1 615 lire, the amount of money which we had during the last biennium because of the favourable currency rate would not be available this time. In fact, you may get the reverse; you may have a currency situation where you would be depleting the Special Reserve Account because of the unfavourable currency situation. Similarly, there are other demands on the Special Reserve Account.

We also share the concern which has been expressed about the undisputed fall in the dollar in the coming two years. We also feel that it has reached a level which possibly cannot be maintained over the next two years.

Considering all these facts, considering that there are arrears in payments of contributions, and that there are delays in payments of contributions which are sometimes by default and sometimes by design, and considering the currency fluctuations and all the other factors., we feel that it is perhaps the right thing for the Director-General to bring this issue to the notice of the Conference so that the FAO has the money to implement the Programme of Work and Budget which has just been approved by consensus.

It was already yesterday that the Conference elected some members of the Council. The Council is a body on which all regions are represented. We feel that the resolution asks nothing more than for a decision on the delegation of authority to the Council, which is a body elected by the Conference itself. We find it rather surprising when it seems that the Conference itself does not have confidence in the most important organ of the Conference which continues to meet during the biennium when the Conference cannot meet, particularly when the Council is elected by the Conference and has regional representation.

In the circumstances we also find it very strange that there are suggestions that there may be an extraordinary meeting of the Conference itself. Firstly, it is a very expensive proposition. Secondly, logistically and administratively it would be a difficult undertaking. Particularly we find it redundant when you have it within the Constitution, within the legal framework, a body to meet during those two years when Conference cannot meet and to delegate all the work to the Council. We also feel that the proposal of the Director-General is not to delegate the authority to the Director-General, or FAO itself, but to delegate the authority to your own Council, which is a legal body under the Constitution. You are simply asking the Council that, at that particular time, after looking at the Working Capital Fund and the status of the Special Reserve Account, and also at the borrowing capacity, if after that you require any money then you can draw it out of the cash surplus. We find that this is not a very revolutionary or a very radical solution and could be very easily acceptable, because you are simply giving the Council the authority to decide if a situation arises.

We have also heard the argument that perhaps it is encouraging the delinquents by allowing for the funds to be drawn from this cash surplus. We are in sympathy in that, we agree with that entirely. We also feel that all Member States who sit down and approve the Programme of Work and the Budget should promptly pay their contributions so that the work can be implemented. But we also feel that it is not merely the question between the delinquents and people who pay regularly. Perhaps the more crucial issue is of the institution itself. Just by mere desire to pass on the burden to the delinquents, we feel it would be almost too much to allow the institution itself to suffer. We do not view the issue as between the delinquents and those people who pay regularly. We view the issue as between the delinquents and the institution itself. We feel that what should be of paramount importance is the institution so that it has the capacity and the resources to continue functioning. Under these circumstances we find that the resolution is very balanced, is very cautionary in its wording, does not propose any drastic change in the Constitution on legal processes. It simply states that at a certain stage the Council may look at the situation and, if the situation so warrants, should be allowed to draw on the cash surplus, and that too temporarily.

Therefore not only do we find we can support the resolution easily, we also think that it should not be difficult for other Member Nations to support. Any Member Nations who have any reservation, if they are represented in the Council, can also raise the issue when it is being discussed there according to the situation. Or, since it is a regional representation, the Council can ask their representatives from their regions to project their point of view at the time the Council is taking a decision. We are not taking a decision now. We are only asking that, depending on the circumstances, let the Council decide. We think it can be supported and we urge that Member Nations allow the institution, the modalities and the mechanism of implementing the Programme of Work and Budget which we have only recently approved.

H. TAKASE (Japan): Our delegation did not have the opportunity to express our view on document C 83/LIM/22 on Friday. Our position is that we oppose this resolution. The reasons are more or less the same as some delegations have already said. We do not see the necessity of the resolution. An important financial principle is involved here and we should be cautious to throw it away, etc. etc. We would not like to repeat it here once again, just to save time.

The new resolution presented by the Secretariat yesterday reflects those efforts made by the Secretariat to improve the original proposal and we appreciate its efforts very much. Nonetheless our delegation thinks that the new resolution is not in essence different from the original one. We have in particular strong misgivings that the resolution would lead to a situation where the delay in the contributions by some countries, is that being covered by the cash surplus which should duly be allocated to those members who have paid. The resolution by no means encourages those member countries which have not paid their contributions to do so in the future. We would like to appeal to those countries who have not paid their contributions to do so as soon as possible. To my mind, this is the first thing we should do. So far as this new amended resolution is concerned, our delegation would like to express its strong reservations from that viewpoint, and we would like to say that we could not lend support to this resolution.

J. HEIDSMA (Netherlands): Since my delegation has already intervened twice during this debate, I shall be very brief. The reason behind this resolution and the discussion around it, of course, is deferred and late payments and arrears. This is unacceptable. It has always been unacceptable because it affects the conceptual foundations of this Organization. Nevertheless, it occurs - and it even occurs on an increasing scale. We have now arrived at the situation where it apparently can cause such serious problems that ad hoc emergency measures may have to be taken.

We are still not convinced that this is, in fact, the case, but we deplore nevertheless the reasons behind it, late and non-payment of assessed contributions. My delegation can reluctantly go along with the present ad hoc solution, but we think that the time has come when structural measures ought to be taken in the near future in order to avoid the hasty sort of decisions we have to make now. We would like to urge the Secretariat to think about this and to come up with proposals, difficult as this might be, to find a more permanent solution to these problems.

