UNITED NATIONS



OFFICIAL RECORDS OF THE GENERAL ASSEMBLY FOURTEENTH SESSION

ANNEXES

15 SEPTEMBER — 13 DECEMBER

1959

NEW YORK

INTRODUCTORY NOTE

The Official Records of the General Assembly include the records of the meetings, the annexes to those records and the supplements. The annexes are printed in fascicles, by agenda item. The present volume contains the annex fascicles of the fourteenth session.

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Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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 - (b) Report of the Credentials Committee.
- 7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter.
- 8. Adoption of the agenda.
- 11. Report of the Security Council.
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- (13. Report of the Trusteeship Council.
- 39. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Trusteeship Council.
- 14. Report of the International Atomic Energy Agency.
- 17. Election of two members of the Trusteeship Council.
- 18. Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero.
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- 20. Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council.
- 21. Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice.
- 22. Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter.
- 23. Interim report of the Secretary-General evaluating the Second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future.
- 24. Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation.
- 25. Report of the Ad Hoc Committee on the Peaceful Uses of Outer Space.
- 26. The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea.
- 27. United Nations Relief and Works Agency for Palestine Refugees in the Near
 - (a) Report of the Director of the Agency;
 - (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General.
- 28. United Nations Emergency Force:
 - (a) Cost estimates for the maintenance of the Force;
 - (b) Manner of financing the Force: report of the Secretary-General on consultations with the Governments of Member States:
 - (c) Progress report on the Force.

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- 29. Progress and operations of the Special Fund.
- 30. Economic development of under-developed countries:
 - (a) Report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of under-developed countries in accordance with General Assembly resolution 1316 (XIII);
 - (b) Progress in the field of financing the economic development of underdeveloped countries.
- 12. Report of the Economic and Social Council.
- 31. Programmes of technical assistance:
 - (a) Report of the Economic and Social Council;
 - (b) United Nations assistance in public administration: report of the Secretary-General;
 - (c) Confirmation of the allocation of funds under the Expanded Programme of Technical Assistance.
- 32. United Nations Korean Reconstruction Agency: progress report of the Administrator for Residual Affairs of the Agency.
- 33. Report of the United Nations High Commissioner for Refugees.
- 34. Draft International Covenants on Human Rights.
- 35. Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon.
- 36. Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:
 - (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter;
 - (b) Information on educational conditions;
 - (c) Information on other conditions;
 - (d) General questions relating to the transmission and examination of information;
 - (e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;
 - (f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General.
- 37. Election to fill vacancies in the Committee on Information from Non-Self-Governing Territories.
- 38. Question of South West Africa:
 - (a) Report of the Good Offices Committee on South West Africa;
 - (b) Report of the Committee on South West Africa;
 - (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa;
 - (d) Election of three members of the Committee on South West Africa.
- 39. [See item 13.]
- 40. Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy.
- 41. The future of the Trust Territory of the Cameroons under United Kingdom administration:
 - (a) Organization of the plebiscite in the southern part of the Territory: question
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 - (b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council.

- 42. Financial reports and accounts, and reports of the Board of Auditors:
 - (a) United Nations (for the financial year ended 31 December 1958);
 - (b) United Nations Children's Fund (for the financial year ended 31 December 1958);
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East (for the financial year ended 31 December 1958);
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- 43. Supplementary estimates for the financial year 1959.
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- 45. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:
 - (a) Advisory Committee on Administrative and Budgetary Questions;
 - (b) Committee on Contributions;
 - (c) Board of Auditors;
 - (d) Investments Committee: confirmation of the appointment made by the Secretary-General;
 - (e) United Nations Administrative Tribunal;
 - (f) United Nations Staff Pension Committee.
- 46. Report of the Negotiating Committee for Extra-Budgetary Funds.
- 47. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions.
- 48. Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account.
- 49. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions.
- 50. Construction of the United Nations building in Santiago, Chile: progress report of the Secretary-General.
- 51. United Nations International School: report of the Secretary-General.
- 52. Public information activities of the United Nations: report of the Secretary-General.
- 53. United Nations Joint Staff Pension Fund:
 - (a) Annual report on the United Nations Joint Staff Pension Fund;
 - (b) Report on the fifth actuarial valuation of the United Nations Joint Staff Pension Fund.
- 54. Personnel questions:
 - (a) Geographical distribution of the staff of the Secretariat: report of the Secretary-General;
 - (b) Proportion of fixed-term staff;
 - (c) Other personnel questions.
- 55. Report of the International Law Commission on the work of its eleventh session.
- 56. Diplomatic intercourse and immunities.
- 57. Question of the publication of a United Nations juridical yearbook.
- 58. Question of initiating a study of the juridical régime of historic waters, including historic bays.
- 59. Question of Algeria.
- 60. Treatment of people of Indian origin in the Union of South Africa.
- 61. Question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa.
- 62. Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly.

- 63. Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice.
- 64. Draft declaration of the Rights of the Child.
- 65. Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization.
- 66. Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General.
- 67. Prevention of the wider dissemination of nuclear weapons.
- 68. Question of French nuclear tests in the Sahara.
- 69. Suspension of nuclear and thermo-nuclear tests.
- 70. General and complete disarmament.
- 71. International encouragement of scientific research into the control of cancerous diseases.
- 72. The United Nations Library: gift of the Ford Foundation.
- 73. Question of Tibet.
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ANNEXES

GENERAL ASSEMBLY





FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 3: Credentials of representatives to the fourteenth session of the General Assembly:*

- (a) Appointment of the Credentials Committee;
- (b) Report of the Credentials Committee

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DOCUMENT A /4346

Report of the Credentials Committee

[Original text: English]
[9 December 1959]

- 1. At its 795th plenary meeting on 15 September 1959, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its fourteenth session consisting of the following Member States: Afghanistan, Australia, Ecuador, France, Honduras, Italy, Pakistan, Union of Soviet Socialist Republics and United States of America.
- 2. The Credentials Committee met on 9 December 1959.
- 3. Mr. José Correa (Ecuador) was unanimously elected Chairman of the Committee.
- 4. The Chairman drew the attention of the Committee to the memorandum by the Secretary-General according to which credentials issued by the Head of the State or Government or by the Minister for Foreign Affairs had been submitted to the Secretary-General by all Member States for their representatives, as provided in rule 27 of the rules of procedure of the General Assembly.
- 5. The representative of the USSR introduced a draft resolution providing that the Committee decide "to regard as invalid the credentials of the persons describing themselves as representatives of the Government of the Republic of China to the fourteenth session of the United Nations General Assembly, in view of the fact that those credentials are inconsistent with the provisions of rule 27 of the rules of procedure of the General Assembly".
- 6. The Chairman, basing himself on resolution 1351 (XIV), adopted by the General Assembly at its
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 795th and 852nd meetings.

- 803rd plenary meeting on 22 September 1959, and on well-established precedents in the Credentials Committee, ruled that the USSR draft resolution was out of order, since the Assembly had already taken a decision on this matter for the present session.
- 7. The representative of the USSR, in challenging the ruling of the Chairman, stated that, in his opinion, the resolution adopted by the General Assembly pertained to a different question, namely, the inscription of an item in the agenda, and that now the Credentials Committee was examining the credentials of representatives of Member States and was entitled to take a decision on the matter.
 - 8. The Chairman's ruling was upheld by 7 votes to 2.
- 9. The representative of the United States introduced a motion that the Committee "take no decision regarding the credentials submitted on behalf of the representatives of Hungary". He stated that, at every session since 1956, the General Assembly had refused to accept the credentials of the representatives of the present Hungarian régime by taking no decision on them. As the present régime defied all efforts to improve the situation in Hungary, the Committee should adopt the same attitude.
- 10. The representative of the USSR stated that he protested against the renewed attempt of the representative of the United States to challenge the validity of the credentials issued by the Government of the Hungarian People's Republic, the only legitimate Government of that country, enjoying full support and confidence of the people. He added that the adoption of the proposal would constitute an intervention in the internal affairs of a Member State, which was contrary to Article 2 of the Charter.
- 11. The United States motion was adopted by 7 votes to 2.

- 12. A proposal was submitted by the Chairman that, subject to the decision relating to Hungary, the Credentials Committee find the credentials of all representatives in order and recommend that the General Assembly approve its report.
 - 13. This proposal was adopted unanimously.
- 14. The representative of the USSR stated that his vote in favour should not be interpreted as a modifi-

cation of his position taken in respect of the credentials of China and Hungary.

Recommendation of the Credentials Committee

15. The Credentials Committee therefore recommends that the General Assembly adopt the following draft resolution:

[Text adopted without change by the General Assembly. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 852nd plenary meeting on 10 December 1959, the General Assembly adopted the draft resolution submitted by the Credentials Committee (A/4346, para. 15). For the final text, see resolution 1457 (XIV) below.

Resolution adopted by the General Assembly

1457 (XIV). CREDENTIALS OF REPRESENTATIVES TO THE FOURTEENTH SESSION OF THE GENERAL ASSEMBLY

The General Assembly

Approves the report of the Credentials Committee (A/4346).

852nd plenary meeting, 10 December 1959.

GENERAL ASSEMBLY





ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 7: Notification by the Secretary-General under Article 12, paragraph 2, of the Charter*

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DOCUMENT A /4216

Letter dated 14 September 1959 from the Secretary-General to the President of the General Assembly

[Original text: English] [17 September 1959]

In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations, and with the consent of the Security Council, I have the honour to send you herewith a notification to the General Assembly, listing matters relative to the maintenance of international peace and security which are being dealt with by the Security Council.

(Signed) Dag HAMMARSKJOLD Secretary-General

NOTIFICATION BY THE SECRETARY-GENERAL UNDER ARTICLE 12, PARAGRAPH 2 OF THE CHARTER

In accordance with the provisions of Article 12, paragraph 2, of the Charter and with the consent of the Security Council, I have the honour to notify the General Assembly of matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and also of matters with which the Security Council has ceased to deal.

The matters relative to the maintenance of international peace and security which have been discussed during the period since my notifications to the last session (A/3919, A/4008) are as follows:

- 1. The Palestine question.
- 2. Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted by a note from the Permanent Mission of Laos to the United Nations, 4 September 1959.

During this period, the Security Council has not discussed the following matters of which it remains seized:

- 1. The Iranian question.
- 2. Special agreements under Article 43 of the Charter and the organization of the armed forces to be made available to the Security Council.
- The general regulation and reduction of armaments and information on the armed forces of the United Nations.
- Appointment of a Governor for the Free Territory of Trieste.
- 5. The Egyptian question.
- 6. The Indonesian question.
- 7. The India-Pakistan question.
- 8. The Czechoslovak question.
- 9. The question of the Free Territory of Trieste.
- 10. The Hyderabad question.
- 11. Identic notifications dated 29 September 1948 from the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America, addressed to the Secretary-General.
- 12. International control of atomic energy.
- 13. Complaint of armed invasion of Taiwan (Formosa).
- Complaint of bombing by air forces of the territory of China.
- 15. Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case.
- 16. Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons.
- 17. Question of a request for investigation of alleged bacterial warfare.

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 803rd meeting.

- Letter dated 29 May 1954 from the acting Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council.
- 19. Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council.
- Letter dated 8 September 1954 from the representative of the United States of America addressed to the President of the Security Council.
- 21. Letter dated 28 January 1955 from the representative of New Zealand addressed to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China.

Letter dated 30 January 1955 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China.

- 22. Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888.
- 23. Actions against Egypt by some Powers, particularly France and the United Kingdom of Great Britain and Northern Ireland, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations.
- 24. The situation in Hungary.
- 25. Military assistance rendered by the Egyptian Government to the rebels in Algeria.
- 26. Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council.
- 27. Letter dated 13 February 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef".

- 28. Letter dated 14 February 1958 from the representative of France to the President of the Security Council concerning: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals".
- Letter dated 20 February 1958 from the representative of Sudan addressed to the Secretary-General.
- 30. Complaint of the representative of the Union of Soviet Socialist Republics in a letter to the President of the Security Council dated 18 April 1958 entitled: "Urgent measures to put an end to flights by United States military aircraft armed with atomic and hydrogen bombs in the direction of the frontiers of the Soviet Union".
- 31. Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria".
- 32. Letter dated 29 May 1958 from the representative of France to the President of the Security Council concerning: (a) "The complaint brought by France against Tunisia on 14 February 1958"; (b) "The situation arising out of the disruption, by Tunisia, of the modus vivendi which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory".
- 33. Letter dated 17 July 1958 from the representative of Jordan to the President of the Security Council concerning: "Complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic".

It will be recalled that, on 25 November 1958, the Secretary-General notified the General Assembly (A/4008) that the Security Council has ceased to deal with the following matter:

"Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council concerning: 'Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security'."

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 803rd plenary meeting on 22 September 1959, the General Assembly took note of the Secretary-General's communication (A/4216).

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 7 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3919	Letter dated 16 September 1958 from the Secretary-General to the President of the General Assembly	Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 7
A/4008	Letter dated 25 November 1958 from the Secretary-General to the President of the General Assembly	Mimeographed

GENERAL

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ANNEXES

FOURTEENTH SESSION

Official Records



NEW YORK, 1959

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DOCUMENT A/4139

India: request for the inclusion of an item in the provisional agenda of the fourteenth session

[Original text: English] [14 July 1959]

LETTER DATED 13 JULY 1959 FROM THE PER-MANENT REPRESENTATIVE OF INDIA TO THE UNITED NATIONS, ADDRESSED TO THE SECRE-TARY-GENERAL

In accordance with the instructions of the Government of India and pursuant to rule 13 (e) of the rules of procedure of the General Assembly I have the honour to propose the following item for inclusion in the agenda of the fourteenth regular session of the General Assembly:

"Question of the representation of China in the United Nations".

An explanatory memorandum in terms of rule 20 of the rules of procedure is attached.

(Signed) C. S. JHA

Ambassador Extraordinary and Plenipotentiary Permanent Representative of India to the United Nations

Explanatory memorandum

- 1. Today the United Nations has secured the participation of the effective Governments of most of the world. It is self-evident that the United Nations can achieve its purposes only if it includes those Governments which are able and willing to fulfil the obligations contained in Articles 2 and 4 of its Charter. It is necessary to consider the question of the representation of China in the United Nations not only from the point of view of the legitimate rights of the Chinese people and their Government, but also from the point of view of the effectiveness of the Organization itself. There is no doubt that only the People's Government of China is in a position to comply with those decisions and recommendations of the United Nations which affect the Chinese specifically or which are addressed to all Member States.
- 2. The Government of India has, therefore, for the last few years sought proper representation of China in the United Nations. If a country like China with a vast territory and population is not properly represented in the United Nations the work and worth of this most important Organization is certain to be ineffective in many important fields where international co-operation and endeavour are vital. No major measures of peace and security can successfully be undertaken without proper consultation with

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, General Committee, 121st to 125th meetings; and ibid., Plenary Meetings, 800th to 803rd, 826th, 827th and 844th meetings.

and co-operation of China, and, in the view of the Government of India, all possible efforts must be made to secure the proper representation of China in the United Nations. It was because of the importance of China in the activities of the United Nations that she was made a permanent member of the Security Council and it is unfortunate from every point of view that the United Nations has not yet been able to have the benefit of her participation through her true representatives. The Government of India hopes that

the General Assembly at its forthcoming session, will remove this shortcoming and agree to China being properly represented in the United Nations by the representatives of the People's Government of China. Accordingly, the Government of India has proposed that an item entitled "Question of the representation of China in the United Nations" be included in the agenda of the fourteenth session of the General Assembly.

DOCUMENT A /4150

Provisional agenda of the fourteenth session

[Original text: English] [17 July 1959]

- 1. Opening of the session by the Chairman of the delegation of Lebanon.
- 2. Minute of silent prayer or meditation.
- 3. Credentials of representatives to the fourteenth session of the General Assembly:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
- 4. Election of the President.
- Constitution of the Main Committees and election of officers.
- 6. Election of Vice-Presidents.
- 7. Notification by the Secretary-General under Article 12 paragraph 2 of the Charter.
- 8. Adoption of the agenda.
- 9. Opening of the general debate.
- Report of the Secretary-General on the work of the Organization.
- 11. Report of the Security Council.
- 12. Report of the Economic and Social Council.
- 13. Report of the Trusteeship Council.
- 14. Report of the International Atomic Energy Agency.
- Election of three non-permanent members of the Security Council.
- 16. Election of six members of the Economic and Social Council.
- 17. Election of two members of the Trusteeship Council. 1/
- 18. Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero [letter dated 26 November 1958 from the President of the Security Council to the President of the General Assembly (A/4011)].
- 19. Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council
- 1/ Procedure to be devised in order to comply with the provisions of Article 86 of the Charter as France and Italy will cease to be Administering Authorities in 1960, the former on 27 April and the latter on 2 December 1960.

- and the number of votes required for decisions of the Council [resolution 1299 (XIII) of 10 December 1958].
- 20. Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council [resolutions 1299 (XIII) and 1300 (XIII) of 10 December 1958].
- 21. Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice [resolution 1299 (XIII) of 10 December 1958].
- 22. Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter [resolution 1136 (XII) of 14 October 1957].
- 23. Interim report of the Secretary-General evaluating the Second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future [resolution 1344 (XIII) of 13 December 1958].
- 24. Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation [resolution 1347 (XIII) of 13 December 1958].
- Report of the Ad Hoc Committee on the Peaceful Uses of Outer Space [resolution 1348 (XIII) of 13 December 1958].
- 26. The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea [resolution 1264 (XIII) of 14 November 1958].
- 27. United Nations Relief and Works Agency for Palestine Refugees in the Near East:
 - (a) Report of the Director of the Agency [resolution 1315 (XIII) of 12 December 1958];
 - (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General.
- 28. United Nations Emergency Force:
 - (a) Cost estimates for the maintenance of the Force;
 - (b) Manner of financing the Force: report of the Secretary-General on consultations with the

- Governments of Member States [resolution 1337 (XIII) of 13 December 1958];
- (c) Progress report on the Force.
- 29. Progress and operations of the Special Fund [resolution 1240 (XIII) of 14 October 1958, part B, para. 10].
- 30. Economic development of under-developed countries:
 - (a) Report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of underdeveloped countries in accordance with General Assembly resolution 1316 (XIII) [resolution 1316 (XIII) of 12 December 1958];
 - (b) Progress in the field of financing the economic development of under-developed countries [resolution 1317 (XIII) of 12 December 1958].
- 31. Programmes of technical assistance:
 - (a) Report of the Economic and Social Council;
 - (b) United Nations assistance in public administration: report of the Secretary-General [resolution 1256 (XIII) of 14 November 1958];
 - (c) Confirmation of the allocation of funds under the Expanded Programme of Technical Assistance [resolution 831 (IX) of 26 November 1954].
- 32. United Nations Korean Reconstruction Agency: progress report of the Administrator for Residual Affairs of the Agency [resolution 1304 (XIII) of 10 December 1958].
- Report of the United Nations High Commissioner for Refugees.
- 34. Draft International Covenants on Human Rights [decision of 12 December 1958].
- 35. Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon [resolution 1313 C (XIII) of 12 December 1958].
- 36. Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:
 - (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter [resolution 1053 (XI) of 20 February 1957];
 - (b) Information on educational conditions;
 - (c) Information on other conditions;
 - (d) General questions relating to the transmission and examination of information;
 - (e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community [resolution 1330 (XIII) of 12 December 1958];
 - (f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General [resolution 1331 (XIII) of 12 December 1958].
- Election to fill vacancies in the Committee on Information from Non-Self-Governing Territories.