H. BENATTALLAH (Algerie): Monsieur le Président, nous avons bien compris les circonstances et les termes dans lesquels est présenté le projet de résolution. L'amélioration du nouveau projet nous conforte dans notre position et nous lui renouvelons notre appui. Ce faisant, nous renouvelons notre confiance au Directeur général de l'OAA et partageons ses inquiétudes légitimes. Nous tenons à dire que nous ne la considérons pas comme une mesure de défiance ni comme une prime aux défaillances de certains Etats.

Enfin, la gestion saine de l'OAA qui fait l'unanimité d'ailleurs dans cette Commission, nous rassure sur la destination de cette mesure de sauvegarde, mais puisque l'on évoque le spectre d'un précédent - et nous partageons cette préoccupation - il faut garder à l'esprit un autre précédent, celui évoqué au paragraphe 5 du dispositif, c'est-à-dire le pouvoir de contracter un emprunt, qui lui, n'a pas été créé en raison précisément des garanties de bonne gestion de l'OAA. Je vous remercie.

G. HACKEY (Australia): We note that the proposal before us is based on a number of assumptions about shortfalls in payment and non-payment during 1984 which, if they eventuate, clearly would lead to a critical situation. We question the likelihood of the assumed levels of non-payments occurring. From all we have heard, it seems to us that it is most unlikely that it would do so.

I think I would like to be a little frank and name countries. The calculations, as we understand them, are based on the possibility that the United States might shortfall in payment by something approaching US\$8 million over the biennium, and, in the worst case, assume no payment at all. From the Federal Republic of Germany the assessment would be of the order of US \$40 million. If those assumptions were met - and it is our view that they certainly are extreme in 1984 - there would be a shortfall from the United States approaching US \$4 million. Of course there would be something like US \$20 million non-paid by the Federal Republic of Germany. In such an event, under normal financial regulations, paragraph 6.1 (b) would provide that a substantial amount of the cash surplus to be distributed would be applied against those shortfalls. The whole of the United States shortfall would be covered by a cash surplus due to be distributed, say, US \$4 million. Germany's share of the cash surplus, approximately US \$3 million, would be totally against the German arrears. So there would be an amount of something like US \$7 million of the cash surplus which, under the rules existing at present, would be applied. There would also be arrears from other countries and I understand that there are a good many of them, although in total some rather less. It would also take up a further share of the cash surplus. So, under the existing rules, there is provision that quite a lot of the cash surplus will be withheld, if you like, or certainly applied against the arrears situation. If the situation is more critical, there are the other safety nets that have also been mentioned here this morning by other speakers, the Working Capital Fund and the Special Reserve Account.

Australia does not like the resolution for other reasons as well. We are concerned about the equity of funds being withheld from fully paid up members in order to meet a situation arising from delinquency in payment by others. We do appreciate that the resolution now before us is an improvement on the first resolution, in that it does provide that, where a cash surplus is withheld, the ultimate distribution of any part of the surplus will not be applied to those countries which are in arrears until they are fully paid up.

But leaving that aside for the moment, the whole thrust still does involve imposing a cost on those who have paid their dues to meet a situation arising from other countries not having paid their dues. In effect, and assuming further that ultimately there will be a full distribution - ultimately - it amounts to interest-free borrowing from fully paid-up members, the costs of which are borne by those fully paid-up members. We would certainly prefer to see a borrowing system which spreads the costs more equitably over all Member Nations.

One further concern that I would register is that we think that there is some risk in a resolution of this nature that it might be both self-fulfilling and self-defeating. It seems to us that there is an incentive here for countries to manage their affairs so as to be in arrears to the extent of their expected share of the cash surplus, and to be in arrears at that extent in November of next year, as a kind of safeguard in case cash surplus distribution is withheld. I am suggesting that this may not arise just from countries manoeuvring to try and avoid the purpose of the resolution - it could also arise from budgetary processes and appropriation processes. In our own case, in Australia, we will have to make provision in the first half of 1984 for whatever we are going to seek for the funding of this Organization in our 1984/85 fiscal year; and, finance ministries being what they are, they will wish to make the net appropriation the net amount that they would expect to pay in the best situation which will almost certainly assume a refund of cash surplus. So, without any design at all, we may well be in a situation in which we have to be in arrears to the amount of our expected cash surplus, if the cash surplus is withheld.

In an extreme situation, I can see that a good many countries could be placed in this situation and, by very virtue of having the resolution, you generate a situation where there are extra arrears, which make the Resolution self-fulfilling. That situation does arise: but it is also self-defeating, because you have to apply the cash surplus to meet the arrears which the Resolution has generated. That may sound a rather fanciful circumstance, but I do not believe that it is beyond the realms of possibility.

We are also concerned that the major principles will certainly be seen as a precedent. We are concerned that we may be setting a precedent not only for the funding of this Organization, but for UN agencies in general. We believe that such a measure, with such wide-ranging implications, deserves much more consideration than our governments have been able to give to this point.

We do commend the Secretariat for exercising foresight. We commend the Secretariat for their responsiveness in the last few days, and developing a resolution which we believe is a very significant improvement on the one we had before us initially. But I say again that we do not believe that any of us have had enough time to think through all its implications, not only for this Organization but for UN organization funding in general. We do think that there is a real need to consider the cash flow problems longer term for this Organization, and we would strongly favour the Finance Committee being directed to address the subject, and also to review the financial regulations and consider possible amendments. One thing which we think could be looked at in such a review is the question as to whether cash surplus should be available to offset arrears. We certainly believe that the present provision to that effect in the regulations provides no incentive to pay on time, and that is one of the reasons for our objection to the present resolution.