- 38. Question of South West Africa:
 - (a) Report of the Good Offices Committee on South West Africa [resolution 1243 (XIII) of 30 October 1958];
 - (b) Report of the Committee on South West Africa [resolution 749 A (VIII) of 28 November 1953];
 - (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa [resolution 1247 (XIII) of 30 October 1958];
 - (d) Election of three members of the Committee on South West Africa [resolution 1061 (XI) of 26 February 1957].
- 39. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Trusteeship Council [resolution 1277 (XIII) of 5 December 1958].
- 40. Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy [resolution 1345 (XIII) of 13 December 1958].
- 41. The future of the Trust Territory of the Cameroons under United Kingdom administration [resolution 1350 (XIII) of 13 March 1959]:
 - (a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting;
 - (b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council,
- 42. Financial reports and accounts, and reports of the Board of Auditors:
 - (a) United Nations (for the financial year ended 31 December 1958);
 - (b) United Nations Children's Fund (for the financial year ended 31 December 1958);
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East (for the financial year ended 31 December 1958);
 - (d) United Nations Refugee Fund (for the financial year ended 31 December 1958).
- 43. Supplementary estimates for the financial year 1959.
- 44. Budget estimates for the financial year 1960.
- 45. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:
 - (a) Advisory Committee on Administrative and Budgetary Questions;
 - (b) Committee on Contributions;
 - (c) Board of Auditors;
 - (d) Investments Committee: confirmation of the appointment made by the Secretary-General;
 - (e) United Nations Administrative Tribunal;
 - (f) United Nations Staff Pension Committee.
- 46. Report of the Negotiating Committee for Extra-Budgetary Funds [resolution 1296 B (XIII) of 5 December 1958].
- 47. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Com-

- mittee on Contributions [resolution 1308 B (XIII) of 10 December 1958].
- 48. Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account [resolution 519 A (VI) of 12 January 1952].
- 49. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions.
- 50. Construction of the United Nations building in Santiago, Chile: progress report of the Secretary-General [resolution 1273 (XIII) of 14 November 1958].
- 51. United Nations International School: report of the Secretary-General [resolution 1297 (XIII) of 5 December 1958].
- 52. Public information activities of the United Nations: report of the Secretary-General [resolution 1335 (XIII) of 13 December 1958].
- 53. United Nations Joint Staff Pension Fund:
 - (a) Annual report on the United Nations Joint Staff Pension Fund;
 - (b) Report of the fifth actuarial valuation of the United Nations Joint Staff Pension Fund.
- 54. Personnel questions:
 - (a) Geographical distribution of the staff of the Secretariat: report of the Secretary-General [resolution 1294 (XIII) of 5 December 1958];
 - (b) Proportion of fixed-term staff;
 - (c) Other personnel questions.

- 55. Report of the International Law Commission on the work of its eleventh session.
- 56. Diplomatic intercourse and immunities [resolution 1288 (XIII) of 5 December 1958].
- 57. Question of the publication of a United Nations juridical yearbook [resolution 1291 (XIII) of 5 December 1958].
- 58. Question of initiating a study of the juridical regime of historic waters, including historic bays [resolution 1306 (XIII) of 10 December 1958].
- 59. Prevention of the wider dissemination of nuclear weapons [item proposed by Ireland].
- Question of the representation of China in the United Nations [item proposed by India].
- 61. Question of Algeria [item proposed by Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen].
- 62. Treatment of people of Indian origin in the Union of South Africa [item proposed by India and Pakistan].
- 63. Question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa [item proposed by Burma, Ceylon, Cuba, Federation of Malaya, Ghana, Haiti, India, Indonesia, Iran, Ireland, United Arab Republic, Uruguay and Venezuela].

DOCUMENT A /4189

Supplementary list of items for the agenda of the fourteenth session

[Original text: English] [25 August 1959]

- 1. Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly [item proposed by Czechoslovakia].
- 2. Question of French nuclear tests in the Sahara [item proposed by Morocco].
- 3. Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice [item proposed by the Secretary-General].
- 4. Draft Declaration of the Rights of the Child [Economic and Social Council resolution 728 C (XXVIII)].
- 5. Suspension of nuclear and thermo-nuclear tests [item proposed by India].
- 6. Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization [item proposed by India].

DOCUMENT A/BUR/150

Organization of the fourteenth session: memorandum by the Secretary-General

[Original text: English] [10 September 1959]

1. The Secretary-General has the honour to place before the General Committee the following observations and suggestions regarding the arrangements for the meetings of the General Assembly and its Main Committees during the fourteenth session.

SCHEDULE OF MEETINGS

2. It is suggested that both plenary and committee meetings should begin promptly at 10.30 a.m. and 3 p.m.

3. It is proposed that a five-day working week be established, it being understood that extended morning meetings on Saturdays may be scheduled should this prove necessary.

CLOSING DATE FOR THE SESSION

4. In accordance with the provisions of rule 2 of the rules of procedure, the Secretary-General wishes to suggest that the General Committee propose to the General Assembly 5 December 1959 as the closing date of the fourteenth session.

VERBATIM RECORDS OF MAIN COMMITTEES

5. The Secretary-General wishes to draw to the Committee's attention that, in previous years, in accordance with a recommendation made by the Fifth Committee at the second session, verbatim records have been authorized "for one Main Committee at a time, the committee which, in the opinion of the General Committee, has the most important items on its

agenda".2/ The Secretary-General suggests that verbatim services be provided for the First Committee; in addition, the Secretary-General will also be in a position to have the debates of the Special Political Committee transcribed.

SEATING ARRANGEMENTS

6. In accordance with established practice, the Secretary-General caused lots to be drawn for the purpose of choosing the Member to occupy the first desk on the Assembly floor from which the alphabetical seating order will begin. Ghana was the name drawn and, consequently the delegation of Ghana will sit at the first desk at the extreme right of the President. At the initial meetings of the Main Committees, the same seating order will be observed. There will be, however, a weekly rotation of five places in the Main Committees thereafter.

2/Official Records of the General Assembly, Second Session, Plenary Meetings, annex 6 b, document A/498, p. 1501.

DOCUMENT A/BUR/151

Adoption of the agenda and allocation of items: memorandum by the Secretary-General

[Original text: English] [11 September 1959]

1. The Secretary-General has the honour to place before the General Committee for its consideration the following observations and proposals in connexion with the report to be made to the plenary meeting by the General Committee on the adoption of the agenda of the fourteenth session and the allocation of agenda items:

I. ADOPTION OF THE AGENDA

2. All proposals for the inclusion of items in the agenda of the fourteenth session have been communicated to Members of the General Assembly in the following documents:

Provisional agenda of the fourteenth session (A/4150);

Supplementary list of items for the agenda of the fourteenth session (A/4189);

Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session (A/4209).

- 3. In connexion with item 12 of the provisional agenda, relating to the report of the Economic and Social Council, the Secretary-General wishes to draw attention to Council resolution 730 I (XXVIII) of 30 July 1959 in which it recommended that the General Assembly should adopt a draft resolution on technical assistance in the field of narcotics control. The Secretary-General suggests that the Council's resolution be considered under item 12 by the Third Committee during the consideration of chapter VI of the Council's report.
- 4. The Secretary-General also wishes to draw attention to Economic and Social Council resolution 731 G (XXVIII) of 30 July 1959 on advisory social welfare services, in which the Council requested the General Assembly "when it considers the level of budgetary

appropriations for 1960 and following years, to take into consideration the necessity for further development of the programme of advisory social welfare services and the desirability of increasing the relevant financial provision to this end. It is suggested that this resolution should also be considered in connexion with item 12 during the consideration of chapter X of the Council's report by the Fifth Committee.

- 5. It will be recalled that the General Assembly, in resolution 1278 (XIII) of 5 December 1958, requested the Trusteeship Council to report to the Assembly at its fourteenth session concerning economic assistance for Somalia. The Council's report on this matter forms part of its annual report to the Assembly, and the Secretary-General suggests, therefore, that this question be considered in connexion with item 13.
- 6. As regards item 66, relating to amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice, the proposals in question involve, in addition to their budgetary implications, certain questions of policy affecting the administration and functioning of the Court. In these circumstances, an appropriate procedure for dealing with this item might be for the General Assembly to refer it to the Fifth Committee, on the understanding that the Fifth Committee would seek the advice of the Sixth Committee on the questions of policy involved, other than those of a budgetary nature, before its consideration of the item.
- 7. Item 59 on the provisional agenda and items 2 and 5 on the supplementary list deal with matters which are related to the general question of disarmament. If the General Committee should decide to recommend the inclusion of these items, it may also wish to recommend that some or all should be considered as subheadings under the general heading of "Question of disarmament" which has been proposed as an additional

item in document A/4209. This latter item includes the report of the Disarmament Commission.

- 8. Taking into account paragraphs 3 to 7 above, the agenda of the fourteenth session would read as follows:³/
- 1. Opening of the session by the Chairman of the delegation of Lebanon (P.1).
- 2. Minute of silent prayer or meditation (P.2).
- 3. Credentials of representatives to the fourteenth session of the General Assembly (P.3):
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
- 4. Election of the President (P.4).
- 5. Constitution of the Main Committees and election of officers (P.5).
- 6. Election of Vice-Presidents (P.6).
- 7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter (P.7).
- 8. Adoption of the agenda (P.8).
- 9. Opening of the general debate (P.9).
- 10. Report of the Secretary-General on the work of the Organization (P.10).
- 11. Report of the Security Council (P.11).
- 12. Report of the Economic and Social Council (P.12).
- 13. Report of the Trusteeship Council (P.13).
- 14. Report of the International Atomic Energy Agency (P.14).
- 15. Election of three non-permanent members of the Security Council (P.15).
- Election of six members of the Economic and Social Council (P.16).
- 17. Election of two members of the Trusteeship Council (P.17).
- 18. Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero (P.18).
- 19. Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council (P.19).
- 20. Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council (P.20).
- 21. Question of amending the Statute of the International Court of Justice in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice (P.21).

- 22. Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter (P.22).
- 23. Interim report of the Secretary-General evaluating the Second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future (P.23).
- 24. Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation (P.24).
- 25. Report of the Ad Hoc Committee on the Peaceful Uses of Outer Space (P.25).
- 26. The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea (P.26).
- 27. United Nations Relief and Works Agency for Palestine Refugees in the Near East (P.27):
 - (a) Report of the Director of the Agency;
 - (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General.
- 28. United Nations Emergency Force (P.28):
 - (a) Cost estimates for the maintenance of the Force;
 - (b) Manner of financing the Force: report of the Secretary-General on consultations with the Governments of Member States;
 - (c) Progress report on the Force.
- 29. Progress and operations of the Special Fund (P.29).
- 30. Economic development of under-developed countries (P.30):
 - (a) Report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of underdeveloped countries in accordance with General Assembly resolution 1316 (XIII);
 - (b) Progress in the field of financing the economic development of under-developed countries.
- 31. Programmes of technical assistance (P.31):
 - (a) Report of the Economic and Social Council;
 - (b) United Nations assistance in public administration: report of the Secretary-General;
 - (c) Confirmation of the allocation of funds under the Expanded Programme of Technical Assistance.
- 32. United Nations Korean Reconstruction Agency: progress report of the Administrator for Residual Affairs of the Agency (P.32).
- 33. Report of the United Nations High Commissioner for Refugees (P.33).
- 34. Draft International Covenants on Human Rights (P.34).
- 35. Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon (P.35).
- 36. Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Com-

³/ The abbreviations used in the agenda indicate the following: P. = an item on the provisional agenda (A/4150): S. = an item on the supplementary list (A/4189); A. = an additional item (A/4209).

- mittee on Information from Non-Self-Governing Territories (P.36):
- (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter:
- (b) Information on educational conditions;
- (c) Information on other conditions;
- (d) General questions relating to the transmission and examination of information;
- (e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;
- (f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General.
- 37. Election to fill vacancies in the Committee on Information from Non-Self-Governing Territories (P.37).
- 38. Question of South West Africa (P.38):
 - (a) Report of the Good Offices Committee on South West Africa;
 - (b) Report of the Committee on South West Africa;
 - (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa;
 - (d) Election of three members of the Committee on South West Africa.
- 39. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Trusteeship Council (P.39).
- 40. Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy (P.40).
- 41. The future of the Trust Territory of the Cameroons under United Kingdom administration (P.41):
 - (a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting;
 - (b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council.
- 42. Financial reports and accounts, and reports of the Board of Auditors (P.42):
 - (a) United Nations (for the financial year ended 31 December 1958);
 - (b) United Nations Children's Fund (for the financial year ended 31 December 1958);
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East (for the financial year ended 31 December 1958);
 - (d) United Nations Refugee Fund (for the financial year ended 31 December 1958).
- 43. Supplementary estimates for the financial year 1959 (P.43).
- 44. Budget estimates for the financial year 1960 (P.44).
- 45. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (P.45):

- (a) Advisory Committee on Administrative and Budgetary Questions;
- (b) Committee on Contributions;
- (c) Board of Auditors;
- (d) Investments Committee: confirmation of the appointment made by the Secretary-General;
- (e) United Nations Administrative Tribunal;
- (f) United Nations Staff Pension Committee.
- 46. Report of the Negotiating Committee for Extra-Budgetary Funds (P.46).
- 47. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (P.47).
- 48. Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account (P.48).
- 49. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions (P.49).
- 50. Construction of the United Nations building in Santiago, Chile: progress report of the Secretary-General (P.50).
- 51. United Nations International School: report of the Secretary-General (P.51).
- 52. Public information activities of the United Nations: report of the Secretary-General (P.52).
- 53. United Nations Joint Staff Pension Fund (P.53):
 - (a) Annual report on the United Nations Joint Staff Pension Fund;
 - (b) Report on the fifth actuarial valuation of the United Nations Joint Staff Pension Fund.
- 54. Personnel questions (P.54):
 - (a) Geographical distribution of the staff of the Secretariat: report of the Secretary-General;
 - (b) Proportion of fixed-term staff;
 - (c) Other personnel questions.
- 55. Report of the International Law Commission on the work of its eleventh session (P.55).
- 56. Diplomatic intercourse and immunities (P.56).
- 57. Question of the publication of a United Nations juridical yearbook (P.57).
- 58. Question of initiating a study of the juridical régime of historic waters, including historic bays (P.58).
- Prevention of the wider dissemination of nuclear weapons (P.59).
- 60. Question of the representation of China in the United Nations (P.60).
- 61. Question of Algeria (P.61).
- 62. Treatment of people of Indian origin in the Union of South Africa (P.62).
- 63. Question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa (P.63).
- 64. Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly (S.1).

- 65. Question of French nuclear tests in the Sahara (S.2).
- 66. Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice (S.3).
- 67. Draft Declaration of the Rights of the Child (S.4).
- 68. Suspension of nuclear and thermo-nuclear tests (S.5).
- 69. Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization (S.6).
- 70. Question of disarmament:
 - (a) Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General (A.).

II. ALLOCATION OF ITEMS

9. Subject to the recommendations of the General Committee with regard to the adoption of the agenda, the Secretary-General proposes for consideration by the Committee the allocation of agenda items set forth below:

Plenary meetings

- Opening of the session by the Chairman of the delegation of Lebanon.
- 2. Minute of silent prayer or meditation.
- 3. Credentials of representatives to the fourteenth session of the General Assembly:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
- 4. Election of the President.
- Constitution of the Main Committees and election of officers.
- 6. Election of Vice-Presidents.
- 7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter.
- 8. Adoption of the agenda.
- 9. Opening of the general debate.
- Report of the Secretary-General on the work of the Organization.
- 11. Report of the Security Council.
- 12. Report of the Economic and Social Council (chapters I, VIII and IX).
- 13. Report of the International Atomic Energy Agency.
- 14. Election of three non-permanent members of the Security Council.
- 15. Election of six members of the Economic and Social Council.
- 16. Election of two members of the Trusteeship Coun-
- 17. Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero.
- 18. Interim report of the Secretary-General evaluating the Second United Nations International Conference

- on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future.
- Question of the representation of China in the United Nations.
- 20. United Nations Emergency Force:
 - (c) Progress report on the Force.
- 21. Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation.
- 22. Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter.

First Committee

- Report of the <u>Ad Hoc</u> Committee on the Peaceful Uses of Outer Space.
- The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea.
- 3. Question of Algeria.
- 4. Question of disarmament:
 - (a) Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General.
- Prevention of the wider dissemination of nuclear weapons.
- 6. Question of French nuclear tests in the Sahara.
- 7. Suspension of nuclear and thermo-nuclear tests.

Special Political Committee

- Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council.
- Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council.
- 3. Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice.
- 4. United Nations Relief and Works Agency for Palestine Refugees in the Near East:
 - (a) Report of the Director of the Agency;
 - (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General.
- 5. Treatment of people of Indian origin in the Union of South Africa.
- Question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa.
- 7. Question of the consistent application of the principle of equitable geographical representation in

the election of the President of the General Assembly.

Second Committee

- 1. Report of the Economic and Social Council (chapters II, III, IV and V).
- Economic development of under-developed countries:
 - (a) Report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of underdeveloped countries in accordance with General Assembly resolution 1316 (XIII);
 - (b) Progress in the field of financing the economic development of under-developed countries.
- 3. Progress and operations of the Special Fund.
- 4. Programmes of technical assistance:
 - (a) Report of the Economic and Social Council;
 - (b) United Nations assistance in public administration: report of the Secretary-General;
 - (c) Confirmation of the allocation of funds under the Expanded Programme of Technical Assistance.
- United Nations Korean Reconstruction Agency: progress report of the Administrator for Residual Affairs of the Agency.

Third Committee

- 1. Draft Declaration of the Rights of the Child.
- 2. Draft International Covenants on Human Rights.
- 3. Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon.
- 4. Report of the United Nations High Commissioner for Refugees.
- 5. Report of the Economic and Social Council (chapters VI and VII).

Fourth Committee

- 1. The future of the Trust Territory of the Cameroons under United Kingdom administration:
 - (a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting;
 - (b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council.
- 2. Question of South West Africa:
 - (a) Report of the Good Offices Committee on South West Africa:
 - (b) Report of the Committee on South West Africa;
 - (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West
 - (d) Election of three members of the Committee on South West Africa.

- Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:
 - (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter;
 - (b) Information on educational conditions;
 - (c) Information on other conditions;
 - (d) General questions relating to the transmission and examination of information;
 - (e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;
 - (f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General.
- 4. Election to fill vacancies in the Committee on Information from Non-Self-Governing Territories.
- 5. Report of the Trusteeship Council.
- 6. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Trusteeship Council.
- 7. Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy.