If indeed a critical situation occurs at the end of 1984, we think it will be because of withdrawal of support on such a scale as to warrant a fundamental reappraisal of the funding and budget of this Organization - and a much more fundamental reappraisal that can be met by a measure such as that proposed before us at present. If that fundamental reappraisal becomes necessary, it is naturally a matter for the Conference, and if necessary the convening of a special conference; but there would obviously be a need to consider what short-term holding action might be necessary in that extreme situation, which we very much doubt is likely. We see the resolution as providing for a stop-gap measure to meet such a situation, but we are far from sure that withholding the cash surplus will be the only answer or the best answer. In that case, we believe that other safety nets need to be looked to. It would be a temporary stop-gap, the cost of which would be imposed upon and borne by the countries who are fully paid up; and if a stop-gap measure is needed, we would certainly prefer to see a measure whose costs are borne more equitably by all members.

P.G. SCALIERIS (Greece): My delegation has followed with great attention the debates last Friday and yesterday on this very interesting problem. I must say that we were impressed by the great majority who approved the measures proposed by the Secretariat to overcome this problem, and in this respect Greece had of course no difficulty in going along with the proposals. The revised presentation of C 83/LIM/22 is I believe a very good and very nice compromise paper. Of course, the main reason is that this great majority of developing countries are very aware of the economic problems of the Organization, and they are also afraid of the impact which this problem could have on the execution of the budget - and I realize of course that this budget has been unanimously approved by all members of FAO.

The Greek delegation would of course be happier if there was no need to deal with this paper - if the situation was not there, and of course we regret that we have arrived at this point. But I must tell you that we are not surprised. Greece has proposed, in the Council in 1979, and intensified campaign by the Secretariat to collect outstanding contributions, and to persuade Member Nations to meet their obligations promptly. A year later, in the Finance Committee, we began to study this problem, and we gave the first alarm signals. Our last session in the Finance Committee dealt with the problem and stressed the danger of a continuing increase of delayed payments and a continual increase of deteriorating finance, in this case of the Organization. In his first intervention in the first Commission, our head of delegation also mentioned this problem and urged some measures. So it is an old problem which must be confronted by all of us in one way or another.

The Secretariat has, I believe, the duty to keep the Finance Committee and the Council of the Conference informed about the status of the payments and the cash flows, and of any developments relating to the payments of the assessed contributions - and of course to make some proposals. I believe that these proposals are very competent and responsible to face the situation, or a part of the situation, because I do not believe that we can resolve the problem if some member countries continue to withhold the payment of their assessed contributions. I see the Conference or the Council as being the most competent organization to deal with these proposals, and I do not see any unprecedented or unusual action in such a proposal.

The Council has delegated some financial powers to the Director-General. This time it only delegates the power to examine the situation: if I understand it aright, we do not give authorization to the Council to decide on the withholding of the cash surplus but only to examine the situation.

There is also a compromise concerning the time: instead of dealing with it in 1985, we should start examining the problem in 1984, when there is a compromise of the two years -that is when we should begin the examination. That is why I say this paper is a nice compromise. Then there is also the possibility that the situation will change and it will not be necessary to withhold the surplus cash and, of course, after examining the other possibilities provided to find the money in order to execute the Programme of Work. So if we delegate this authority to the Council, again I say to examine the situation in one year's time, for which of course it is the competent organ of the Organization, then we will see if the situation has ameliorated. Perhaps we will not need to take any decision, and in that time we shall also examine other related problems to avoid, in a way, punishing countries who have paid their contributions, or to see the consequences of this change in tradition, and also to see the other difficulties, as some speakers have pointed out. In fact, what we should do now is just postpone examination of the problem and say we will examine it in 1984 in the Council. We do not take any decision on that. We just say that the problem exists, no one denies it, and it must be examined in 1984.

That is why I find this paper a very nice compromise and I think we should accept it, if it is possible, without alteration. If in doubt, I appeal to member countries to pay their assessed contributions so that we have no problem in that case.

Finally, remembering the authority given to the Director-General to borrow money - an authority that is given and never used - even if the decision of the Council is to give to the Director-General this possibility, I am sure that if the situation is not very bad he will not use this facility.

CHAIRMAN: Now I have Korea. We have noticed your intervention yesterday on this subject. I take it you have some new elements to add. I give you the floor but, before doing so, I ask the Commission not to take this as a precedent for other delegations to speak again. I think we have a broad view of all the components of the Commission. We have heard lots of arguments and I think what we have will enable us to draw conclusions.

KWANG-HEE KIM (Korea, Republic of): I am sorry to ask for the floor a second time. We expressed our view that we could go along with the resolution to empower the Director-General to withhold the cash surplus if the worst situation took place and such a situation was warranted. But we expressed strong concern about the delegation of authority to the Council because this matter affects all member countries and their financial contributions which should not be dealt with by the delegation of authority to the Council. It should be dealt with by the Conference -by all members.

In this connection I need some clarification. If I understand this resolution correctly, should it proceed it is certain to waive the provenance of the Financial Regulation. If the Conference only can amend or change the regulation, I wonder whether the certain provenance of this Financial Regulation can be waived and superceded by the Council through the delegation of authority? I just need clarification on this other point.