Fifth Committee

- 1. Financial reports and accounts, and reports of the Board of Auditors:
 - (a) United Nations (for the financial year ended 31 December 1958);
 - (b) United Nations Children's Fund (for the financial year ended 31 December 1958);
 - (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East (for the financial year ended 31 December 1958);
 - (d) United Nations Refugee Fund (for the financial year ended 31 December 1958).
- 2. Supplementary estimates for the financial year 1959.
- 3. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions.
- 4. Public information activities of the United Nations: report of the Secretary-General.
- 5. Budget estimates for the financial year 1960.
- 6. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:
 - (a) Advisory Committee on Administrative and Budgetary Questions;
 - (b) Committee on Contributions;
 - (c) Board of Auditors;
 - (d) Investments Committee: confirmation of the appointment made by the Secretary-General;
 - (e) United Nations Administrative Tribunal;
 - (f) United Nations Staff Pension Committee.
- 7. Report of the Negotiating Committee for Extra-Budgetary Funds.

- 8. Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account.
- 9. Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions.
- Report of the Economic and Social Council (chapter X).
- 11. Construction of the United Nations building in Santiago, Chile: progress report of the Secretary-General.
- 12. United Nations International School: report of the Secretary-General.
- 13. United Nations Joint Staff Pension Fund:
 - (a) Annual report on the United Nations Joint Staff Pension Fund;
 - (b) Report on the fifth actuarial valuation of the United Nations Joint Staff Pension Fund.
- 14. Personnel questions:
 - (a) Geographical distribution of the staff of the Secretariat:report of the Secretary-General;
 - (b) Proportion of fixed-term staff;

- (c) Other personnel questions.
- Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice.
- 16. United Nations Emergency Force:
 - (a) Cost estimates for the maintenance of the Force;
 - (b) Manner of financing the Force: report of the Secretary-General on consultations with the Governments of Member States.

Sixth Committee

- 1. Report of the International Law Commission on the work of its eleventh session.
- 2. Diplomatic intercourse and immunities.
- 3. Question of the publication of a United Nations juridical yearbook.
- Question of initiating a study of the juridical regime of historic waters, including historic bays.
- Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization.

DOCUMENT A/4214

First report of the General Committee

[Original text: English] [17 September 1959]

- 1. The General Committee, at its 121st and 122nd meetings held on 16 September 1959, considered the provisional agenda of the fourteenth session (A/4150), the supplementary list of items (A/4189) and a request by the Secretary-General for the inclusion of an additional item (A/4209).
- 2. The General Committee approved a suggestion by the Secretary-General (A/BUR/151, para. 3) that Economic and Social Council resolution 730 I (XXVIII) should be considered under item 12 by the Third Committee during the consideration of chapter VI of the Council's report.
- 3. The General Committee approved a suggestion by the Secretary-General (A/BUR/151, para. 4) that Economic and Social Council resolution 731 G (XXVIII) should also be considered in connexion with item 12 during the consideration of chapter X of the Council's report by the Fifth Committee.
- 4. The Committee approved a suggestion by the Secretary-General (A/BUR/151, para. 5) that the question of economic assistance to Somalia be considered in connexion with item 13.
- 5. The Committee further approved a suggestion by the Secretary-General (A/BUR/151, para. 6) that item 66 (Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice) be referred to the Fifth Committee, on the understanding that the Fifth Committee would seek the advice of the Sixth Committee on the questions of policy involved, other than those of a budgetary nature, before its consideration of the item.
- 6. With regard to item 60 (Question of the representation of China in the United Nations), proposed by India,

- the representative of India was invited to the table and made a statement.
- 7. The representative of the United States of America proposed that the General Committee recommend to the General Assembly the adoption of the following draft resolution:

"The General Assembly

- "1. Decides to reject the request of India (A/4139) for the inclusion in the agenda of its fourteenth regular session of the item entitled 'Question of the representation of China in the United Nations';
- "2. <u>Decides</u> not to consider at its fourteenth regular session, any proposals to exclude the representatives of the Government of the Republic of China or to seat representatives of the Central People's Government of the People's Republic of China."
- 8. Following various statements the draft resolution was put to the vote, with the following results:

Paragraph 1 was approved by 12 votes to 7, with 1 abstention.

Paragraph 2 was approved by 11 votes to 7, with 2 abstentions.

The draft resolution as a whole was approved by 12 votes to 7, with 1 abstention.

9. After statements had been made by the representatives of France and Morocco on item 61 (Question of Algeria), by the representatives of the Union of South Africa, India and Liberia on items 62 (Treatment of people of Indian origin in the Union of South Africa) and 63 (Question of race conflict in South Africa resulting from the policies of "apartheid" of the

Government of the Union of South Africa) and by the representative of the United States of America on item 64 (Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly), the Committee decided to recommend the inclusion of these items in the agenda.

- 10. In connexion with item 70 the representative of Brazil submitted a proposal to include in that item, as sub-headings (\underline{b}), (\underline{c}) and (\underline{d}), items 59, 65 and 68 entitled respectively "Prevention of the wider dissemination of nuclear weapons", "Question of French nuclear tests in the Sahara" and "Suspension of nuclear and thermo-nuclear tests".
- 11. Following discussion, the Brazilian proposal was put to the vote by roll-call, with the following results:

The inclusion of sub-heading (a) was approved by 16 votes to none, with 2 abstentions.

The inclusion of sub-heading (\underline{b}) was approved by 11 votes to 9.

The inclusion of sub-heading (c) was approved by 10 votes to 9, with 1 abstention.

The inclusion of sub-heading (\underline{d}) was approved by 11 votes to 9.

The proposal as a whole was approved by 11 votes to 6, with 2 abstentions.

I. ADOPTION OF THE AGENDA

12. Taking into account paragraphs 2 to 11 above, the General Committee recommends the adoption of the following agenda for the fourteenth session:

[For items 1 to 58, see A/BUR/151, para. 8.]

- 59. Question of Algeria.
- 60. Treatment of people of Indian origin in the Union of South Africa.
- 61. Question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa.
- 62. Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly.
- 63. Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice.
- 64. Draft Declaration of the Rights of the Child.
- Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization.
- 66. Question of disarmament:
 - (a) Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General:
 - (b) Prevention of the wider dissemination of nuclear weapons;
 - (c) Question of French nuclear tests in the Sahara;
 - (d) Suspension of nuclear and thermo-nuclear tests.

II. ALLOCATION OF AGENDA ITEMS

13. Having considered the allocation of items proposed by the Secretary-General in his memorandum (A/BUR/151, para. 9), the General Committee recommends the following allocation of items:

Plenary meetings

- 1. Opening of the session by the Chairman of the delegation of Lebanon.
- 2. Minute of silent prayer or meditation.
- 3. Credentials of representatives to the fourteenth session of the General Assembly:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
- 4. Election of the President.
- 5. Constitution of the Main Committees and election of officers.
- 6. Election of Vice-Presidents.
- 7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter.
- 8. Adoption of the agenda.
- 9. Opening of the general debate.
- 10. Report of the Secretary-General on the work of the Organization.
- 11. Report of the Security Council.
- 12. Report of the Economic and Social Council (chapters I, VIII and IX).
- 13. Report of the International Atomic Energy Agency.
- 14. Election of three non-permanent members of the Security Council.
- 15. Election of six members of the Economic and Social Council.
- Election of two members of the Trusteeship Council.
- 17. Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero.
- 18. Interim report of the Secretary-General evaluating the Second United International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future.
- 19. United Nations Emergency Force: (g) Progress report on the Force.
- 20. Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation.
- 21. Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter.

First Committee

- Report of the <u>Ad Hoc</u> Committee on the Peaceful Uses of Outer Space.
- The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea.
- 3. Question of Algeria.

- 4. Question of disarmament:
 - (a) Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General;
 - (b) Prevention of the wider dissemination of nuclear weapons;
 - (c) Question of French nuclear tests in the Sahara;
 - (d) Suspension of nuclear and thermo-nuclear tests.

Special Political, Second, Third, Fourth, Fifth and Sixth Committees

[See A/BUR/151, para. 9.]

III. ORGANIZATION OF THE SESSION

14. On the proposal of the Secretary-General (A/BUR/150), the General Committee recommends that

the General Assembly approve the following arrangements relating to the schedule of meetings:

- (a) That both plenary and committee meetings should begin at 10.30 a.m. and 3 p.m.;
- (b) That a five-day working week be established, it being understood that extended morning meetings on Saturdays may be scheduled should this prove necessary.
- 15. The General Committee recommends that the General Assembly approve, in accordance with rule 2 of the rules of procedure, 5 December 1959 as the closing date of the fourteenth session.
- 16. The Committee takes note of the suggestion by the Secretary-General that verbatim services be provided for the First Committee and notes that the Secretary-General will also be in a position to have the debates of the Special Political Committee transscribed.

DOCUMENT A/L.262

India, Liberia and Morocco: draft resolution

[Original text: English] [21 September 1959]

The General Assembly,

<u>Having considered</u> the recommendations of the General Committee on the adoption of the agenda of the fourteenth regular session contained in paragraph 12 of its first report (A/4214),

Decides to re-number agenda items 66 (c) and 66 (d) as 67 and 68.

DOCUMENT A/4222

Second report of the General Committee

[Original text: English] [22 September 1959]

- 1. The General Committee, at its 123rd meeting held on 22 September 1959, considered the request by the Union of Soviet Socialist Republics (A/4218) for the inclusion of an additional item, as an important and urgent matter, in the agenda of the fourteenth session. The item proposed is entitled:
 - "General and complete disarmament".
- 2. An explanatory memorandum was submitted, in accordance with rule 20 of the rules of procedure, on this question. The General Committee also had before it the "Declaration of the Soviet Government on general and complete disarmament" (A/4219).
- 3. The General Committee decided, without objection, to recommend the inclusion of this item in the agenda of the fourteenth session.
- 4. At the suggestion of the representative of Austria, the General Committee further decided to recommend that the item be allocated to the First Committee, on the understanding that the Committee would itself decide on the manner and order in which the Committee might wish to deal with it, along with the other items relating to disarmament matters which might be allocated to it for consideration and report.

DOCUMENT A/4237

Third report of the General Committee

[Original text: English]
[9 October 1959]

- 1. At its 124th meeting on 9 October 1959, the General Committee had before it requests by the Byelorussian Soviet Socialist Republic (A/4233), by the Secretary-General (A/4232) and by the Federation of Malaya and Ireland (A/4234) for the inclusion of additional items in the agenda of the fourteenth session.
- 2. The General Committee first considered the item proposed by the Byelorussian SSR entitled:
- "International encouragement of scientific research into the control of cancerous diseases".

The representative of the Byelorussian SSR was invited to the table and made a statement. The Committee decided, without a vote, to recommend to the General Assembly that the item be included in the agenda and that it be allocated to the Third Committee.

3. The General Committee then considered the item proposed by the Secretary-General entitled:

"The United Nations Library: gift of the Ford Foundation".

It decided, without a vote, to recommend to the General Assembly that the item be included in the agenda and that it be allocated to the Fifth Committee.

4. The General Committee finally considered the item proposed by the Federation of Malaya and Ireland entitled:

"Question of Tibet".

The representatives of the Federation of Malaya and Ireland were invited to the table and made statements. After discussion, the Committee decided, by 11 votes to 5 with 4 abstentions, to recommend to the General Assembly that the item be included in the agenda. It further decided, by 12 votes to none, with 6 abstentions and with 2 members not participating in the vote, to recommend that the item be discussed in plenary meeting without reference to a Committee.

DOCUMENT A /4294

Fourth report of the General Committee

[Original text: English]
[23 November 1959]

1. At its 125th meeting on 23 November 1959, the General Committee had before it letters by the United Nations Special Representative on the Question of Hungary (A/4285) and by the representative of the United States of America (A/4292) requesting the inclusion in the agenda of the fourteenth session of an additional item entitled:

"Question of Hungary".

- 2. The representative of Hungary and the United Nations Special Representative on the Question of Hungary were invited to the table to participate in the debate.
- 3. The General Committee decided by roll-call vote of 15 to 3, with 2 abstentions, to recommend the inclusion of the item in the agenda. The voting was as follows:

In favour: Austria, Belgium, Bolivia, Brazil, Burma, China, France, Guatemala, Liberia, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Czechoslovakia, Romania, Union of Soviet Socialist Republics.

Abstaining: Indonesia, Morocco.

4. At the suggestion of the representative of the United States, the Committee decided, by 15 votes to none, with 2 abstentions, to recommend that the Assembly proceed to the consideration of the item directly in plenary meeting without reference to a Committee. The representatives of the USSR and Czechoslovakia stated that they did not participate in this vote.

DOCUMENT A/4315

Fifth report of the General Committee

[Original text: English]
[2 December 1959]

- 1. At its 126th meeting on 2 December 1959, the General Committee considered the question of the closing date of the fourteenth session.
- 2. On the suggestion of the President, the Committee, following a discussion, decided by 17 votes to none, with 3 abstentions, to recommend to the General Assembly that the closing date of the session should be postponed to 12 December.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 803rd plenary meeting, on 22 September 1959, at its 826th plenary meeting, on 12 October 1959, and at its 844th plenary meeting, on 25 November 1959, the General Assembly adopted the agenda of its fourteenth session. For the final text of the agenda, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, prefatory fascicle; for the allocation of the agenda items, see ibid., Fourteenth Session, Supplement No. 16, p. ix.

At its 803rd plenary meeting, on 22 September 1959, the General Assembly adopted the draft resolution submitted by the General Committee (A/4214, para. 7). For the final text, see resolution 1351 (XIV) below.

Resolution adopted by the General Assembly

1351 (XIV). QUESTION OF THE REPRESENTATION OF CHINA IN THE UNITED NATIONS

The General Assembly

- 1. <u>Decides</u> to reject the request of India (A/4139) for the inclusion in the agenda of its fourteenth regular session of the item entitled "Question of the representation of China in the United Nations";
- 2. <u>Decides</u> not to consider, at its fourteenth regular session, any proposals to exclude the representatives of the Government of the Republic of China or to seat representatives of the Central People's Government of the People's Republic of China.

803rd plenary meeting, 22 September 1959.

CHECK LIST OF DOCUMENTS

 $\underline{\text{Note}}$. This check list includes all the documents mentioned during the consideration of agenda item 8 which are not reproduced in the present fascicle.

	14501010.	
Document No.	Title	Observations and references
A/4125	Ireland: request for the inclusion of an item in the provisional agenda of the fourteenth session	Official Record of the General Assembly, Fourteenth Session, Annexes, agenda item 67
A/4140	Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: request for the inclusion of an item in the provisional agenda of the fourteenth session	<u>Ibid.</u> , agenda item 59
A/4145	India: request for the inclusion of an item in the provisional agenda of the fourteenth session	<u>Ibid</u> ., agenda item 60
A/4146	Pakistan: request for the inclusion of an item in the provisional agenda of the fourteenth session	Ibid.
A/4147 and Add.1	Burma, Ceylon, Cuba, Federation of Malaya, Ghana, Haiti, India, Indonesia, Iran, Ireland, United Arab Republic, Uruguay and Venezuela: request for the inclusion of an item in the provisional agenda of the fourteenth session	<u>Ibid.,</u> agenda item 61
A/4182	Czechoslovakia: request for the inclusion of a supplementary item in the agenda of the fourteenth session	<u>Ibid.</u> , agenda item 62
A/4183	Morocco: request for the inclusion of a supplementary item in the agenda of the fourteenth session	Ibid., agenda item 68
A/4184	Secretary-General: request for the inclusion of a supplementary item in the agenda item of the fourteenth session	Ibid., agenda item 63
A/4186	India: request for the inclusion of a supplementary item in the agenda of fourteenth session	<u>Ibid.</u> , agenda item 69
A/4188	India: request for the inclusion of a supplementary item in the agenda of the fourteenth session	<u>Ibid.</u> , agenda item 65
A/4209	Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session	<u>Ibid.</u> , agenda item 66
A/4218	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the fourteenth session	Ibid., agenda item 70
A/4219	Declaration of the Soviet Government on general and complete disarmament	Ibid.
A/4230 and Add,1 and 2	Agenda of the fourteenth session	Ibid., Fourteenth Session, Ple- nary Meetings, prefatory fas- cicle
A/4232	Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session	Ibid., Fourteenth Session, An- nexes, agenda item 72
A/4233	Byelorussian Soviet Socialist Republic: request for the inclusion of an additional item in the agenda of the fourteenth session	Ibid., agenda item 71
A/4234	Federation of Malaya and Ireland: request for the inclusion of an addi-	Ibid., agenda item 73

tional item in the agenda of the fourteenth session

Document No.	Title	Observations and References
A/4285	United Nations Special Representative on the Question of Hungary: request for the inclusion of an additional item in the agenda of the four-teenth session	<u>Ibid.</u> , agenda item 74
A/4292	United States of America: request for the inclusion of an additional item in the agenda of the fourteenth session	Ibid.
A/L.261	Nepal: amendments to the draft resolution submitted by the General Committee (A/4214, para. 7)	Ibid., Fourteenth Session, Plenary Meetings, 800th meeting, para. 68

Litho in U.N. 2480-September 1960-2,025

United Nations

GENERAL ASSEMBLY

Official Records



Agenda item 11 ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 11: Report of the Security Council*

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 839th plenary meeting, on 17 November 1959, the General Assembly adopted the draft resolution submitted by Canada and Tunisia (A/L.267). For the final text, see resolution 1377 (XIV) below.

Resolution adopted by the General Assembly

1377 (XIV). REPORT OF THE SECURITY COUNCIL

The General Assembly

Takes note of the report of the Security Council to the General Assembly covering the period from 16 July 1958 to 15 July 1959 (A/4190).

> 839th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Document No.

Title

Observations and references

A/4190

Report of the Security Council to the General Assembly (16 July

1958-15 July 1959)

Official Records of the General Assembly, Fourteenth Session, Supplement No. 2

A/L.267

Canada and Tunisia: draft resolution

Adopted without change. See above "Action taken by the General Assembly", resolution 1377 (XIV). The text of the resolution appears also in Official Records of the General Assembly, Fourteenth Session, Supplement No. 16

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 839th meeting.