M.B. SY (Senegal): En qualité d'un pays en développement je devrais être très déçu ou découragé par les positions que ce problème apparemment simple soulève, mais en réalité, je dois dire que je ne suis pas déçu, parce que je m'attendais à ce que les débats prennent une telle tournure. Cela résulte du fait que les débats qui ont émaillé cette question sont le reflet assez précis de notre monde de contradictions et de paradoxes. Je le dis parce que nous sommes ici entre Etats qui ont créé un organisme dont l'acte constitutif a pour objet essentiel d'élever le niveau nutritionnel et les conditions des populations placées sous sa juridiction, d'améliorer en tout cas le rendement de la production dans les pays en question, en somme de coopérer mutuellement pour prendre toutes les mesures indispensables permettant de résoudre les problèmes dans le sens des objectifs poursuivis par l'Organisation. Malgré tous ces principes nous assistons à ceci:

L'on a évoqué beaucoup d'arguments qui sont très respectables: les retards des paiements des cotisations ne doivent pas être encouragés par ce projet, on ne doit pas pénaliser les bons payeurs, on ne doit pas non plus créer le risque d'un précédent. Je m'arrêterai sur ces trois points pour donner les précisions suivantes: les retards de paiements dont on a parlé et qu'on ne voudrait pas encourager, en fait ne pourront jamais être encouragés parce que la plupart des pays qui ne payent pas leurs cotisations sont généralement des pays confrontés à d'importantes difficultés économiques qui doivent préoccuper toute la communauté internationale, car elles résultent d'un jeu inégal dans notre système économique, instauré par les plus forts, et dans lequel les plus forts continuent d'exploiter les plus faibles.

Il s'y ajoute, que certains retards sont dus à des systèmes monétaires très complexes et contrôlés par les puissances qui détiennent des devises, de sorte qu'il y a des pays qui ont payé leurs cotisations, mais celles-ci ne sont pas encore arrivées et mettront plusieurs mois à arriver. Cela tient à un système monétaire parfois très complexe qui échappe parfaitement au contrôle de la plupart des pays en développement dont les monnaies dépendent de celles des grandes puissances.

Ensuite, on ne voudrait pas que cette résolution crée un précédent; je souhaite que cela puisse créer un précédent, parce qu'il est très rare de voir un organisme disposer d'un fonds de réserve, à la suite d'économie réelle. Les fonds de réserve généralement connus sont des programmes non exécutés et non pas des réserves; or, ici il s'agit d'économies réalisées par une gestion saine et rigoureuse. A partir de ce moment-là, certains pays sont totalement d'accord pour approuver, sans réserve, cette résolution qui en fait va nous tirer d'une situation difficile, en cas de retard de paiement des contributions.

D'autres pays ont tendance à vouloir imposer une certaine domination et une certaine pression vis-à-vis des organisations internationales du fait qu'ils ont une participation financière particulièrement élevée. Dès lors, ils voient cet organisme créer un système qui tend à lui donner une certaine autonomie, cela les dérange, et pour cause. En tout cas, si l'on ne veut pas créer de contradictions ou de paradoxes, cette résolution ne devrait soulever apparemment aucune difficulté, à moins vraiment qu'on ne veuille instituer, dans les organisations internationales, ce que l'on a l'habitude d'appeler, à tort ou à raison, un véritable rapport de force.

L. ARIZA HIDALGO (Cuba): Efectivamente ayer no pudimos hablar, hablamos el viernes y dijimos que considerábamos que la situación no era tan grave como se ha presentado después, se ha dramatizado un poco. Sin embargo, después de las primeras discusiones, hoy al llegar aquí, independientemente de que no teníamos los nuevos documentos, nos dimos cuenta después de oír algunas intervenciones, de que no había nada nuevo que estamos en las mismas condiciones. Los que estamos a favor hemos razonado el por qué deben tomarse estas medidas y creemos que son como resguardo a situaciones futuras y hemos planteado claramente, como lo hizo excelentemente la delegación de Libia y la delegación de Pakistán, cuál es el derecho que le corresponde a la Organización de prever su futuro.

Los que se oponen se han opuesto con algunas razones. Se ha hablado de que esto se ha flexibilizado y yo creo que además de flexibilizado se han hecho concesiones, ya que esta segunda versión es más explicativa que la primera; creemos que es mejor, pero la primera tenía los objetivos fundamentales y voy a decir por qué. Esta versión nosotros la aceptamos también, es más amplia; sin embargo la oposición, la razón de por qué estamos aquí en esta trabazón. Se ha hablado de principios, pero esos principios no se han explicado qué principios son. Se ha hablado de alguna cuestión legal, de superávit, de normas financieras, de cargar a otros países el no pago. No se carga a ningún país el no pago y creo que la única razón es simplemente que unos quieren seguir apoyando a FAO, otros tienen problemas y otros no quieren.

Con respecto a la liquidez dentro de los países, tampoco entendemos cuál es la razón; sin embargo hay dos razonamientos que nos preocupan. Uno, aceptar que los mecanismos actuales en alguna forma puedan aliviar la situación, pero esto sería constreñir a la FAO, limitarla, paralizar sus posibilidades de crecer. Otra declaración muy preocupante en cuanto a conceptos y principios de porqué somos miembros de esta Organización, es cuando se habla aquí de incentivo, quiere decir que formalmente estamos declarando aquí que se buscan incentivos. ¿pero de qué tipo? Aquí no se puede hablar de comercio, ¿qué incentivos buscamos? Creo que ningún país va a estar incentivado o no incentivado. Si de acuerdo con sus principios soberanos ese miembro de esta Organización acepta su reglamentación, me parece que hablar de incentivos no es bueno, ya que se puede pensar que hay varios.

Señores, cuando hace cincuenta años nuestro país comenzó a poner pararrayos, hubo una discusión amplia porque algunos pensaban ¿para qué vamos a poner pararrayos? Nosotros creemos que aquí hay que situar los pararrayos, sencillamente porque estamos convencidos de que la situación está con vientos de agua pesada. Además, si somos extremadamente optimistas, como lo han sido algunos, nosotros no queremos pecar de optimistas, pero tampoco de pesimistas. Yo creo que no va a suceder nada de lo que se prevé aquí, ¿por qué no poner pararrayos? De todas maneras vamos a estar resguardados. Sin ser pesimistas consideramos que están pasando las cosas ya. Muchas causas de la falta de liquidez son las inversiones en ciertas ramas de la economía que son muy rentables. El precedente, y yo creo que los precedentes están dados ya. A la UNESCO le acaban de negar el pago del presupuesto, al FIDA no se lo pagan; entonces, ¿por qué no ponemos nuestras barbas en remojo?

Estas son nuestras razones por las cuales mantenemos nuestro apoyo a la Resolución en todas sus partes y al Director General para que prevea el mantenimiento de la implementación del Programa de Labores y Presupuesto.

P. PASCAL (France): Je suis désolé de prendre la parole à nouveau mais je serai très bref. Je ne développerai pas à nouveau ce que je disais hier sur l'appréciation favorable que nous portons sur ce projet et sur le regret que nous formulons que le débat qui nous préoccupe aujourd'hui se soit déroulé sans préavis. Je n'entrerai pas dans des détails concernant des arguties juridico-financières consistant à savoir comment tel ou tel pourrait contourner le règlement. Ma délégation à cet égard a bonne conscience, et je voudrais confirmer que les contributions de la France dans les organisations internationales demeurent une priorité. Le dernier débat budgétaire qui s'est déroulé il y a quelques semaines en France l'a confirmé.

Quant au risque de précédent qui n'est certes pas négligeable, il me semble que le délégué de l'Algérie a fait un juste sort à cette crainte. Le système de l'emprunt en effet nous apparaît bien plus pernicieux pour une organisation internationale que le système aujourd'hui proposé et l'on ne peut que se réjouir que le système de l'emprunt n'ait pas été pratiqué à la FAO ces dernières années.

S. CADENASSO F. (Chile): Mi delegación, señor Presidente, aprueba el Proyecto de Resolución indicado en el documento y presentado en esta Comisión, C 83/LIM/22-Supl.1, no siendo partidarios de emplear los fondos de la Cuenta Especial de Reserva, ni tampoco de tomar dinero a préstamo, sino que en casos extremos, con el peligro que ello encierra, autorizando sólo la utilización del superávit remanente en Tesorería del bienio 82-83, logrado gracias a una muy buena administración, y otorgando al Consejo y al Comité de Finanzas la facultad para autorizar al Director General a operar con estos fondos.

N. RAYEL (Ireland): My delegation shares the concern expressed by a number of other delegations about the manner in which this matter was brought to our notice without giving us sufficient time to fully examine it. We also deplore the situation leading to the tabling of this resolution, namely, outstanding contributions and arrears.

The revised draft resolution as now presented to us is a considerable improvement over the earlier one and we can therefore reluctantly support this resolution.

DEPUTY DIRECTOR-GENERAL: I will try to be brief. I would like to thank the great majority of the members who have supported the resolution. I know that some of them have reservations and so what I have to say is addressed to them. But it is also addressed to those who have not been able to support the resolution because I hope that on reflection they will see that the dangers they feel about this are not in fact as great as they fear.

I would like to say once again that the timing was not chosen by the Secretariat. It was forced upon them by the timing of external events and statements during the Conference. If we had known those situations to exist before, we would have come with them before. They just aggravated a continuing problem of which everybody was aware and so we had no choice. The question of taking action now arises simply because - here I am answering the delegation of Korea - it is essential if the Council is to deal with this matter to delegate authority to it to do so specifically in the terms that are stated here. There is no other way of giving them that authority.

For those who feel reluctant about giving the Council authority, I have mentioned other precedents but as Pakistan said this morning it is difficult to see why there should be objection because Rule XXIV of the Basic Texts says that the Council shall between sessions of the Conference act on behalf of the Conference as its executive organ. And in sub-paragraph 3 of that it says that the Council shall exercise control over the financial administration of the Organization. It is able to authorize withdrawals from the Working Capital Fund in certain circumstances and it can approve between Chapter transfers in the budget and even delegate some of its powers to the Finance Committee. Therefore, the Council already has very substantial financial powers in matters which might be just as important as this one.

The fundamental problem continues to exist. There are some who feel that nothing is going to happen, but the Secretariat believes that they have to be ready for the worst case if it does happen. That is another reason for deferring the situation to the Council. We shall know the answer by November 1984, and possibly nothing will happen. In that case, it is not necessary to worry so much in advance about precedents and so forth.