United Nations

GENERAL ASSEMBLY





Agenda item 12

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 12: Report of the Economic and Social Council* 1

CONTENTS Document No. Title Page Third Committee: 1 A/C.3/L.764/Rev.1 A/C.3/L.764/Rev.2 A/C.3/L.768 Plenary meetings: A/4250Report of the Economic and Social Council (chapters VI and VII): report of the 2 Financial implications of draft resolution V submitted by the Third Committee in A/4282document A/4250: letter dated 12 November 1959 from the Chairman of the 11 Fifth Committee to the President of the General Assembly..... A/4316Report of the Economic and Social Council (chapter X); report of the Fifth Com-11 12 Check list of documents 14

DOCUMENT A/C.3/L.764/REV.1

Low-cost housing

Peru: revised draft resolution

[Original text: Spanish] [27 October 1959]

The General Assembly,

Endorsing Economic and Social Council resolution 731 B (XXVIII) of 30 July 1959 approving the long-range programme of concerted international action in the field of low-cost housing and related community facilities,

Recognizing that the continuous efforts of Governments and private organizations, as well as coordinated action on the part of international bodies, are necessary in order to deal with the problem of housing and the rapid rate of urban expansion,

1. Recommends that the appropriate organs of the United Nations and the specialized agencies should

give due consideration to the requests of Governments for technical assistance in this field;

- 2. Recommends that Member States should institute or accelerate programmes to promote the construction of low-cost housing and stimulate active participation by the people in these programmes through self-help, mutual aid, co-operation and other similar measures:
- 3. Requests the Secretary-General, in consultation with interested Governments, to collect and disseminate information concerning the needs of countries in the process of development with respect to essential building materials for low-cost housing and community improvement programmes, concerning the availability of such materials and equipment in certain countries in excess of their own needs, and concerning more advanced techniques and other technical methods in this field:
- 4. <u>Invites</u> the Secretary-General to submit a report on the results of his inquiry at an appropriate time, and the Economic and Social Council to transmit this report, with its comments thereon, to the General Assembly.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Third Committee, 930th to 942nd meetings; Fifth Committee, 716th, 733rd to 737th and 756th meetings; and ibid., Plenary meetings, 841st and 846th meetings.

^{1/} Chapters II, III, IV and V of the report were considered jointly with agenda item 30. See annex fascicle, relating to agenda items 30 and 12.

DOCUMENT A/C.3/L.764/REV.2

Low-cost housing

Peru: revised draft resolution

[Original text: Spanish] [27 October 1959]

The General Assembly,

Considering Economic and Social Council resolution 731 B (XXVIII) of 30 July 1959 approving the long-range programme of concerted international action in the field of low-cost housing and related community facilities,

Recognizing that the continuous efforts of Governments and private organizations, as well as co-ordinated action on the part of international bodies, are necessary in order to deal with the problem of housing and the rapid rate of urban expansion,

- 1. Recommends that the appropriate organs of the United Nations and the specialized agencies should give due consideration to the requests of Governments for technical assistance in this field;
- 2. Recommends that Member States should institute or accelerate programmes to promote the construc-

tion of low-cost housing and stimulate active participation by the people in these programmes through self-help, mutual aid, co-operation and other similar measures;

- 3. Requests the Secretary-General, in consultation with interested Governments and the specialized agencies concerned, to collect and disseminate information concerning the technical and material needs of countries in the field of housing, and concerning the relevant experience gained by countries which might be able to assist them;
- 4. <u>Invites</u> the Secretary-General to submit a report on the results of his inquiry at an appropriate time, and the Economic and Social Council to transmit this report with its comments thereon, to the General Assembly.

DOCUMENT A/C.3/L.768

Juvenile delinquency

Greece and Italy: draft resolution

[Original text: French] [23 October 1959]

The General Assembly,

Noting that many countries have reported an increase in the number of offences committed by groups of socially maladjusted young people,

Considering that such a phenomenon should be carefully studied at the international level, with a view to assessing its gravity and finding remedies for it,

Requests the Secretary-General, in consultation with States Members of the United Nations and in co-operation with the non-governmental organizations and experts concerned with the matter, to undertake an inquiry on the different forms of juvenile delinquency engaged in by groups of minors and young adults, and on the measures taken in varrious countries to prevent and combat such delinquency.

DOCUMENT A /4250*

Report of the Economic and Social Council (chapters VI and VII) Report of the Third Committee

[Original text: English and Spanish] [17 November 1959]

- 1. When allocating item 12 of the agenda of its fourteenth session (Report of the Economic and Social Council), the General Assembly decided, at its 803rd plenary meeting, held on 22 September 1959, to refer chapters VI and VII of the report of the Economic and Social Council (A/4143) to the Third Committee for consideration and report.
- 2. The Committee agreed to consider section IV of chapter VI when discussing agenda item 33 (Report of the United Nations High Commissioner for Refu-
- * Incorporating A/4250/Corr.1 and 2.

- gees), and section V of chapter VII when discussing agenda item 64 (Draft Declaration of the Rights of the Child) (see the reports of the Committee on these items A/4278 and A/4249, respectively).
- 3. The Committee considered the remaining sections of chapters VI and VII at its 930th to 942nd meetings, held between 20 and 30 October 1959.

UNITED NATIONS CHILDREN'S FUND

4. The Chairman of the Executive Board of UNICEF called the attention of the Committee to the main

trends during 1959 in UNICEF programme aid and in its financial situation.

- 5. In the field of nutrition, UNICEF, in collaboration with FAO and WHO, was achieving progress in helping countries find effective ways to improve the diet of their children. At its September session, the UNICEF Board, on the basis of expert evaluations, defined policy to give nutrition programmes aided by UNICEF greater long-run values.
- 6. The Chairman pointed out that, in the control of communicable diseases mainly affecting children, the largest expenditures by UNICEF were for malaria campaigns. The Board decided to continue its aid to campaigns to which it had already been given. However, little scope would remain for aiding new campaigns within the \$10 million annual allocation ceiling set by the Board. The question would be re-examined in 1961.
- 7. More rapid progress in expanding the networks of basic health services for mothers and children was needed; it would, however require a considerable increase in training schemes within countries. It was desirable that those services should be an integral part of broader health services, and, wherever possible, an integral part of community development.
- 8. Progress was being made in developing closer relations between UNICEF and the United Nations Bureau of Social Affairs. At its September 1959 session, the Board had for the first time approved aid for a community development project in an urban area. As a result of the policy adopted by the Board in March 1959, a number of countries had asked for aid in providing social services for children and a special technical consultant of the Bureau was discussing with interested Governments specific proposals for UNICEF aid.
- 9. The first projects involving UNICEF aid for the training of teachers in health and nutrition education would probably be presented to the Board in 1960.
- 10. The Board was concerned about the income of UNICEF. Income from all sources in 1959 was \$500,000 less than in 1958, a decrease which reversed the trend of recent years. At the same time, reflecting increasing requests from Governments for UNICEF aid, allocations reached a higher level than at any time since 1950 and used all unallocated resources carried over from the previous years.
- 11. The Board had agreed that in future it would hold only one main session a year. It was hoped that that would make it easier for a number of Governments to include in their delegations to the Board outstanding persons with experience in the substantive work of UNICEF.
- 12. In the course of the debate, a number of delegations underlined the importance of UNICEF aid in encouraging local initiative and government planning and action to provide a sound basis for permanent and expanding services for children. Especially commended was the increasing emphasis on improving the quality of the programmes aided, including the training of national personnel capable of giving leadership and

- supervision at all levels throughout the service. Of special value, as a preventive measure, was the educating of mothers in better methods of child care, nutrition, and disease control. A number of representatives referred to the importance of UNICEF aid in helping their own countries carry out programmes of economic and social improvement.
- 13. The manner in which the work of UNICEF was co-ordinated with that of the other organs of the United Nations and agencies made UNICEF aid an essential complement to technical assistance. Satisfaction was expressed at the growing co-operation with the United Nations Bureau of Social Affairs. The recent UNICEF review of malaria policy reflected the intimate co-operation which had developed with WHO. Several delegations, however, called attention to the problems of financial relationship which had arisen between UNICEF and FAO during the course of the past year and they emphasized the need for replacing the interim arrangements agreed upon by the UNICEF Board in September 1959 by a long-term solution which would be mutually satisfactory. The belief was expressed that UNICEF should be independently capable of dealing in a concerted manner with the physical and mental problems of children, and that UNICEF should therefore have the authority to employ various types of experts on its own staff.
- 14. The importance of the continuation by the UNICEF Board of periodic evaluations of progress was stressed. The survey of the administrative structure of UNICEF which the Board had decided in September should be undertaken was considered by several delegations as evidence of the responsible nature of UNICEF in assuring maximum effectiveness and efficiency in the expenditure of funds. On the other hand, in referring to the important progress that was being made in malaria campaigns, several delegations pointed to the necessity of maintaining a balance in the programmes aided by UNICEF. The view was advanced that large-scale aid for disease control was a less appropriate task for UNICEF than was aid for basic maternal and child welfare services; if progress were limited in that field because of lack of trained national personnel and funds provided under the "matching" scheme, UNICEF should find ways of overcoming those difficulties.
- 15. It was pointed out that, despite the effectiveness of UNICEF aid, only 55 million mothers and children were benefiting directly from UNICEF-aided projects while there were 550 million children in the countries receiving UNICEF aid. The discrepancy between need and accomplishment was aggravated by the rising costs of aid provided by UNICEF and by the large increase in the child population in those countries. The income of UNICEF for 1959 would be less than in 1958 and the Fund had been required to draw substantially upon its reserves in order to meet requests for aid. Part of the pledge of the largest donor, the United States of America, would be lost in 1959 because contributions from other Governments, although they had increased in the aggregate, were not sufficient to match the United States pledge in full. Several delegations expressed the hope that increased support for UNICEF would be forthcoming specially from the economically more advantaged countries; a goal of \$50 million a year in government contributions was suggested.

- 16. In view of the Fund's financial situation, some delegations cautioned against UNICEF venturing too ambitiously into new fields of aid at the expense of its traditional fields; other delegations, however, emphasized the need for flexibility in helping Governments meet the needs of children, and they advocated a forward-looking approach to additional ways of helping children. It was clear to both groups that, given the tremendous needs of children and the opportunities for the effective use of aid through UNICEF, more adequate financial support was needed.
- 17. At the 941st meeting, Afghanistan, Australia, Belgium, Brazil, Canada, the Dominican Republic, El Salvador, France, Pakistan, Sweden, Tunisia and the United Arab Republic submitted a draft resolution (A/C.3/L.770), the operative paragraph of which read as follows:
 - "Appeals to Governments to continue their support of UNICEF and contribute to the Fund to the greatest extent possible."
- 18. Bulgaria introduced an amendment (A/C.3/L.774) to the twelve-Power draft resolution A/C.3/L.770) providing for the replacement of the words "to continue their support" in the operative paragraph by the words "to support".
- 19. After a discussion, the representative of Canada proposed the following text to replace the operative paragraph:
 - "<u>Draws attention</u> to the need for support of UNICEF to the greatest extent possible."
- 20. The representative of Ceylon suggested that the operative paragraph should be redrafted to read:
 - "Appeals to Governments to contribute to the Fund to the greatest extent possible and to continue their support."
- 21. The representative of Bulgaria replaced his delegation's amendment (A/C.3/L.774) by the operative part of General Assembly resolution 1257 (XIII), which reads as follows:
 - "1. Expresses the hope that all Governments will contribute to the United Nations Children's Fund as generously as possible;
 - "2. Congratulates the Fund on its outstanding achievements."
- 22. The representatives of the United States of America and Italy proposed that the Bulgarian amendment be amended by the insertion of the following phrase in operative paragraph 1, after the word "Governments": "of States Members of the United Nations or members of the specialized agencies".
- 23. At the 942nd meeting, the Committee voted as follows on the proposals before it:
- (a) The oral sub-amendment by Italy and the United States of America to the Bulgarian amendment was adopted by a roll-call vote of 39 to 17, with 16 abstentions. The voting was as follows:
- In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, France, Greece, Guatemala, Haiti, Italy, Japan, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philip-

pines, Portugal, Spain, Sweden, Tunisia, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Hungary, Indonesia, Iraq, Ireland, Jordan, Libya, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Afghanistan, Burma, Cambodia, Cuba, El Salvador, Ethiopia, Ghana, Honduras, India, Israel, Mexico, Morocco, Nepal, Sudan, United Arab Republic, Yemen.

- (b) The Bulgarian amendment, as amended, was adopted by 54 votes to none, with 15 abstentions.
- (c) The twelve-Power draft resolution, as amended, was adopted by 69 votes to none, with 1 abstention (see paragraph 82, draft resolution I, below).

WORLD SOCIAL SITUATION

- 24. The representative of the Secretary-General referred to the work of the Population Commission and the Social Commission during the period under review, and drew attention to the second International Survey of Programmes of Social Development (E/ CN.5/332)2/covering the period 1953-1957. He pointed out that the Survey indicated that, in general, consolidation rather than expansion of established social programmes had been the salient characteristic of the last five-year period, and stressed the need for coordinated action in the social and economic fields. One of the immediate results of the rapid increases in population and the accelerated rate of urbanization had generally been the failure to make adequate progress in housing construction. There had been a deterioration in general housing conditions, which was related to the difficulties encountered in financing low-cost housing programmes. It was excepted that the longrange programme of concerted international action in the field of housing would mobilize the available resources of the international organizations to provide greater assistance to Governments than had been possible in the past.
- 25. Migration to urban centres was continuing, with the result that population growth in the cities exceeded their absorptive capacity. This called for balanced development of rural and urban programmes. Programmes of community development in rural areas had been carried out successfully in under-developed countries, particularly in Asia, and it was hoped to expand similar activities in other regions of the world. Lack of finances and trained personnel had been the major obstacles in most countries to the progress of community development and the undertaking of new programmes to cope with rapid urbanization. Close attention had been given to the problem of training personnel for a wide range of social programmes, especially under the advisory social welfare services programme. The Secretary-General had submitted to the General Assembly his recommendations for additional resources to support technical assistance in the social field. The requested increase was important, especially for the develop-

^{2/} United Nations publication, Sales No.: 59.IV.2.

ment of United Nations long-range programmes in Africa.

- 26. Some delegations noted the progress made in such social fields as public health, nutrition and education. Despite the results achieved, however, it was felt that such problems could neither be studied nor solved in isolation from general economic development. It was pointed out that economic development would be meaningless unless accompanied by social progress and a rise in the levels of living. The distribution of financial and technological resources was further widening the gap between the industrially developed and the economically underdeveloped countries.
- 27. Other delegations felt that a solution of social problems should be sought within the framework of general economic development in all countries, and they called for an agreed reduction of military budgets to enable more funds to be earmarked for social projects.
- 28. The point was made that if rationalization of population distribution and adequate absorption of demographic growth were to be achieved, the people, especially in rural areas, would have to be provided with such social welfare measures as modernization of land systems, housing, co-operatives, and medical and educational facilities. It was stressed that that would constitute the basis for higher productivity of labour.
- 29. Several delegations endorsed the recommendation of the Population Commission to the effect that each Government had the responsibility of studying the relationship between population growth and social and economic progress.
- 30. A number of delegations drew attention to migration problems and stressed, in particular, increased migration from rural to urban areas. In this connexion, they urged concerted action on the national and the international level to relieve the world-wide housing shortage. It was felt that highest priority should be given to the supply of low-cost housing to meet the needs of low-income families.
- 31. The value of community development methods and programmes was emphasized by several speakers. It was felt, however, that the slowing-down of the rate of expansion of social programmes was due to a shortage of the funds available at both the national and the international level, and it was regretted that the shortage of funds prevented the United Nations from meeting urgent requests for assistance, particularly from African countries.
- 32. Some delegations were of the view that the success of programmes in the social field depended in the final analysis on the availability of properly trained personnel, and attached special importance to the need for greater progress in the field of education. The training of qualified personnel in the various social fields, it was felt, should be given priority at both the national and international levels. Reference was made to the important part played by voluntary organizations in rural development and social services.
- 33. Stress was laid on the importance of the proposal for the organization of an International Health

and Medical Research Year. Hope was expressed that at its next session the World Health Assembly would take action in favour of organizing such a Year.

INTERRELATIONSHIP OF THE ECONOMIC AND SOCIAL FACTORS OF DEVELOPMENT

34. Afghanistan, Colombia, the Dominican Republic, Ecuador, France, Greece, Indonesia, Italy, Lebanon, the United Arab Republic and the United States of America submitted a draft resolution (A/C.3/L.765/Rev.1) on balanced economic and social development. The text read as follow:

"The General Assembly,

- "Recognizing that economic and social development are interrelated and that social factors act as an objective and as a means of furthering economic development,
- "Recalling its resolution 1161 (XII) of 26 November 1957 in which it noted that knowledge was lacking on how to combine the elements of economic and social progress in such a way as to promote optimum development,
- "1. Notes with approval the decision of the Economic and Social Council in its resolutions 723 B (XXVIII), section II, and 723 C (XXVIII), section II, of 17 July 1959, to amend the terms of reference of the Economic Commission for Asia and the Far East and of the Economic Commission for Latin America to include the social aspects of economic development and the interrelationship of the economic and social factors;
- "2. Looks forward to the report of the Secretary-General on a study of a balanced economic and social development due to be presented in 1961, in pursuance of Economic and Social Council resolution 663 E (XXIV) of 31 July 1959;
- "3. Recommends that the Economic and Social Council continue to give further attention to this interrelationship and to consider ways in which its work in the social field can be strengthened, including the advisability of the Social Commission meeting annually."
- 35. The sponsors stressed the interdependence of economic development and social development and social development and were concerned over the limited resources available for the work of the United Nations in the social field. It was felt that anual meetings of the Social Commission were desirable in view, inter alia, of the rapid change of social conditions in the under-developed countries.
- 36. Following oral suggestions by the representative of the United Kingdom, the sponsors agreed on the following revised text for the first preambular paragraph of the joint draft resolution (A/C.3/L.765/Rev.1):
 - "Recognizing that economic development and social development are interrelated and that social progress is an end in itself and a means of furthering economic development."

A revised text of the eleven-Power draft resolution (A/C.3/L.765/Rev.2) incorporating this revised paragraph was submitted to the Committee.

- 37. The Committee voted as follows on the eleven-Power revised draft resolution:
 - (a) First paragraph of the preamble:
- (i) The words "recognizing that economic development and social development are interrelated" were unanimously adopted.
- (ii) The remainder of the paragraph was adopted by 49 votes to 4, with 16 abstentions.
- (b) The remainder of the revised draft resolution was adopted unanimously.
- (\underline{c}) The revised draft resolution, as a whole, was adopted by 68 votes to none, with 2 abstentions (see paragraph 82, draft resolution II, below).