Much has been said on the question of disincentives to pay produced by this resolution. I am afraid that I do not follow that at all because if Member Nations do delay all or some of their contributions, they will not only be reducing the cash surplus which would otherwise be available for distribution to them, they will also be accumulating problems for the future and they will eventually end up in arrears. All that will happen is that they would not be able to offset cash surplus against their future contributions, and they would have to be assessed at the full amount. Therefore, they would not eventually escape anything.

It is true that this will be unfair to others who have paid up on time in full. That is undoubtedly true; there are ways of dealing with that problem. It has been suggested by two delegations and it would have been easy to put it in the resolution, but no one has suggested doing so.

However, I would like to point out that there is some disincentive in this draft resolution for those in arrears because they will not get a share of the cash surplus unless they liquidate their arrears. In fact, you are envisaging disincentives to a large number of Member Nations and not just to one or two large ones. That is something new. I really do not see how this increases disincentives to pay. I think on the contrary it increases incentives to pay promptly and in full.

Although nobody has proposed a further amendment on the point, suggestions have been made that there should be a structural review by the Finance Committee. The Finance Committee will be reviewing the matter. One delegation that suggested that a review is necessary probably will be a member of the next Finance Committee and therefore it can be dealt with in the Finance Committee.

Finally, I am really surprised by the reference to a special Conference. It is not necessary if you delay the decision and delegate it to the Council. Just think of the expense of that Conference. We are having a big discussion in this Commission over a question of dollars and yet the idea suggested is that we spend half a million or a million dollars for a decision which the Council might or might not take on its behalf in quite a normal way in a year's time. The Director-General I think would not do that. Only if the totality of the contributions collapsed would that be necessary, and that would be a fundamental problem. I hope we are not dealing with fundamental problems. I do not think it serves the interests of the Organization to suggest that we are dealing with fundamental problems here. That is why I consider this to be a reasonable way of dealing with a hypothetical problem in a prudent but cautious conservative manner. I hope on reflection that it will be seen by all in that light.

Once again, I am grateful for the support that the proposal has received from the great majority of those present.

CHAIRMAN: The time is advanced, and we have to come to an end of this debate. Therefore, I abstain from trying to make a real summary because that might provoke another debate.

The item we have discussed is the last item of this Commission entitled "Status of Contributions." Hardly anybody talked about status of contributions; we really talked about what is to be done about it in the future in case it becomes even worse than it is. Clearly the main subject of discussion was this proposed resolution in order to delegate power to the Council to take measures if necessary.

There are countries who are against, some did not like it but could go along, but clearly the big majority was in favour of it. So I think it is safe to say that the resolution is approved by the Commission and the Drafting Committee will suggest to us a draft for our report in that sense, including all the very interesting arguments in a condensed form, please, which have been brought forth in this debate.

I would like to ask the Secretary to announce the exact timetable and geographic indications for the Drafting Committee and for the final meeting when we will have to approve the end of the report of this Commission.

D.C. McLEAN (Secretary, Commission III): Now that we have finished at about 1 o'clock the Drafting Committee will meet at 5 o'clock. Because we did not complete this item in time for the Drafting Committee to review the draft and make a final draft for the Commission, we will not be able to review the items as a Commission today. We shall therefore have an extra session of the Commission at 9.30 tomorrow morning for the adoption of the report.

The meeting rose at 13.00 hours

La séance est levée à 13 heures

Se levanta la sesión a las 13.00 horas

Conference

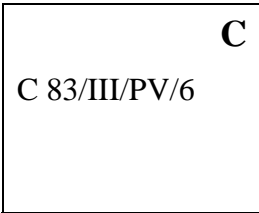
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conférence

ORGANISATION DES NATIONS UNIES POUR L'AUMENTATION ET L'AGRICULTURE

conferencia

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Twenty-second Session
COMMISSION III

Vingt-deuxième session
COMMISSION III

22º período de sesiones
COMISION III

SIXTH MEETING
SIXIEME SEANCE
SEXTA SESION
(23 November 1983)

The Sixth Meeting was opened at 10.10 hours
T. Glaser, Chairman of Commission III, presiding

La sixième seance est ouverte à 10 h 10, sous la présidence de
T. Claser, Président de la Commission III

Se abre la sexta sesión a las 10.10 horas, bajo la presidencia de
T. Glaser, Presidente de la Comisión III

ADOPTION OF REPORT (continued)

ADOPTION DU RAPPORT (suite)

APROBACION DEL INFORME (continuación)

DRAFT REPORT OF COMMISSION III - PART 3

PROJET DE RAPPORT DE LA COMMISSION III - PARTIE 3

PROYECTO DE INFORME DE LA COMISION III - PARTE 3

LE PRESIDENT: J'ouvre la sixième séance de la Commission III. Je salue spécialement Monsieur le Directeur général Saouma, qui honore de sa présence notre dernière séance. Le seul point que nous avons à traiter est l'adoption de la dernière partie de notre rapport. Je prie M. Tesema Negasti, Président du Comité de rédaction, de nous rejoindre sur le podium.

Come vous avez pu le voir, ce document porte déjà le mot "Conférence". Ce n'est donc plus le document de notre Commission, parce qu'à suite du présent débat, nous n'aurions pas le temps de le faire réimprimer. Je vous prie donc de faire preuve de tolérance si vous rencontrez des phrases qui pourraient être encore modifiées. Si le sens n'est pas trahi, n'essayez pas de faire du perfectionnisme, sinon il se posera des problèmes pour l'adoption en séance plénière.

Avant d'ouvrir le débat, je donne la parole à M. Crowther pour qu'il vous donne quelques précisions.

D.K. CROWTHER (Assistant Director-General, Administration and Finance Department): There are some changes which either were not made or were inaccurate in the document before you. If I could ask everyone to turn to page 5, paragraph 15 should be amended in the following way: The first sentence of paragraph 15 now reads "It was also noted that following upon adoption of the proposed resolution, the Director-General would place the cash surplus in a special account". The following alteration should be incorporated: after the words "it was also noted that", delete the words "following upon adoption of the proposed resolution" and insert "if the Council authorized withholding of any amounts of the cash surplus, the Director-General would place the amount withheld in a special account."

In the second line, strike the words "cash surplus".

Insert in its place "amount withheld." Let me read the entire sentence one more time the way it should be: "It was also noted that if the Council authorized withholding of any amounts of the cash surplus, the Director-General would place the amount withheld in a special account." This makes it clear that any amount to be set aside into a special account would require Council action.

In paragraph 17 on the same page strike out the words "In the light of". Insert in their place the word "after." This was a change that was made by the Drafting Committee last evening but unfortunately it was not made through composition. It would be appreciated if you would make that pen and ink change.

LE PRESIDENT: La parole est à M. Saouma, Directeur général de la FAO.

DIRECTOR-GENERAL: I am sorry to intervene before you start to debate the Draft Report of Commission III - Part 3.

I want to say that this Report has been carefully prepared by the Secretariat and discussed and approved by the Drafting Committee, which is a very large Drafting Committee: the Drafting Committee includes 13 or 14 countries, whereas it is usually 9 or 10. I think the Drafting Committee has found the document well-balanced, giving a true picture of the long debate which took place.

I do hope that this document can be approved by this Commission. It may of course change anything in the document. But I hope that changes will not deal with the substance, and changes, if any, will be very, very, slight. That would facilitate the work of the Conference.

The intention is to have this document together with any amendments, passed to the Plenary in one hour. In that case we can finish the Conference at one o'clock.

We are now adopting in the Plenary C 83/REP/7 and 8, which I hope will not cause any problem and will be adopted in half an hour. C 83/REP/9, which is dealing with the appointment of the Chairman of the Council and the members of the Staff Pension Committee, will be ready at 11.00 o'clock, and it should not present a problem. Then the text of this Report could be sent to the Plenary. If the text of this Report is greatly changed then we will have to translate it into the various languages, reprint it, and therefore it would not be ready for the Plenary before late this evening.

LE PRESIDENT: Merci, Monsieur le Directeur général, pour ces paroles d'encouragement.

Nous attaquons maintenant le texte qui a été élaboré par le Comité de rédaction.

Paragraphs 1 to 3 approved

Les paragraphes 1 à 3 sont approuvés

Los párrafos 1 a 3 son aprobados

PARAGRAPHS 4 to 17

PARAGRAPHES 4 à 17

PARRAFOS 4 a 17

J. HEIDSMA (Netherlands): If I am not mistaken the words "this problem" that are mentioned in paragraph 16 refer to late payments and arrears. My delegation was one of the delegations that intervened on this issue. As it now stands it is not entirely clear in my mind what "this problem" refers to. I would therefore propose that the words "this problem" be deleted and the words "the problem of late payments and arrears" be substituted, because I think that was what was meant here.

LE PRESIDENT: Je remercie le délégué des Pays-Bas. Il me semble qu'il a apporté une clarification au texte.

Nous approuvons donc le paragraphe 16 avec la modification proposée par le délégué des Pays-Bas.

Nous passons au paragraphe 17 qui, dans la version anglaise, est modifié comme l'a expliqué M. Crowther; le texte français est inchangé.

Paragraphs 4 to 16, as amended, approved

Les paragraphes 4 à 16, ainsi amendés, sont approuvés

Los párrafos 4 a 16, así enmendados, son aprobados

Paragraph 17, including draft resolution, as amended, approved

Le paragraphe 17, y compris le projet de résolution, ainsi amendé, est approuvé

El párrafo 17, incluido el proyecto de resolución, así enmendado, es aprobado

Paragraph 18 approved

Le paragraphe 18 est approuvé

El párrafo 18 es aprobado

Paragraph 19, including draft resolution, approved

Le paragraphe 19, y compris le projet de résolution, est approuvé

El párrafo 19, incluido el proyecto de resolución, es aprobado

Draft Report of Commission III, Part 3, as amended, was adopted

Le projet de rapport de la Commission III, troisième partie, ainsi amendé, est adopté

El proyecto de informe de la Comisión III, Parte 3, así enmendado, es aprobado

LE PRESIDENT: Je vous remercie tous pour votre bonne collaboration. Les débats étaient directs, clairs, et ainsi vous avez beaucoup facilité ma tâche.

J'aimerais également remercier toutes les personnes qui ne sont pas des délégués mais qui ont également beaucoup contribué à la réussite de nos travaux. Je pense à tous ceux qui sont dans la salle, plus ou moins visibles comme ceux qui se trouvent derrière les vitres, ou encore ceux qui ne sont pas visibles mais qui ont beaucoup travaillé la nuit dans les bureaux pour sortir les documents.