LOW-COST HOUSING

- 38. Peru submitted a draft resolution (A/C.3/L.764), the operative part of which read as follows:
 - "1. Recommends that the specialized agencies of the United Nations should give favourable consideration to the requests of Governments for technical assistance in this field;
 - "2. Recommends that Member States should, in co-operation with all institutions which are in position to influence public opinion, information media and educational institutions, intensify their promotion of housing and related facilities through the organization of 'Housing Weeks', exhibitions, conferences, congresses and similar activities;
 - "3. Requests the Secretary-General, in consultation with interested Governments, to consider the desirability of collecting and disseminating information concerning the needs of countries in the process of development with respect to essential building materials for low-cost housing and community improvement programmes, concerning the availability of such materials and equipment in certain countries in excess of their own needs, and also concerning more advanced techniques and other technical methods in this field;
 - "4. Invites the Secretary-General to submit a report on the results of his inquiry at an appropriate time, and the Economic and Social Council to transmit this report, with its comments thereon, to the General Assembly."
- 39. Several delegations agreed with the principles and ideas of the Peruvian draft resolution but felt that its wording could be improved.
- 40. To this effect, the United Kingdom submitted an amendment (A/C.3/L.773) to the Peruvian draft resolution which, in its revised form (A/C.3/L.773/Rev.l), provided for the replacement of operative paragraph 3 by the following text:
 - "Requests the Secretary-General, in consultation with interested Governments and the specialized agencies concerned, to collect and disseminate information concerning the technical and material needs of countries in the process of development in the field of housing, and concerning the relevant experience gained by countries which might be able to assist them."
- 41. The representative of Peru, in revising his draft resolution, took the amendment into consideration and

- also accepted a suggestion by the representative of Argentina that the word "Endorsing" at the beginning of the first preambular paragraph should be replaced by the word "Considering". The representative of Peru subsequently submitted revised texts of his draft resolution (A/C.3/L.764/Rev.1 and A/C.3/L.764/Rev.2). He accepted the suggestion of the representative of Mexico that in operative paragraph 2 of the revised draft resolution (A/C.3/L.764/Rev.2) the phrase "as part of their national plans" should be inserted after the words "Member States" (see paragraph 42 below).
- 42. Peru introduced a further revision of its draft resolution (A/C.3/L.764/Rev.3 and Corr.1), which read as follow:

"The General Assembly,

- "Considering that Economic and Social Council resolution 731 B (XXVIII) of 30 July 1959 approves the long-range programme of concerted international action in the field of low-cost housing and related community facilities,
- "Recognizing that the continuous efforts of Governments and private organizations, as well as coordinated action on the part of international bodies, are necessary in order to deal with the problem of housing and the rapid rate of urban expansion.
- "1. Recommends that the appropriate organs of the United Nations and the specialized agencies should give due consideration to the requests of Governments for technical assistance in this field;
- "2. Recommends that Member States should, as part of their national plans, institute or accelerate programmes to promote the construction of low-cost housing and stimulate active participation by the people in these programmes through self-help, mutual aid, co-operation and other similar measures;
- "3. Requests the Secretary-General, in consultation with interested Governments and the specialized agencies concerned, to collect and disseminate information concerning the technical and material needs of countries in the field of housing, and concerning the relevant experience gained by other countries which might be able to assist them;
- "4. Invites the Secretary-General to submit a report on the results of his inquiry at an appropriate time, and the Economic and Social Council to transmit this report with its comments thereon, to the General Assembly."
- 43. Saudi Arabia submitted amendments (A/C.3/L.776) to the revised draft resolution, the effect of which would be to revise operative paragraph 3 to read:
 - "Requests the Secretary-General, in consultation with interested Governments and the specialized agencies concerned, to collect and disseminate information in the field of housing concerning the technical and material needs of all countries with housing problems and concerning the relevant experience gained by others which might be able to assist them."
- 44. The Committee voted as follows on the Peruvian draft resolution and the Saudi Arabian amendment:

- (a) The text of operative paragraph 3 proposed by Saudi Arabia (A/C.3/L.776) was adopted by 38 votes to 20, with 11 abstentions.
- (b) The revised draft resolution of Peru (A/C.3/L.764/Rev.3), as amended, was adopted by 72 votes to none, with 1 abstention (see paragraph 82, draft resolution III, below).

JUVENILE DELINQUENCY

45. Argentina, France, Greece, Italy and the United Kingdom submitted a draft resolution (A/C.3/L.768/Rev.1) which read as follows:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below, resolution 1394 (XIV).]

- 46. The sponsors stressed the advisability and usefulness of a study of the question at the international level and noted the increasing concern which the phenomenon of juvenile delinquency was causing in many countries. It was felt that the study would also be very timely in view of the fact that the second United Nations Congress on the Prevention of Crime and the Treatment of Offenders was to be held in London in August 1960.
- 47. A number of speakers supported the five-Power draft resolution. It was suggested, however, that the Secretary-General's attention should be called to the economic and social factors involved in juvenile delinquency. On the other hand, the view was expressed that the campaign against juvenile delinquency fell within the domestic jurisdiction of Member States and that an international organization was not competent to study a problem the causes of which varied considerably from one country to another.
- 48. At the 941st meeting, the five-Power draft resolution (A/C.3/L.768/Rev.1) was adopted by 57 votes to none, with 9 abstentions (see paragraph 82, draft resolution IV, below).

INTERNATIONAL CONTROL OF NARCOTIC DRUGS

- 49. Some delegations noted with satisfaction the progress achieved in the implementation of treaties. A number of delegations welcomed the Council's recommendation that a continuing programme of technical assistance in the field of international control of narcotics should be established within the regular budget of the United Nations. Several delegations also expected positive results from the plenipotentiary conference to be held in 1961 to take final action on the proposed single convention on narcotic drugs. It was pointed out, on the other hand, that, in spite of national and international efforts, the illicit traffic in narcotic drugs was still heavy, and that drug addiction continued to be a serious problem in many parts of the world.
- 50. The representatives of some Governments, in particular those of Afghanistan, Cambodia and Turkey, reported on measures taken to combat the illicit production of narcotic drugs.
- 51. The Committee had before it Economic and Social Council resolution 730 I (XXVIII) of 30 July 1959, in which the Council recommended a draft resolution for adoption by the General Assembly. The operative part of the draft resolution read as follows:

- "1. <u>Decides</u> to establish a continuing programme of technical assistance in narcotics control within the regular budget of the United Nations;
- "2. Requests the Secretary-General to provide technical assistance in its various forms in the field of narcotics control, subject to the direction of the Economic and Social Council and in accordance with approved policies in so far as they are applicable; and at the request of and in agreement with Governments; and with the co-operation of the specialized agencies, where appropriate, and without duplication of their existing activities;
- "3. Authorizes the Secretary-General to take into account the programme established by the present resolution in preparing the budgetary estimates of the United Nations;
- "4. <u>Invites</u> the specialized agencies concerned, the World Health Organization and the Food and Agriculture Organization of the United Nations, to continue to maintain and develop their technical assistance activities touching the field of narcotics control;
- "5. Expresses the hope that non-governmental organizations, including foundations and universities, will also give assistance in this respect within their fields of interest;
- "6. Requests the Secretary-General to report regularly to the Economic and Social Council and to the Commission on Narcotic Drugs on technical assistance in the field of narcotics control, including action taken under this and other relevant resolutions of the General Assembly and the Economic and Social Council."
- 52. The representative of the Secretary-General, explaining the background to the Council's resolution, said that in recent years both the national services and the international bodies concerned with narcotics control had increased their activities. In spite of their efforts, the counter-measures against the illicit traffic were barely holding their own. The Commission on Narcotic Drugs had accordingly felt that the customary methods of control ought to be supplemented by technical assistance, and, in 1956, Governments had been invited to apply for technical assistance in narcotics control under the regular technical assistance programmes. It had, however, proved difficult for Governments to fit such requests into their regular programmes, and most requests had had to be met from contingency allocations, which were available only at the beginning of a project and not for continuing use. It had to be recognized that in many cases narcotics control projects benefited other countries more than the country which would have to apply for the technical assistance. The Council had consequently come to the conclusion that new arrangements were necessary. They were intended to supplement the normal procedures and the financial provision for them was accordingly on a modest scale.
- 53. At the 937th meeting, the draft resolution recommended by the Council was approved by 66 votes to none, with 3 abstentions (see paragraph 82, draft resolution V, below).

THE QUESTION OF CAPITAL PUNISHMENT

54. Austria, Ceylon, Ecuador, Sweden, Uruguay and Venezuela submitted a draft resolution (A/C.3/L.767) which read as follows:

"The General Assembly

"Invites the Economic and Social Council to request the Commission on Human Rights to undertake a study of the question of capital punishment, of the laws and practices relating thereto, and of the effect of the abolition of capital punishment on the rate of criminality. The study should begin as soon as the work programme of the Commission permits."

55. Introducing the draft resolution on behalf of the sponsors, the representative of Sweden expressed the view that the question of capital punishment would be a suitable subject for the next study of the Commission on Human Rights as soon as that Commission completed its study on freedom from arbitrary arrest, detention and exile. The contemplated study on capital punishment should be based, inter alia, on the relevant articles of the Universal Declaration of Human Rights and on article 6 of the draft Covenant on Civil and Political Rights. In this connexion, reference was made to the important debates in the Third Committee concerning the right to life, and the limitations thereof. Furthermore, it was thought that the time had come to reassess the value of capital punishment as a deterrent. So far, no exhaustive studies of capital punishment have been made at the international level. Such a study would cover philosophical, sociological, anthropological, historical, legal and other aspects of the question.

56. Some speakers felt that the proposed study might tend to involve interference in the domestic affairs of States. Others cited the fact that the United Nations had undertaken a number of studies on criminal law and procedure and on the prevention of crime and the treatment of offenders. Furthermore, it was felt that such a study would not necessarily lead to the drafting of an international convention on the abolition of capital punishment.

57. Some doubt was expressed as to whether the Commission on Human Rights was the most appropriate organ to deal with the question of capital punishment.

58. Italy submitted amendments (A/C.3/L.775) to the six-Power draft resolution (A/C.3/L.767), calling for the insertion of the following preambular paragraph:

"Recalling Economic and Social Council resolution 731 F (XXVIII) of 30 Juyly 1959 on the future of the United Nations social defence programme,"

and the addition of the following phrase at the end of the operative paragraph "and, as appropriate, be carried out in consultation with the Social Commission." In submitting these amendments the representative of Italy stated that his delegation did not intend to oppose the study of capital punishment in the context of fundamental rights and freedoms. He felt that use should be made of the competence and experience which the Social Commission had acquired in matters of social defence and criminality.

59. The sponsors of the six-Power draft resolution accepted the amendments of Italy (A/C.3/L.775). They stated, however, that as a result of this acceptance, it would be necessary to revise their draft resolution by inserting in the preamble a reference also to Economic and Social Council resolution 624 B (XXII)

of 1 August 1956 on reports and studies in the field of human rights.

60. Accordingly, a revised draft resolution (A/C.3/L.767/Rev.1) was submitted by the six Powers and Italy. The operative paragraph of the revised draft resolution read as follows:

"Invites the Economic and Social Council to request the Commission on Human Rights to undertake a study of the question of capital punishment, of the laws and practices relating thereto, and of the effects of capital punishment, and the abolition thereof, on the rate of criminality. The study should begin as soon as the work programme of the Commission permits and, as appropriate, be carried out in consultation with the Social Commission."

61. The representative of Sweden stated that she would like to alter further the seven-Power draft resolution (A/C.3/L.767/Rev.1) by the deletion of the preambular paragraph and by the revision of the operative paragraph so that the text would read as follows:

"Invites the Economic and Social Council to initiate a study of the question of capital punishment, of the laws and practices relating thereto, and of the effects of capital punishment, and the abolition thereof, on the rate of criminality."

The other six sponsors of the revised draft resolution (A/C.3/L.767/Rev.1) agreed to the alterations proposed by the representative of Sweden.

62. The revised draft resolution, as amended, was adopted by the Committee by a roll-call vote of 43 to 1, with 30 abstentions, as follows:

In favour: Argentina, Australia, Austria, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Finland, France, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Sweden, Thailand, Tunisia, United States of America, Uruguay, Venezuela.

Against: Liberia.

Abstaining: Afghanistan, Albania, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Greece, Hungary, Iran, Jordan, Lebanon, Libya, Morocco, Poland, Portugal, Romania, Spain, Sudan, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia

(See paragraph 82, draft resolution VI, below.)

HUMAN RIGHTS

63. Many delegations commented on advisory services in the field of human rights, stressed the value of regional seminars and expressed support for the 1960 seminar programme. In this connexion, it was noted that the main factors which contributed to the success of the programme were the preparatory work of the Secretariat, the choice of well-defined subjects and the ability of the participants. Some members, while giving due importance to the holding of seminars

- at the regional level, thought that interregional and world-wide seminars might profitably discuss topics of universal interest. Some delegations felt that seminars should be followed up by various activities at the national and local levels, particularly by the provision of experts and fellowships.
- 64. Some speakers thought that the periodic reports on human rights laid the groundwork for improvements in positive law. It was pointed out that, while it was useful to define certain rights in declarations, international conventions remained and important means of promoting human rights and their preparation should be undertaken whenever circumstances were not decisively unfavourable.
- 65. Several delegations referred to the work of the United Nations in the field of freedom of information. While some delegations welcomed the decisions of the Commission on Human Rights and the Economic and Social Council to keep all aspects of freedom of information under constant review, others thought that emphasis should be laid on the development of media of information in under-developed countries. Divergent views were also expressed concerning the draft Declaration on Freedom of Information.
- 66. Some delegations expressed the hope that a declaration on the right of asylum would be drawn up after the receipt of Governments' comments on the present draft. Some delegations expressed great interest in the various studies undertaken by the Commission on Human Rights, especially the study on the right of everyone to be free from arbitrary arrest, detention and exile.
- 67. Many delegations commented on the activities of the United Nations related to the status of women. They paid a tribute to the valuable work of the Commission on the Status of Women and noted with satisfaction its results, as well as the improvement of the status of women during the period under review. Several members regretted the fact that the Council had not found it possible to endorse the recommendation of the Commission for an equal age of retirement and equal pension rights for women. Some representatives expressed their concern that WHO had declined to undertake the study of ritual practices, which had been entrusted to it by the Council. It was hoped that WHO would bear in mind the importance of the eradication of those practices. The representative of WHO, in his reply, stated the position of his organization on that question.
- 68. A number of delegations emphasized the value of regional seminars on the status of women and noted their importance in furthering the advancement of women's rights.
- INTERNATIONAL RELATIONS AND EXCHANGES IN THE FIELDS OF EDUCATION, SCIENCE AND CULTURE
- 69. Czechoslovaquia submitted a draft resolution, the revised text of which (A/C.3/L.766/Rev.1) read as follows:
- [Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below, resolution 1397 (XIV).]
- 70. The sponsor stated that experience had proved the vital importance of international co-operation in

- the fields of education, science and culture in promoting mutual understanding among nations and the development of peaceful and neighbourly relations. Recent developments in international relations made the time propitious for immediate action. Science, education and culture had to be viewed within the framework of economic and social developments, since the material level and the cultural level of development were interrelated and interdependent. She cited the Geophysical Year and the exchange of exhibits between the United States and the Soviet Union as examples of positive action, and believed that international co-operation should include such fields as the peaceful uses of atomic energy and the exploration of outer space.
- 71. The representative of UNESCO informed the Committee that a first draft of the survey of international relations in the fields of education, science and culture would be ready in January 1960 and that an expert committee would meet in Paris in February to draw up draft recommendations which would be submitted, together with the report, to the Executive Board of UNESCO in April 1960. The survey would then be transmitted to the Secretary-General of the United Nations at the beginning of April and the recommendations on 1 May. He also expressed the hope that a large number of States and organizations would co-operate with UNESCO so that the report would be representative of the general practices and tendencies, and illustrative of the problems encountered.
- 72. A number of representatives expressed support for the Czechoslovak draft resolution.
- 73. At the 938th meeting the revised Czechoslovak draft resolution was adopted by 72 votes to none, with 1 abstention (see paragraph 82, draft resolution VII, below).

ORGANIZATION AND OPERATION OF THE COUNCIL

- 74. During the discussion of the report of the Economic and Social Council (A/4143), it was remarked that the Council, which had, in its early years, been mainly concerned with laying the foundations for future operations, had recently begun to place increasing emphasis on the provision of practical assistance to Member States. In this connexion, satisfaction was expressed with the Council's establishment of the Committee on Programme Appraisals, whose report (see Council resolution 743 D (XXVIII)) would serve as a basis for a review by the Council of the sum total of economic and social endeavour. That review should enable the Council to ensure that new projects should be planned on a co-operative basis from the beginning and that the programmes carried out jointly by different bodies formed a coherent whole.
- 75. It was felt that all Member States should, from time to time, have the opportunity to serve on the Council and the hope was also expressed that an increase in its membership would prove feasible. If not, it was suggested that non-members ought to make greater use of their right to send observers to sessions of the Council.
- 76. At the 941st meeting, Mexico submitted a draft resolution (A/C.3/L.769) which read as follows:
 - "The General Assembly,

"Mindful of its responsibility for discharging the functions of international co-operation in the economic and social fields entrusted to it under the Charter with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations,

- "1. Takes note of the observations made by the Secretary-General suggesting that the Economic and Social Council 'consider a development of its procedures... in such a way as to render possible a searching examination and discussion of key issues of decisive general importance at a policy-making level', and 'that short special meetings at the ministerial level, within or under the aegis of the Economic and Social Council, might make an invaluable contribution to the formulation of international economic policies adequate to vital requirements for concerted action';
- "2. Requests the Secretary-General, in consultation with Member States, to study this question more fully and submit specific proposals to the Economic and Social Council in due course."
- 77. The sponsor stated that his draft resolution was based on suggestions made in the Introduction to the Annual Report of the Secretary-General on the Work of the Organization (A/4132/Add.1) concerning a reorganization of the Council's work in such a way as to make possible the formulation, under optimun conditions, of international economic policies adequate to meet the vital requirements for concerted action.
- 78. He believed that special meetings at the ministerial level would help to increase the effectiveness of the Council's work. That idea had been expressed on several occasions at the twenty-eighth session of the Council, and the Secretary-General had emphasized the importance of a discussion of key issues at a high level at his Press conference on 23 July 1959.
- 79. Several delegations supported the idea contained in the Mexican draft resolution and felt that it should be very carefully considered. They also felt that it was highly advisable for the Council to take steps to improve its methods of work and accelerate the economic and social development of the less favoured countries. The suggestion regarding the organization of meetings at the ministerial level, which was referred to in the draft resolution, was extremely useful and should be very carefully studied. For that reason, they felt that such a proposal should be examined in detail by the Council and that the summary records of the Third Committee's debates on the subject should be communicated to it.
- 80. On this understanding, the representative of Mexico withdrew his draft resolution.
- 81. It was then agreed that the relevant section of the report of the Third Committee and the summary records of the General Assembly debates on this subjects should be transmitted to the Council.

Recommendations of the Third Committee

82. The Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

1

UNITED NATIONS CHILDREN'S FUND

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

II

INTERRELATIONSHIP OF THE ECONOMIC AND SOCIAL FACTORS OF DEVELOPMENT

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

III

LOW-COST HOUSING

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

IV

JUVENILE DELINQUENCY

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

V

TECHNICAL ASSISTANCE IN NARCOTICS CONTROL

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

VI

STUDY OF THE QUESTION OF CAPITAL PUNISH-MENT

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

VII

INTERNATIONAL RELATIONS AND EXCHANGES IN THE FIELDS OF EDUCATION, SCIENCE AND CULTURE

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

DOCUMENT A /4282

Financial implications of draft resolution V submitted by the Third Committee in document A /4250

Letter dated 12 November 1959 from the Chairman of the Fifth Committee to the President of the General Assembly

[Original text: English]
[17 November 1959]

- 1. At its 738th meeting, held on 5 November 1959, the Fifth Committee considered, in first reading, the 1960 estimates for section 19a of the budget—Narcotic Drugs Control Advisory Services. At that time, I informed the Committee of the contents of the attached letter, dated 26 October 1959, from the Chairman of the Third Committee in respect of draft resolution V, adopted by the Third Committee at its 937th meeting (A/4250), on the establishment of a programme of technical assistance in the field of narcotic drugs control.
- 2. In first reading the Fifth Committee decided, unanimously, to include a provision of \$50,000 under section 19a for 1960 in respect of the programme dealt with by the draft resolution adopted by the Third Committee, and subject to the approval by the General Assembly of that draft resolution. It was understood that I would notify you of this action so that the General Assembly could be informed of the effect on the budget of its adoption of the draft resolution submitted by the Third Committee.

(Signed) Jiří NOSEK Chairman of the Fifth Committee

- LETTER DATED 26 OCTOBER 1959 FROM THE CHAIRMAN OF THE THIRD COMMITTEE TO THE PRESIDENT OF THE GENERAL ASSEMBLY
- 1. I have the honour to inform you that at its 937th meeting, held on 26 October 1959, the Third Committee adopted a draft resolution on technical assistance in the field of narcotics control, as recommended by the Economic and Social Council.
- 2. The text of the said resolution, a copy of which I attach herewith, is to be found in document A/C.3/L.771. In that document, I drew the Third Committee's attention to the fact that the adoption of this resolution would involve additional budgetary provisions as from 1960. These requirements were the subjects of a report by the Secretary-General (A/C.5/777 paras. 42-43) and of comments by the Advisory Committee on Administrative and Budgetary Questions (A/4223, para. 18).
- 3. I am forwarding the text of this draft resolution to you, so that the Fifth Committee may, in accordance with rule 154 of the rules of procedure of the General Assembly, have an opportunity to determine the effects of this proposal on the United Nations budget estimates.

(Signed) Georgette CISELET Chairman of the Third Committee

DOCUMENT A /4316

Report of the Economic and Social Council (chapter X)

Report of the Fifth Committee

[Original text: English]
[2 December 1959]

- 1. At its 756th meeting, held on 2 December 1959, the Fifth Committee considered chapter X of the report of the Economic and Social Council (A/4143) dealing with the financial implications of actions taken by the Council at its twenty-seventh and twenty-eighth sessions.
- 2. The Committee noted that it had, in its consideration of the 1960 estimates, taken action on revised estimates (A/C.5/777) submitted by the Secretary-General as a result of these actions, and the report of the Advisory Committee on Administrative and Budgetary Questions thereon (A/4223). It had also taken action on revised estimates for section 19 (Public administration), again on the basis of reports of the

Secretary-General (A/C.5/799) and the Advisory Committee (A/4281). Accordingly, the Fifth Committee decided, without objection, to recommend to the General Assembly that it take note of chapter X of the report of the Economic and Social Council.

Recommendation of the Fifth Committee

3. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, held on 20 November 1959, the General Assembly adopted draft resolutions I, II, III, IV, V, VI and VII submitted by the Third Committee (A/4250, para. 82). For the final texts, see resolutions 1391 (XIV), 1392 (XIV), 1393 (XIV), 1394 (XIV), 1395 (XIV), 1396 (XIV) and 1397 (XIV) below.

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4316, para. 3). For the final text, see resolution 1434 (XIV) below.

Resolutions adopted by the General Assembly

1391 (XIV). UNITED NATIONS CHILDREN'S FUND

The General Assembly,

Having considered chapter VI, section III, of the report of the Economic and Social Council (A/4143),

Recognizing the value of the United Nations Children's Fund in focusing international and national attention on the needs of children,

Noting the growing significance of aid given through the Fund in helping countries to initiate permanent health, nutrition and welfare services for their children, and in improving the quality and effectiveness of these services,

Considering that the aid provided through the Fund constitutes a practical way of international co-operation to help countries to carry out the aims proclaimed in the Declaration of the Rights of the Child, 3/

Aware of the importance of the Fund as an essential element in international efforts to help countries, and in particular under-developed ones raise their standards of living and strengthen their capacity for economic and social progress.

Impressed however with the magnitude of the many needs as yet unfulfilled, and the opportunities which exist for the effective use of additional assistance from the Fund,

Concerned that, despite continued and, in some cases, increased support from many Governments, the Fund's income for 1959 will be lower than that of 1953, thus reversing the trend of recent years,

- 1. Expresses the hope that all Governments of States Members of the United Nations and members of the specializaed agencies will contribute to the United Nations Children's Fund as generously as possible;
- 2. Congratulates the Fund on its outstanding achievements.

841st plenary meeting, 20 November 1959.

1392 (XIV). INTERRELATIONSHIP OF THE ECO-NOMIC AND SOCIAL FACTORS OF DEVELOP-MENT

The General Assembly,

Recognizing that economic development and social development are interrelated and that social progress is an end in itself as well as a means of furthering economic development,

Recalling its resolution 1161 (XII) of 26 November 1957, in which it noted that knowledge was lacking

on how to combine the elements of economic and social progress in such a way as to promote optimum development,

- 1. Notes with approval the decision of the Economic and Social Council in its resolutions 723 B (XXVIII), section II, and 723 C (XXVIII), section II, of 17 July 1959 to amend the terms of reference of the Economic Commission for Asia and the Far East and of the Economic Commission for Latin America to include the social aspects of economic development and the interrelationship of the economic and social factors;
- 2. <u>Looks forward</u> to the report of the Secretary-General on a study of a balanced economic and social development due to be presented in 1961, in pursuance of Economic and Social Council resolution 663 E (XXIV) of 31 July 1957;
- 3. Recommends that the Economic and Social Council continue to give further attention to this interrelationship and to consider ways in which its work in the social field can be strengthened, including the advisability of the Social Commission meeting annually.

841st plenary meeting, 20 November 1959.

1393 (XIV). LOW-COST HOUSING

The General Assembly,

Considering that the Economic and Social Council in its resolution 731 B (XXVIII) of 30 July 1959 approved the long-range programme of concerted international action in the field of low-cost housing and related community facilities,

Recognizing that the continuous efforts of Governments and private organizations as well as coordinated action on the part of international bodies, are necessary in order to deal with the problem of housing and the rapid rate of urban expansion,

- 1. Recommends that the appropriate organs of the United Nations and the specialized agencies should give due consideration to the requests of Governments for technical assistance in this field;
- 2. Recommends that Member States should, as part of their national plans, institute or accelerate programmes to promote the construction of low-cost housing and stimulate active participation by the people in these programmes through self-help, mutual aid, co-operation and other similar measures;
- 3. Requests the Secretary-General, in consultation with interested Governments and the specialized agencies concerned, to collect and disseminate information in the field of housing concerning the technical and material needs of all countries with housing problems and concerning the relevant experience gained by others which might be able to assist them;

^{3/} See resolution 1386 (XIV).

4. <u>Invites</u> the Secretary-General to submit a report on the results of his inquiry at an appropriate time, and the Economic and Social Council to transmit this report, with its comments thereon, to the General Assembly.

841st plenary meeting, 20 November 1959.

1394 (XIV). JUVENILE DELINQUENCY

The General Assembly,

Noting that many countries have reported an increasing concern with the phenomenon of juvenile delinquency and related forms of social maladjustment, including antisocial group behaviour,

Considering that such a phenomenon should be carefully studied at the international level, with a view to assessing its gravity and finding remedies therefor,

Recalling the discussions on juvenile delinquency which took place in the General Assembly in connexion with article 10 of the draft Covenant on Civil and Political Rights and with principle 9 of the Declaration of the Rights of the Child, $\frac{3}{2}$

Recalling also that the Economic and Social Council in its resolution 731 F (XXVIII) of 30 July 1959 expressed the belief that the United Nations should retain leadership and responsibility in the matter of social defence and strengthen technical assistance in this field,

Noting the provision made for studies on this matter in the programme of work of the Social Commission for 1959-1961, including studies for consideration at the second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1960,

Expresses the hope that the Secretary-General, in carrying out these studies in consultation with Member States and in co-operation with the specialized agencies, non-governmental organizations and experts concerned with the matter, will give this problem the urgent attention which its increasing gravity deserves.

841st plenary meeting, 20 November 1959.

1395 (XIV). TECHNICAL ASSISTANCE IN NARCOTICS CONTROL

The General Assembly,

Considering that, under Chapter IX of the Charter of the United Nations and under the international narcotics treaties, the United Nations exercises responsibilities in the field of narcotcis drugs,

Considering that technical assistance is a means by which countries may be helped to increase the effectiveness of their measures to control the production, distribution and use of narcotic drugs, to reduce and eliminate drug addiction and to combat the illicit traffic,

Recognizing the particular usefulness of technical assistance for those countries with an important problem of drug addiction or illicit traffic, or both,

Taking account of the arrangements previously established by the General Assembly concerning the regular technical assistance programmes and the advisory services of the United Nations, and concerning the Expanded Programme of Technical Assistance,

Noting that in many cases narcotics control projects would benefit the international community as much or more than the country receiving technical assistance, and that the effectiveness of the control system embodied in the international narcotics treaties would be increased if technical assistance were available to countries which require it,

Noting that the specialized agencies concerned—the World Health Organization and the Food and Agriculture Organization of the United Nations—are rendering valuable services to their members in matters within their competence touching questions of narcotics control.

- 1. Decides to establish a continuing programme of technical assistance in narcotics control within the regular budget of the United Nations;
- 2. Requests the Secretary-General to provide technical assistance in its various forms in the field of narcotics control, subject to the direction of the Economic and Social Council and in accordance with approved policies in so far as they are applicable, at the request of and in agreement with Governments, and with the co-operation of the specialized agencies where appropriate and without duplication of their existing activities;
- 3. <u>Authorizes</u> the Secretary-General to take into account the programme established by the present resolution in preparing the budgetary estimates of the United Nations;
- 4. <u>Invites</u> the specialized agencies concerned—the World Health Organization and the Food and Agriculture Organization of the United Nations—to continue to maintain and develop their technical assistance activities touching the field of narcotics control;
- 5. Expresses the hope that non-governmental organizations, including foundations and universities, will also give assistance in this respect within their fields of interest;
- 6. Requests the Secretary-General to report regularly to the Economic and Social Council and to the Commission on Narcotic Drugs on technical assistance in the field of narcotics control, including action taken under the present and other relevant resolutions of the General Assembly and of the Economic and Social Council.

841st plenary meeting, 20 November 1959.

1936 (XIV). STUDY OF THE QUESTION OF CAPITAL PUNISHMENT

The General Assembly

Invites the Economic and Social Council to initiate a study of the question of capital punishment, of the laws and practices relating thereto, and of the

effects of capital punishment, and the abolition thereof, on the rate of criminality.

841st plenary meeting, 20 November 1959.

1397 (XIV). INTERNATIONAL RELATIONS AND EX-CHANGES IN THE FIELDS OF EDUCATION, SCIENCE AND CULTURE

The General Assembly,

Recalling its resolutions 1043 (XI) of 2l February 1957 on international cultural and scientific cooperation and 1164 (XII) of 26 November 1957 on the development of international co-operation in the fields of science, culture and education, as well as Economic and Social Council resolution 695 (XXVI) of 31 July 1958 on a survey of international relations and exchanges in the fields of education, science and culture and General Assembly resolution 1301 (XIII) of 10 December 1958 on measures aimed at the implementation and promotion of peaceful and neighbourly relations among States,

Re-emphasizing the importance of the promotion and furthering of international co-operation in the fields of education, science and culture for the improvement of mutual understanding among nations and the development of peaceful and neighbourly relations,

Noting that the positive results achieved lately in the development of mutual exchanges among States in those fields have created conditions which may

contribute towards a relaxation of international tension,

Bearing in mind that the United Nations Educational, Scientific and Cultural Organization has taken steps to prepare a survey of international relations and exchanges in the fields of education, science and culture including any recommendations for separate and joint action to promote further international co-operation in those fields, as requested by the Economic and Social Council in its resolution 695 (XXVI).

Expresses the hope that the United Nations Educational, Scientific and Cultural Organization will be able to submit this survey to the Economic and Social Council at its thirtieth session, and that it will provide a basis for further action directed towards the development of international co-operation in these fields.

841st plenary meeting, 20 November 1959.

1434 (XIV). REPORT OF THE ECONOMIC AND SO-CIAL COUNCIL (CHAPTER X)

The General Assembly

Takes note of chapter X of the report of the Economic and Social Council (4/4143).

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 12 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4132/Add.1	Introduction to the Annual Report of the Secretary-General on the Work of the Organization (16 June 1958 - 15 June 1959)	Official Records of the General Assembly, Fourteenth Session, Supplement No. 1A
A/4143	Report of the Economic and Social Council (1 August - 31 July 1959)	Ibid., Supplement No. 3
A/4159	Constitutions, electoral laws and other legal instruments relating to political rights of women: memorandum by the Secretary-General	Mimeographed
A/4219	Declaration of the Soviet Government on general and complete disarmament	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70
A/4223	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 44
A/4249	Report of the Third Committee	<u>Ibid.</u> , agenda item 64
A/4278	Report of the Third Committee	<u>Ibid.</u> , agenda item 33
A/4281	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 44
A/4284	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 28
A/4318	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda items 12 and 30
A/C.3/L.764	Low-cost housing: Peru: draft resolution	See A/4250, para. 38
A/C.3/L.764/ Rev.3 and Corr.1	Low-cost housing: Peru: revised draft resolution	See A/4250, para. 42

Document No.	Title	Observations and references
A/C.3/L.765	Interrelationship of the economic and social factors of development: Colombia, Dominican Republic, Ecuador, Greece, Indonesia, Italy, Lebanon, United Arab Republic and United States of America: draft resolution	Replaced by A/C.3/L.765/Rev.
A/C.3/L.765/ Rev.1	Interrelationship of the economic and social factors of development: Afghanistan, Colombia, Dominican Republic, Ecuador, France, Greece, Indonesia, Italy, Lebanon, United Arab Republic and United States of America: revised draft resolution	See A/4250, para. 34
A/C.3/L.765/ Rev.2	Interrelationship of the economic and social factors of development: Afghanistan, Colombia, Dominican Republic, Ecuador, France, Greece, Indonesia, Italy, Lebanon, United Arab Republic and United States of America: revised draft resolution	Adopted without change. See A/4250, para. 36
A/C.3/L.766	International cultural and scientific co-operation: Czechoslovakia: draft resolution	Replaced by A/C.3/L.766/Rev. 1
A/C.3/L.766/ Rev.1	International cultural and scientific co-operation: Czechoslovakia: revised draft resolution	Adopted without change. See A/4250, para. 69
A/C.3/L.767	Question of capital punishment: Austria, Ceylon, Ecuador, Sweden, Venezuela and Uruguay: draft resolution	See A/4250, para. 54
A/C.3/L.767/ Rev.1	Question of capital punishment: Austria, Ceylon, Ecuador, Italy, Sweden, Venezuela and Uruguay: revised draft resolution	See A/4250, para. 60
A/C.3/L.768/ Rev.1	Juvenile delinquency: Argentina, France, Greece, Italy and United Kingdom of Great Britain and Northern Ireland: revised draft resolution	Adopted without change. See A/4240, para. 45
A/C.3/L.769	Organization and operation of the Economic and Social Council: Mexico: draft resolution	See A/4250, para. 76
A/C.3/L.770	United Nations Children's Fund: Afghanistan, Australia, Belgium, Brazil, Canada, Dominican Republic, El Salvador, France, Pakistan, Sweden, Tunisia and United Arab Republic: draft resolution	Approved without change. See A/4250, para. 17
A/C.3/L.771	Note by the President	Mimeographed.
A/C.3/L.773	United Kingdom of Great Britain and Northern Ireland: amendment to document A/C.3/L.764	Replaced by A/C.3/L.773/Rev. 1
A/C.3/L.773/ Rev.1	United Kingdom of Great Britain and Northern Ireland: revised amendment to document A/C.3/L.764	See A/4250, para. 40
A/C.3/L.774	Bulgaria: amendment to document A/C.3/L.770	See A/4250, para. 18
A/C.3/L.775	Italy: amendments to document A/C.3/L.767	See A/4250, para. 58
A/C.3/L.776	Saudi Arabia: amendments to document A/C.3/L.764/Rev.2	See A/4250, para. 43
A/C.3/L.779	Text of draft resolutions adopted by the ThirdCommittee at its 937th to 942nd meetings	Mimeographed. See A/4250, para. 82
A/C.5/777	Report of the Secretary-General	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 44
A/C.5/799	Report of the Secretary-General	<u>Ibid</u> .
E/CN.4/779/ Add.1	Supplement to the progress report of the Committee on the right of everyone to be free from arbitrary arrest, detention and exile	Mimeographed
E/CN.6/341	Equal pay for equal work: report of the International Labour Office and of the Secretary-General	Replaced by E/CN.6/341/Rev.1
E/CN.6/341/ Rev.1	Equal pay for equal work	United Nations publication Sales No.: 60.IV.4
E/CN.6/343 and Add.1- 3	Occupational outlook for women: access of women to training and employment in the principal professional and technical fields: report of the Secretary-General	Mimeographed

GENERAL ASSEMBLY



ANNEXES

NEW YORK, 1959

FOURTEENTH SESSION

Official Records

Agenda item 13: Report of the Trusteeship Council*

Agenda item 39: Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Trusteeship Council*

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DOCUMENT A/4138

Letter dated 13 July 1959 from the representative of France on the Trusteeship Council addressed to the Secretary-General

[Original text: French] [15 July 1959]

On 14 November 1958 the United Nations General Assembly adopted resolution 1253 (XIII) stating that.

"... on the day which will be agreed upon between the Government of France and the Government of

^{*}For the discussion of these items, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 933rd to 966th, 972nd and 983rd meetings; and ibid., Plenary Meetings, 846th meeting.

Togoland, and on which the Republic of Togoland becomes independent in 1960, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 shall cease to be in force, in accordance with Article 76 b of the Charter of the United Nations."

I have the honour to inform you, on behalf of my Government, that the French Republic, as administering Power, has accepted the proposal of the Govern-

ment of the Republic of Togoland that 27 April 1960 should be fixed as the date of Togoland's independence.

In accordance with the aforementioned resolution, the Trusteeship Agreement of 13 December 1946 will therefore cease to be in force as from 27 April 1960.

(Signed) J. KOSCZIUSKO-MORIZET

DOCUMENT A /4262

Letter dated 5 November 1959 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original text: English]
[6 November 1959]

New York

I have the honour to forward to you the enclosed documents:

- (a) Text of a resolution adopted by the Legislative Assembly of Somalia on 25 August 1959 inviting the Government of Italy, in their capacity as Administering Authority, to submit to the competent organs of the United Nations a request to consider advancing the attainment of independence by the Territory;
- (b) Text of a statement by H.E. Alberto Folchi, Under-Secretary for Foreign Affairs of Italy, made on 30 August 1959 in relation thereto;
- (c) Text of a letter addressed by H.E. Abdullahi Issa, Prime Minister of Somalia, to H.E. the Administrator, Ambassador Mario Di Stefano, officially requesting that the Italian Government submit to the examination of the competent organs of the United Nations the initiative taken by the Legislative Assembly of Somalia by approving the aforementioned resolution in accordance with the desire of the people of Somalia. The letter also requests that the Italian Government submit to the attention of the General Assembly the wish of the Government of Somalia that, upon the attainment of independence, Somalia be admitted to membership in the United Nations.