En terminant, qu'il me soit permis de nommer seulement trois personnes: M. McLean, Mlle Parsons, M. Alhérière, qui ont assuré le Secrétariat de notre commission avec beaucoup de compétence, de dévouement et beaucoup de travail. Grâce à eux, les travaux ont pu se dérouler en bon ordre.

G. BULA HOYOS (Colombia): Señor Presidente, mis colegas y amigos de América Latina y el Caribe me han conferido el honroso encargo de pronunciar unas breves palabras cuyo sentido estoy seguro que comparten todos los miembros de esta Comisión.

Queremos agradecer a usted la manera excelente y eficaz con que ha presidido la Comisión III. Usted actuó con grandes capacidades, con mucha competencia y con toda la experiencia que tiene a su favor como Presidente del Comité de Asuntos Constitucionales y Jurídicos.

Estamos muy reconocidos por esa excelente labor suya y queremos agradecer a los señores Vicepresidentes la asistencia que le ofrecieron y, muy particularmente, a nuestro distinguido colega y amigo de Etiopía por la manera dinámica y competente como presidió el Comité de Redacción, así como a los demás miembros de este Comité de Redacción cuyo trabajo ha facilitado la discusión de este informe que ahora ya estamos para concluir.

Queremos también agradecer al Director General, Dr. Saouma, al Sr. West, Director General Adjunto y a todo el personal de la Secretaría.

Usted, adecuadamente nombró a sus más estrechos colaboradores, pues obviamente el apoyo de la Secretaría y de la Organización ha sido esencial para el buen éxito de los trabajos de esta Comisión. En ciertos momentos hubo algunos debates acalorados, particularmente sobre un tema, el último que fue sometido a esta Comisión, pero ahora al adoptar nuestro informe tenemos la convicción de que una vez más todos los representantes de todos los Estados Miembros de la FAO hemos actuado con serenidad, comprensión y convencidos de que estamos asociados a un club, a un centro de cooperación, a esta FAO que es nuestra Organización y cuyo porvenir estamos nosotros obligados a garantizar eficiente y activamente, siempre bajo la excelente dirección del Dr. Saouma.

Queremos también agradecer a los intérpretes y mensajeros que facilitaron nuestro entendimiento.

Los representantes de América Latina y el Caribe en esta Comisión hemos estado muy felices de haber compartido nuestro trabajo con los colegas y amigos de todas las otras regiones y reiteramos a usted nuestro agradecimiento por el buen éxito obtenido. Muchas gracias.

G. STUYCK (Belgique): Monsieur le Président, je crois pouvoir être l'interprète des délégations des pays membres de l'Organisation de coopération de développement économique, l'OCDE, en vous exprimant, à mon tour, notre gratitude pour la manière remarquable, l'intelligence, et le doigté avec lesquels vous avez mené nos débats.

Je rends hommage aussi à votre compréhension de nos problèmes qui nous a permis d'arriver finalement au terme des débats que nous avons eus, particulièrement sur le point qui nous a retenus le plus longtemps.

Je voudrais également vous dire combien nous avons apprécié vos efforts pour arriver à trouver le moyen de satisfaire dans toute la mesure possible les desiderata exprimés par les uns et les autres et la courtoisie dont vous avez fait preuve à notre égard, malgré le temps qui nous obligeait à terminer nos discussions dans des délais raisonnables.

En même temps, je voudrais, tout comme l'Ambassadeur Bula Hoyos, exprimer ma gratitude à tous ceux qui ont participé à ces réunions importantes, en particulier au Directeur général, à M. West qui a vraiment, avec un inlassable dévouement et un esprit de compréhension, essayé de tenir compte des difficultés que certains de nos membres avaient éprouvées lorsqu'ils ont pris connaissance des propositions qui nous étaient soumises. Ces efforts nous ont donné l'impression, de la part du secrétariat, que demeuraient toujours un désir de coopération et des souhaits d'arriver à des solutions qui puissent, dans toute la mesure possible, donner satisfaction aux uns et aux autres.

Je vous remercie encore, Monsieur le Président, pour la manière remarquable dont ces débats ont été menés et je suis heureux que nous puissions les terminer dans les délais qui nous avaient été impartis.

DEPUTY DIRECTOR-GENERAL: Thank you very much, Mr Chairman. On behalf of the Director-General, I should like to thank the Commission very much for the reaction to his comments at the beginning and to say that we are very grateful that we can go to the Plenary with this document, together with the amendments, to which you, Mr Chairman, will draw the Plenary's attention. In accordance with normal practice, we have adopted the resolution here by consensus, but in the Plenary it will have to be voted, so I hope there will be sufficient people there to vote, whichever way they are going to vote.

Lastly, Mr Chairman, let me thank members who have said some very kind words about the Secretariat. We appreciate this very much. This has indeed been the spirit in which we have tried to serve all of you.

Let me thank you, Mr Chairman, for your calm, wise and skillful conduct of this debate and for the way in which you have allowed me and my colleagues to participate also.

LE PRESIDENT: Merci beaucoup M. West. J'aimerais vous remercier, vous, l'Ambassadeur Stuyck et l'Ambassadeur Bula Hoyos pour les mots finals qu'ils nous ont adressés et tout particulièrement pour les gentils éloges envers ma personne, éloges qui étaient naturellement exagérés mais qui me font tout de même beaucoup de plaisir.

Je déclare la clôture de la Commission III.

The meeting rose at 10.40 hours

La séance est levée à 10 h 40

Se levanta la sesión a las 10.40 horas