The Italian Government, in the exercise of their functions of Administering Authority and in compliance with the wish of the people of Somalia, as expressed through their Legislative Assembly, has instructed me to bring the above information to the attention of the Members of the United Nations.

I should be grateful, therefore, if you would kindly circulate to the Members of the United Nations the present letter as well as the enclosures attached.

(Signed) Egidio ORTONA
Permanent Representative of Italy
to the United Nations

Annex I

MOTION APPROVED BY THE LEGISLATIVE ASSEMBLY OF SOMALIA ON 25 AUGUST 1959

The Somali Legislative Assembly,

Recalling the resolution of the General Assembly of the United Nations adopted at its 250th plenary meeting, on 21 November 1949,

Recalling articles 3, 21 and 24 of the Trusteeship Agreement for the Territory of Somalia,

 $\frac{Recalling}{Principles} \ article \ 4 \ of the \ Declaration of the \ Constitutional \\ Principles \ annexed \ to \ the \ Trusteeship \ Agreement,$

Taking note of the Decree of the Administrator of Somalia of $\overline{7}$ May $\overline{195}6$, No. 1, which establishes the Government of Somalia,

Mindful of the repeated official statements of the Italian Government, both before international bodies and before this Assembly, to the effect that they would be ready to give favourable consideration to an eventual request of the Somali people—expressed through its constitutional bodies—aiming at achieving independence in advance of the date set forth in the trusteeship mandate,

Considering that the Administering Authority, thanks to its loyal and effective observance of the commitments taken under the trusteeship mandate, has enabled Somalia to reach the completion of its self-government organization and of its administrative structure well in advance of the time provided for in the Trusteeship Agreement,

Noting with satisfaction the degree of political maturity reached by the Somali people and the development of its free institutions, which have enabled it to achieve tangible progress both in the economic and social fields,

Approves the following motion:

"The Somali Legislative Assembly addresses an urgent request to H.E. the Administrator of Somalia to convey to the Administering Authority the unanimous desire of the Somali people, as expressed formally through their own constitutional bodies, that the Italian Government submit to the competent organs of the United Nations a request to advance the attainment of complete and full independence by Somalia at the earliest possible date, in derogation to article 24 of the Trusteeship Agreement, mentioned above, which provides for the expiration of the trusteeship mandate on 2 December 1960."

Annex II

STATEMENT TO THE PRESS BY H.E. ALBERTO FOLCHI, UNDER-SECRETARY FOR FOREIGN AFFAIRS OF ITALY, MADE AT ROME ON 30 AUGUST 1959

In a statement to the Press, which he made on 30 August 1959, the Under-Secretary for Foreign Affairs, Mr. Folchi, recalled that the motion approved by the Somali Legislative Assembly was clearly in reference to previous statements made by the Italian Government to the effect that Italy, in its capacity as Administering Authority, was willing to consider any request of the Somali Government aiming at an earlier termination of the trust administration provided that the Somali people themselves expressed this wish through their own proper constitutional bodies.

In requesting this earlier termination of the Trusteeship Agreement, Mr. Folchi went on to say, the motion of the Legislative Assembly of Mogadiscio stated that such a development would be made possible by the substantial progress achieved in the political, economic, social and educational fields by Somalia, thanks to Italy's loyal and valid assistance towards the objectives of the Trusteeship System.

Mr. Folchi then stated that he was happy to confirm that the Italian Government was prepared to consider the request for the advancement of the date of Somalia's independence. The terms and the means through which this would be achieved were naturally to be agreed upon with the Somali Government, taking into account Italy's commitments towards the United Nations.

"It will be necessary in particular", the Under-Secretary pointed out, "to complete beforehand the plan for the transfer of powers presented to the Trusteeship Council of the United Nations at its twenty-fourth session; to perfect the political development of the Territory in order to arrive at the day of independence with a constitution drafted and approved; and, finally, to lay the foundations of the future friendly relations between Italy and independent Somalia, subject to the ratification of both Parliaments."

"The Italian Government", the Under-Secretary stressed once again in concluding his statement, "is certainly willing to support the request of the Somali Legislative Assembly and expresses the sincere hope that this purpose may be achieved without undue delay and that the conditions upon which the termination of the Trusteeship Agreement is contingent may be met in full agreement with the United Nations and with the full satisfaction of the Somali people."

Annex III

LETTER DATED 31 OCTOBER 1959 FROM THE PRIME MINISTER OF SOMALIA TO THE ADMINISTRATOR

Mogadiscio

I have the honour to refer Your Excellency to the resolution unanimously adopted by the Legislative Assembly of Somalia on 25 August 1959.

By this resolution the Legislative Assembly urged Your Excellency kindly to convey to the Administering Authority the unanimous wish of the people of Somalia that it submit to the competent organs of the United Nations a request to advance as early as possible the date of independence in derogation to article 24 of the Trusteeship Agreement.

As your Excellency is aware, the resolution of which in due course Your Excellency has informed the Italian Government and the Advisory Council of the United Nations, recalls official statements of the Italian Government mentioning the possibility of advancing the date of attainment of independence if the Somali people so wished.

The resolution furthermore indicates that the request embodied in its operative paragraph is based, inter alia, on the fact that the Administering Authority, thanks to its loyal and active observance of the commitments taken under the Trusteeship Agreement, will make it possible for Somalia to achieve the completion of its political and administrative framework in advance of the date set for the termination of the mandate.

Now, in conformity with the deliberations of the Council of Ministers at the meeting of 26 September 1959-of which I informed Your Excellency by my note of 1 October 1959, No. 301013-I have the honour to ask Your Excellency to be so good as to invite the Italian Government to forward to the General Assembly of the United Nations, now in session, for its consideration, the request concerning the advancement of the date of Somalia's independence. I also have the honour to ask Your Excellency kindly to invite the Italian Government to submit at the same time to the General Assembly of the United Nations a request that it consider the advisability of recommending the immediate admission of Somalia to the United Nations upon the attainment of its independence.

I hardly need to stress that this last request reflects the fervent longings of the Somali people and the solemn engagement taken by the Government of Somalia before this Legislative Assembly.

The Government of Somalia has the honour to reiterate in this connexion its certainty that the Administering Authority will see to it that our wishes are conveyed to the United Nations and that the Advisory Council of the United Nations will, on its part, give them whole-hearted support.

While renewing our expressions of deep gratitude to the Government of Italy, I seize this opportunity to ask Your Excellency to accept the assurances of my highest esteem and consideration.

(Signed) Abdullahi ISSA

DOCUMENT A/C.4/434

Memorandum submitted by the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration on the remaining arrangements for the orderly transfer of all the functions of government to a duly constituted independent government of the Territory

> [Original text: English] [16 November 1959]

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INTRODUCTION

- l. Pursuant to the provisions of article 25 of the Trusteeship Agreement for the Trust Territory of Somaliland under Italian administration, the Administering Authority submitted on 16 July 1959 to the Trusteeship Council the plan called for in that article "for the orderly transfer of all the functions of government to a duly constituted independent government of the Territory" (T/1477).
- 2. The United Nations Advisory Council presented its observations on the plan orally on 21 July 1959, at the 1021st meeting of the Trusteeship Council, held during the twenty-fourth session. Introducing these observations the Chairman of the Advisory Council noted that certain points of the plan still required further clarification by the Administering Authority.
- 3. Furthermore, the Trusteeship Council approved several recommendations relating to the plan for the transfer of powers and its implementation (A/4100, pp. 66-68).
- 4. In one of those recommendations, the Trusteeship Council took note of the statements of the Administering Authority "that information on the remaining arrangements for the transfer of powers will, after consultation with the Government of Somalia and the United Nations Advisory Council, be transmitted to the General Assembly at its fourteenth session and that the United Nations Advisory Council will submit a special report in this connexion to the forthcoming session of the General Assembly." Under that recommendation the Advisory Council transmits to the General Assembly the present memorandum.
- 5. When the Administrator informed the Advisory Council on 22 August 1959 that he had established the Office for the Transfer of Powers and Related Matters, the Advisory Council welcomed the arrangement which would facilitate consultations. The Advisory Council was at all times ready to render its aid and advice to the Administering Authority.
- 6. During a consultation held on 3 October 1959 the Administrator informed the Advisory Council that the

- Somali Government had decided to accept the Trustee-ship Council's recommendation concerning the broadening of the composition of the Political Committee; that it had also accepted the recommendation concerning the popular confirmation of the constitution by means of a referendum. Principles of the referendum were however not elaborated. On the other hand, the Advisory Council was informed that the Somali Government was not yet prepared to accept the recommendation relating to the broadening of the composition of the Constituent Assembly.
- 7. The Advisory Council decided on the same day to communicate to the Administrator and through him, to the Prime Minister, its position with respect to the implementation of the Trusteeship Council's recommendations, 1/
- 8. On 30 October 1959 the Administrator informed the Advisory Council that a draft law entrusting the Legislative Assembly with constituent powers had been tentatively prepared. In accordance with this draft law it will be in fact the responsibility of the Legislative Assembly meeting as a constituent assembly to decide on the desirability of implementing all the Trusteeship Council's recommendations related to constitutional matters and to the election of the future Head of State. The Advisory Council reserved its right to offer its advice when it received the final text of the proposal.
- 9. On 6 November 1959 the Administrator transmitted to the members of the Advisory Council a draft memorandum on the beginning of the implementation of the recommendations adopted by the Trusteeship Council at its twenty-fourth session.
- 10. On 13 November 1959 the Advisory Council received from the Administering Authority copies of a report on the recommendations adopted by the Trusteeship Council on 6 August 1959, during its twenty-fourth session.

^{1/} The text of the letter is reproduced in annex I.

REMAINING ARRANGEMENTS FOR THE TRANSFER OF POWERS 2/

A. Legislative measures conferring upon the Legislative Assembly the powers of a Constituent Assembly

Plan for the transfer of powers

11. The plan presented to the Trusteeship Council on 21 July 1959 contained the following statements:

"By means of appropriate legislative measures, provision will be made for conferring upon the Legislative Assembly the powers of a Constituent Assembly for the purpose of drafting the constitution.

". . .

"For its part, the Administering Authority states as of now, that it considers the preparation of the constitution to be a matter reserved exclusively for the deliberations and decisions of the Somali Assembly."

Observations of the Advisory Council

12. The Advisory Council interpreted this statement to mean that "the appropriate legislative measures" entrusting the Legislative Assembly with the powers of a Constituent Assembly could not be repealed by the Administrator and that he would not exercise with regard to these legislative measures the reserved powers which he has with regard to normal legislative acts.

Recommendations of the Trusteeship Council

13. At its twenty-fourth session the Trusteeship Council noted the statement of the Administering Authority that the veto powers of the Administrator would not be exercised in respect of the proposals of the Political Committee and the Constituent Assembly for the constitution.

Implementation

- 14. In the report received by the Advisory Council on 13 November 1959 the Administering Authority noted that the Somali Government approved in principle on 2 November a draft law which will be laid before the Legislative Assembly as soon as possible and confer upon it the powers of a constituent assembly.
- 15. The main points of this draft law were described as follows:
 - "(a) Full constituent powers are conferred upon the present Legislative Assembly as regards the elaboration and approval of the constitution of Somalia;
 - "(b) The Constituent Assembly shall adopt its own rules of procedure and regulations in the widest sense;
 - "(c) The Constituent Assembly shall not be subject to rules 5 and 6 of the Ordinance No. 2 of 5 January
- 2/In this memorandum the sub-heading "Plan for the transfer of powers" refers to the plan set out in document T/1477; the sub-heading "Observations of the Advisory Council" to the observations presented to the Trusteeship Council during its twenty-fourth session (1021st meeting); and the sub-heading "Recommendations of the Trusteeship Council" to the recommendations in A/4100, part II, chapter III.

- 1956 concerning the powers of <u>sanction</u> and <u>promulgation</u> normally vested in the Administrator; <u>3</u>/
- "(d) Once the Constitution is approved, the Constituent Assembly's mandate will terminate;
- "(e) Both during and after its working as the Constituent Assembly the Legislative Assembly shall continue its normal functions according to Law No. 26 of 12 December 1958."
- 16. The Advisory Council has not yet received the draft for its comments.
- B. Broadening of the composition of the Political Committee and the Constituent Assembly

Plan for the transfer of powers

- 17. The plan contained the following statement:
- "Among the powers which may be conferred upon the Constituent Assembly under such legislative measures is that of deciding whether, and in what form, other representatives (administrative, cultural, regional, trade-union, economic, etc.) of the Territory should take part in a consultative capacity in the preparation of the draft constitution."
- 18. The plan then noted various forms of consultation and concluded as follows:
 - "For its part, the Administering Authority states as of now, that it considers the preparation of the constitution to be a matter reserved exclusively for the deliberations and decisions of the Somali Assembly."

Recommendations of the Trusteeship Council

- 19. At its twenty-fourth session the Trusteeship Council noted with concern the reports of disturbances during the pre-election period and of total or partial non-participation of the opposition parties in the 1959 general elections. It considered that political reconciliation was one of the most important tasks facing the authorities in Somalia before independence.
- 20. It expressed the hope that steps would be taken to broaden the composition of the Political Committee and the Constituent Assembly to include representatives of all existing political parties and other important social and cultural organizations of the Territory.

Implementation

21. With regard to the recommendation concerning the broadening of the Constituent Assembly the Administrator informed the Advisory Council on 3 November 1959 that while the Somali Government accepted the recommendation concerning the broadening of the Political Committee and the popular confirmation of the constitution, it did not yet accept the recommendation to broaden the Constituent Assembly but that the attitude of the Somali Government in this matter might not however be considered as final. At the Administrator's suggestion the Advisory Council commented on the issue in a letter addressed to him and dated 5 October 1959, the text of which is given in annex I.

^{3/} It will be noted that the Administrator retains, however, the power to dissolve the Legislative Assembly and thus the Constituent Assembly itself.

- 22. In the report of the Administering Authority received by the Advisory Council on 13 November 1959 it was stated that for various reasons the implementation of the recommendation concerning the broadening of the Constituent Assembly would face difficulties not easy to overcome.
- 23. In the same report it was stated that all these questions should be reserved to the exclusive deliberations of the Constituent Assembly.
- 24. With regard to the recommendation concerning political reconciliation, it was stated in the same report that the present political situation in Somalia was much less tense; a reconciliation between the majority party and the twelve dissident members of the Legislative Assembly who had sent petitioners to the Trusteeship Council's twenty-fourth session was proceeding and on 9 November 1959 the Central Committee of the Somali Youth League had decided in principle to readmit them to the party.
- 25. The report contained no information concerning the three opposition parties.

C. Popular confirmation of the constitution

Recommendations of the Trusteeship Council

26. In a recommendation approved at its twenty-fourth session the Trusteeship Council expressed the hope that the Legislative Assembly and the Government of Somalia would consider providing for popular confirmation of the constitution.

Implementation

27. The Administrator informed the Advisory Council that the Somali Government accepted this recommendation in principle. The guiding principles of the referendum have not yet been formulated.

D. Constitution

Plan for the transfer of powers

28. In section B of the plan, entitled "Constitution", and in annex II to the plan, outlining the draft of the constitution, the preparatory studies for the constitution drafted by the Technical Committee and the principal guiding criteria of the constitution were described.

Observations of the Advisory Council

29. While the Advisory Council endorsed the statement of the Administering Authority that the preparation of the constitution was a matter exclusively reserved for the deliberations and decisions of the Somalis it expressed the hope that the people of Somalia would see to it that their constitution would reflect and endorse fully the principles set out in the Trusteeship Agreement and in the Declaration of Constitutional Principles annexed to it.

Implementation

30. In the report received by the Advisory Council on 13 November 1959 the Administering Authority stated that the attention of the Government and the Assembly as well as the people of Somalia has been called repeatedly to the basic principles set forth by the Trusteeship Agreement and the Declaration of Constitutional Principles annexed to it; that in particular the Administrator drew attention to these principles in his opening address to the Legislative Assembly on 31 October 1959; that the Somali

Government has decided to establish a post of Minister without Portfolio in charge of matters related to the constitution; and that a member of the Legislative Assembly with special qualifications and special juridical experience would be appointed to this post.

E. Promulgation of the constitution

Plan for the transfer of powers

31. The plan contains a statement that it will be for the Legislative Assembly "acting as a constituent assembly, to decide whether the constitution of Somalia—which, it is to be hoped, can be approved without delay and which should obviously come into force on the date of the proclamation of independence—should be promulgated by the Head of the Somali State on that same date or in some other fashion."

Implementation

- 32. In the report received by the Advisory Council on 13 November 1959 the Administering Authority expressed the hope that the constitution would be elaborated and approved with all possible speed, so that it might be enacted on the day of the proclamation of independence.
- 33. With regard to the promulgation of the constitution the following procedures have been suggested:
 - "(a) If the Constitution is approved and confirmed by a referendum at the date of independence, then it could be put into force on that date on a <u>definitive</u> basis;
 - "(b) If at that date the Constitution had not been completed or the popular confirmation was still lacking, the provisions of the Constitution as already approved by the Constituent Assembly could enter into force on a provisional basis on the date of the proclamation of independence;
 - "(c) In both cases the Constitution will have to be promulgated by the Head of the Somali State, as his first official act upon assuming his functions."
- 34. The Legislative Assembly, not having begun its work as a constituent assembly, has not yet deliberated on these matters.

F. The Head of State

Plan for the transfer of powers

- 35. The plan stated that the Head of State may be elected "subject to the procedures and formalities laid down by the constitution. . .on the basis of a special law to be enacted on the eve of the proclamation of independence or even before then".
- 36. This proposal should be compared with the provisions concerning the approval of the constitution, in which it was stated that the constitution "should obviously come into force on the date of the proclamation of independence" and "should be promulgated by the Head of the Somali State on that same date, or in some other fashion".

Observations of the Advisory Council

37. The Advisory Council noted that a link in the outline of procedure for the election of the Head of State was missing. In order to avoid contradictions it considered it necessary to synchronize the provisions concerning the constitution and devise appropriate

ways and means to establish a procedure for the election of the Head of State.

Implementation

38. In the report received by the Advisory Council on 13 November 1959 the Administering Authority stated that the Government of Somalia has decided to give first priority to the elaboration of provisions relating to the election and powers of the Head of State.

39. It listed several possibilities:

- (a) Once the constitution is approved by the Constituent Assembly and becomes definitive by means of popular consultation, the Assembly could embody in a special law the provisions of the chapter of the constitution concerning the nomination and the functions of the Head of State. On the basis of such a special law it would be possible to proceed to a final nomination of the Head of State.
- (b) In the case of paragraph $33(\underline{b})$ above, the Assembly could elect a Head of State on a provisional basis. Such a nomination would be based on a special law incorporating in full or in part the provisions contained in the respective chapter of the constitution.
- (c) The possibility cannot be excluded of entrusting the functions of the provisional Head of State to a collegial body on a temporary basis.
- G. Electoral system (electoral law, electoral registers, law on citizenship, census)

Plan for the transfer of powers

40. In the plan the Administering Authority noted that new elections for the Legislative Assembly were held from 4 to 8 March 1955; that the Legislative Assembly is composed of ninety deputies, all of them Somali citizens who were elected by direct vote and universal suffrage, with women entitled both to vote and to stand for election; and that "the term of the Assembly shall be five years (this being, of course, a general principle subject to the condition that the constitution of the new independent State as drawn up and approved by the Legislative Assembly will provide that the normal term of the Assembly is to be five years)".

Observations of the Advisory Council

- 41. In its comments on the plan, the Advisory Council called attention to shortcomings and deficiencies in the present electoral law to some of which the Administrator of the Territory himself deemed it necessary to refer, particularly to the fact that Somaliland has not yet a comprehensive law on citizenship, which deprives some of the Territory's residents of the right to vote. The Advisory Council was of the opinion that a list of voters in the Territory could and should be compiled.
- 42. The Advisory Council expressed the hope that the Legislative Assembly would prepare and approve an electoral law for general elections which would improve the present one and avoid its shortcomings in order that forthcoming elections would be as perfect as possible.

Recommendations of the Trusteeship Council

43. Noting reports of the dissatisfaction of the opposition parties with certain of the provisions of the new electoral law and with election procedures, the Trusteeship Council recommended at its twenty-fourth session that, in order to obviate difficulties in the future,

every effort should be made to complete as soon as possible the compilation of complete and accurate electoral registers, to enact legislation defining citizenship, and to improve the present electoral law so as to eliminate its shortcomings.

- 44. The Trusteeship Council took note of the declarations of the Administering Authority and of the Minister of Industry and Commerce of the Government of Somalia to the effect that the census enumeration would be resumed. Considering that the importance of a proper census for all purposes, including those of administration and development, could not be over-emphasized, the Council expressed the hope that every effort would be made to complete this important operation as soon as possible.
- 45. Furthermore, the Trusteeship Council expressed the hope that the Government of Somalia would also consider the holding of general elections to the Legislative Assembly as soon as practicable after independence as a means of furthering political stability in the country.

Implementation

- 46. In the report received by the Advisory Council on 13 November 1959 it was stated that "it will be the task of the Constituent Assembly, when considering the Constitution, to decide if and how the general principles regulating elections in Somalia should be modified."
- 47. With regard to the electoral registers, it was stated in the same report that, according to a draft which is in preparation, the Government of Somalia will provide that all citizens who have a right to vote shall be listed in special registers entrusted to district commissioners. No time-limit was fixed for this registration.
- 48. With regard to the law on citizenship the report noted that in the course of the present session the Legislative Assembly will consider a bill to regulate the question of "acquired citizenship", as an addition to Law No. 2 of 1 December 1957 on "original citizenship".
- 49. Furthermore the Government decided to resume census operations for the extra-municipal population under Law No. 6 of 30 September 1956.
- 50. The Advisory Council has not yet received the draft laws concerning the subjects referred to above.

H. Administration

Plan for the transfer of powers

51. Section D of the plan, entitled "Administration," presented an outline of the present organization of the Italian Administration. It also contained a discussion of the question "Dissolution of the Italian Administration," in which it dealt with the dissolution of the Planning Office and with the drafting of administrative and accounting regulations for the independent Somali State.

Observations of the Advisory Council

52. With regard to both subjects dealt with specifically the Advisory Council interpreted the term "the absorption of the Planning Office and of the Office of the Magistrate of Accounts" by the Somali Government as meaning that the Administering Authority intended to "Somalize" these offices.

Implementation

53. The Advisory Council has been informed that the Planning Office and the Office of the Magistrate of Accounts were intended to be Somalized in due time.

I. Somalization of the government service

Plan for the transfer of powers

54. The plan outlined the present position of Somalization, which has achieved good results.

Observations of the Advisory Council

- 55. The Advisory Council expressed the hope that the remaining departments entrusted to Italian heads of departments would be taken over by the Somalis before the attainment of independence, but that Italian experts would be retained wherever it was deemed necessary by the Somali Government.
- 56. In this connexion the Advisory Council hoped that more United Nations experts, as well as experts from other States Members of the United Nations, would be made available to the Somali Government, and that the Administering Authority would take the necessary steps in this matter.

Recommendations of the Trusteeship Council

57. The Trusteeship Council, at its twenty-fourth session, taking note that fourteen of the nineteen departments of the Territory's Government were directed by Somalis and that in the autonomous public organizations the process of appointing Somalis was well advanced, commended the Administering Authority for the continued progress in the Somalization of the administrative services of the Territory. Noting, however, that some important technical departments continued to remain in the hands of Italians and that Somali technical and diplomatic personnel was still insufficient, the Council hoped that the training of Somalis for these services would be further accelerated.

Implementation

58. In the report received by the Advisory Council on 13 November 1959, the Administering Authority stated that only five out of nineteen departments were still under Italian departmental heads. Since those departments were all part of ministries headed by Somali ministers it was no longer a matter of further Somalization but merely of appointments made on the basis of strict professional qualifications by the Government of Somalia in its exclusive competence.

J. Foreign relations

Plan for the transfer of powers

59. The plan outlined the participation of Somalia in foreign affairs and the preparation of some officials of the diplomatic and consular posts.

Observations of the Advisory Council

60. The Advisory Council suggested that this outline might be amplified. The Somali budget for 1960 should contain appropriations for the future Ministry of Foreign Affairs so that personnel, buildings, offices and other equipment would be ready when Somaliand becomes independent; a streamlined plan for the organization and functioning of the Foreign Ministry should be approved well in advance of independence.

Implementation

61. In the report received by the Advisory Council on 13 November 1959 it was stated that the 1960 draft law concerning the budget under consideration by the Legislative Assembly contains a reserve fund which will be set aside for expenses of the establishment and operation of the future Ministry of Foreign Affairs; and that a number of diplomatic and consular appointments are being considered to countries with which Somalia entertains traditionally close relations.

K. Judiciary

Plan for the transfer of powers

62. The plan described in a general way the judicial organization of the Territory.

Observations of the Advisory Council

63. The Advisory Council noted that the Somalization of district judges was proceeding but that it would not be possible to have qualified Somali judges appointed as regional judges or judges of the Court of Justice on the date of independence.

Recommendations of the Trusteeship Council

64. The Trusteeship Council noted with concern that in a number of cases district commissioners continued to exercise judicial functions. It urged the Administering Authority and the Somali Government to accelerate the appointment of Somali district judges and to intensify the programme for training suitable Somali candidates to fill higher judicial posts.

Implementation

65. In the report received on 13 November 1959 the Administering Authority stated that special training courses are being held at the Court of Justice for judicial and clerical training; and that it is intended to provide for the staff of the thirty district judges as soon as possible.

L. External security

Plan for the transfer of powers

66. The plan made it clear that the armed forces of the Territory consisted of the police force, which numbered 3,600 Somali men. After independence, this police force would be responsible both for good order and for defence of the Territory.

Observations of the Advisory Council

- 67. The Advisory Council noted that during the period of trusteeship the Administering Authority had the reserved responsibility for foreign affairs and defence. Both of these responsibilities of the Administering Authority will cease on Somalia's achievement of independence, when its Government should be ready to take over.
- 68. Since the plan did not elaborate the question of the Territory's external security resulting from the termination of the Administering Authority's responsibility, the Advisory Council suggested that the Administering Authority, in consultation with the Somali Government and the Advisory Council, should explore ways and means to provide for the particular defence of Somaliland after independence and report thereupon to the General Assembly at its fourteenth session.

Implementation

69. In the report received by the Advisory Council on 13 November 1959 it was stated that further consultations with the Somali Government and the Advisory Council would be necessary.

M. Movable property of the Italian Government and the Somali Government

Plan for the transfer of powers

70. The plan presumed "a partial or total" transfer of equipment and stocks of the Somali Air Transport Service and the Autonomous Police Company.

Observations of the Advisory Council

71. The Advisory Council expressed the hope that the equipment of the Air Service in the Territory would be left to the Somalis.

Implementation

72. The Advisory Council was informed by the representative of the Administering Authority that arrangements with the Somali Government might be made on the achievement of independence.

N. Monetary circulation fund of Somalia (Somalcassa) Plan for the transfer of powers

73. The plan noted the development of Somalcassa, which would assume the functions of a central bank of Somalia. The Administering Authority referred to the stability of the Somali currency and to the guaranteed coverage of the somalo.

Observations of the Advisory Council

74. The Advisory Council suggested that the Administering Authority should amplify its proposals with regard to currency exchange regulations after independence. Considering the present export and import trends between Somalia and Italy, as well as those expected after independence, "lira" credit balances accrued by Somalia in Italy should be made available and convertible to the Somali Government for purchases in other monetary areas.

75. The Advisory Council also suggested that the Administering Authority might clarify its position "vis-a-vis" the profits gained by Somalcassa during the trusteeship period, amounting to approximately 10 million somalos.

Recommendations of the Trusteeship Council

76. The Trusteeship Council noted with satisfaction that steps were now being taken to select qualified Somali candidates for service in the Somalcassa and expressed the hope that sufficient Somali personnel would be trained to assume full control of the operations of the Central Bank of Somalia upon independence.

Implementation

77. The Advisory Council was informed that special training was now provided for selected Somali employees of the Somalcassa. In the report received by the Advisory Council on 13 November 1959, it was stated that a special law will transform the Somalcassa into a central bank of Somalia and that another law will regulate credit operations.

78. These draft laws have not yet been received by the Advisory Council.

O. Somali Social Insurance Scheme (CASS)

Plan for the transfer of powers

79. The plan presumed that the Cassa Assicurazioni Sociali della Somalia (CASS) would be in a position to assume its own management if that should be decided upon by the Somali Government, and would continue to use the buildings, equipment and supplies of the Istituto Nazionale per le Assicurazioni contro gli Infortuni Sul Lavoro (INAIL), which would be transferred to CASS.

Observations of the Advisory Council

80. The Advisory Council suggested that it might be clarified that CASS would obtain adequate support and that conditions enabling it to start its operations on a sound basis would be assured.

Implementation

81. In the report received by the Advisory Council on 13 November 1959, it was stated that all the facilities (buildings and equipment) of INAIL would be transferred to CASS; and that INAIL would provide for adequate technical assistance if requested by the Somali Government.

Annex I

LETTER DATED 5 OCTOBER 1959 FROM THE CHAIRMAN OF THE ADVISORY COUNCIL TO THE ADMINISTRATOR OF SOMALIA

The Advisory Council was pleased to have a conference with your Excellency on 3 October 1959 during which it was informed about the contents of a letter dated 28 September 1959 addressed to you by the Prime Minister relating to some recommendations of the Trusteeship Council adopted at its recent twenty-fourth session in relation with the plan for the transfer of powers.

Following this conference the Council met on the same day, 3 October, and agreed to communicate to your Excellency and, through you, to the Prime Minister and President of the Legislative Assembly the following.

The Advisory Council was pleased to learn that, wishing to comply with the Trusteeship Council's recommendations, your Excellency will take the necessary measures to broaden the composition of the Political Committee for the drafting of preparatory studies for the Constitution of Somalia and that measures providing for popular confirmation of the Constitution will be adopted. The Advisory Council will of course comment on these measures as soon as they will be communicated to it.

On the other hand the Advisory Council learned that the Somali Government could not yet accept the Trusteeship Council's recommendations concerning the broadening of the composition of the Constituent Assembly. The Council was however pleased to learn from your Excellency that the question was still under consideration and that your Excellency will endeavour still to explain to the Somali Government the importance of considering this recommendation favourable and implementing it.

The Advisory Council sincerely hopes that recommendations approved by the Trusteeship Council would not be rejected as this would place it and all concerned in an embarrassing situation before the United Nations General Assembly in the current session especially at a time when we all desire to work for establishing the best possible atmosphere in the interest of Somalia.

The Advisory Council considers that the implementation of recommendations relating to the plan for transfer of powers is of paramount importance. It deems it appropriate to invite the attention to the factors which led to the formulation and adoption of the said recommendation by the Trusteeship Council.

It may be recalled in this respect that the recommendation to broaden the composition of the Constituent Assembly has been approved unanimously by all members of the Drafting Committee and similarly by all the members of the Trusteeship Council including Italy, and with His Excellency Minister Hagi Farah Ali Omar and other Somali members present.

On 30 July 1959, Minister Hagi Farah Ali Omar made a declaration before the Trusteeship Council in which he took note of the comments of the members of the Trusteeship Council concerning the broadening of the composition of the Constituent Assembly and stated: "The duration of the present legislature, the development of electoral systems, the broadening of representation within the Political Committee for the study of the Constitution and within the Constituent Assembly, are all immediate problems. We shall approach them and solve them, taking into account, as heretofore, the suggestions of the Trusteeship Council. I propose to comment and elaborate on these suggestions to my Government colleagues in Somalia in order to convey adequately the sentiments of friendship and solidarity which have inspired them." Your Excellency will note that this declaration has been made on 30 July 1959 whereas the recommendation itself has been approved by the Trusteeship Council on 6 August. It is therefore evident that the representative of the Somali Government was well acquainted with and accepted the recommendation in this matter. In the same declaration of 30 July, Minister Hagi Farah Ali Omar deemed it useful to stress that the special representative of the Administering Authority, Dr. Luigi Gasbarri, "has not only represented here the Administering Power, but also the Government of Somalia, which formally entrusted him with this task in respect of the conspicuous functions and responsibilities exercised by the Somali Government in the internal administration of the Territory".

It may also be recalled that in another recommendation the Trusteeship Council noted "with concern the reports of total and partial non-participation of the opposition parties in the 1959 general elections" and considered "that political reconciliation is one of the most important tasks facing the authorities in Somalia before independence". In this connexion, the Trusteeship Council "heard with satisfaction the joint declaration made before it by the various political parties, which, in its view, gives promise of the realization of a harmonious political atmosphere in the Territory". Thanking the Trusteeship Council "in the name of all the petitioners" Minister Hagi Farah Ali Omar stressed "tolerance and mutual understanding" deriving from the common statement of the petitioners as "self-evident".

It was with a view to avoid possible complications, to further political stability in the Territory, and to strengthen its Government that the recommendation was fully backed by the Advisory Council and unanimously approved by the Trusteeship Council. The Trusteeship Council's report is now under consideration of the General Assembly which, we hope, will accept the recommendations, if complied with, as final.

This recommendation has been approved with a view to strengthen Somali unity and its Government. The United Nations General Assembly, we believe, would be placed in a most difficult position if "the sentiments of friendship and solidarity which have inspired" the recommendation—as Mr. Hagi Farah Ali Omar so eloquently stated—should not be met in the same spirit.

The Advisory Council does not recall an instance when the Government of a Trust Territory did not comply with a Trusteeship Council's recommendation approved with the concurrent vote of the Administering Authority itself, in the very presence of the Trust Territory's representatives.

It may be pertinent that your Excellency call the attention to the fact that Law No. 26 of 12 December 1958 on political elections (which is itself subject of Trusteeship Council recommendation No. 11) did not contain any mention to the acting of the present Legislative Assembly as a Constituent Assembly, a factor which makes it still more desirable to implement the Trusteeship Council recommendation.

It is the sincere desire of the Advisory Council to assist Somalia and the Somalis to achieve independence as soon as possible under conditions guaranteeing its stability, unity and harmony. It believes that your Excellency as the Head of the Italian Trusteeship Administration will spare no effort to achieve this. It believes that the leaders of the present Government of Somalia feel a sacred trust of their historic mission to provide their country with a Constitution which would reflect the wishes and aspirations of all their people so that it could proudly embody a preamble similar to that of the United Nations, "We the peoples of the United Nations"—"We the people of Somalia".

The Advisory Council feels sure that this appeal to the statesmanship of all concerned will not be in vain.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed H. El ZAYYAT

Chairman

Annex II

OPINIONS EXPRESSED BY THE SOMALI LEGISLATIVE ASSEMBLY AND POLITICAL PARTIES ON THE PLAN FOR THE TRANSFER OF POWERS

During the first session of the Somali Legislative Assembly its members did not express particular opinions on the arrangements relating to the plan for the transfer of powers with the exception of a motion requesting the attainment of independence of Somalia before the date set in the Trusteeship Agreement and "as soon as possible", approved unanimously on 25 August 1959. The second session was convened on 31 October 1959, when the Administrator recalled in his opening address the arduous constitutional tasks on which the Legislative Assembly was about to embark. He also quoted the Trusteeship Council's recommendations relating to the implementation of the plan but there was no general discussion on the remaining arrangements for the plan. The Legislative Assembly started to discuss various subjects not related to the plan as specific drafts have not yet been presented to it. In particular a draft entrusting it with powers of a constituent assembly has not yet been prepared and consequently the Advisory Council has not been able to comment on it.

On 21 and 22 October and 5 November the Advisory Council heard opinions of different representatives on the arrangements for the transfer of powers and on the recommendations of the Trusteeship Council relating to them.

Representatives of the Central Committee of the Somali Youth League (SYL) thanked the Advisory Council for all it had done and was doing for Somalia and expressed respect for the recommendations of the Trusteeship Council. They regretted that, owing to the absence of the president of the party, they were not in a position to discuss questions of substance, but they hoped that the Council would continue to give their country its support and assistance when the important question of earlier independence and the question of the frontier between the Trust Territory and Ethiopia was examined by the General Assembly of the United Nations.

The representatives of the Great Somalia League (GSL), Somali National Union (SNU) and Independent Constitutional Somali Party (HDMS) expressed concern because the Trusteeship Council's recommendations relating to the broadening of the Constituent Assembly and the electoral system had not yet been implemented. Summing up their opinions, they accepted the recommendations of the Trusteeship Council; if those recommendations were not implemented, they would have to request new elections under United Nations supervision before termination of the period of trusteeship. They assured the Advisory Council of their respect for the recommendations of the United Nations. The recommendation concerning the establishment of a climate of peace and harmony in Somalia had been accepted by them but they regretted that a similar show of good will had not been shown by the Government of the Administering Authority. They also stated that it was the Administering Authority's responsibility as supreme authority until the end of trusteeship to implement the recommendations of the Trusteeship Council. They further requested that the Trusteeship Council's recommendations should be respected. They questioned whether the present Government could be considered as the duly constituted independent Government referred to in article 25 of the Trusteeship Agreement. They reiterated that in case of nonimplementation of the Trusteeship Council's recommendations new elections under United Nations supervision should be held before independence in order that all government functions might be transferred to a government thus duly created.

DOCUMENT A/C.4/L.606

Study of opportunities for international co-operation on behalf of the former Trust Territories which have become independent

Cuba, Haiti, Iran, Philippines, Tunisia and Venezuela: draft resolution

[Original text: French] [13 November 1959]

The General Assembly,

Noting that three Trust Territories—the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration—will attain independence during 1960 and that other Trust Territories will also attain independence during the following years,

Considering that the United Nations, under the Trusteeship System and in co-operation with the Administering Authorities, has contributed to ensuring this attainment of independence in the best possible circumstances,

Considering also that these countries, generally speaking, are under-developed and that during the first years of their independence they will have to find speedy solutions to a considerable number of problems, including those in the administrative, economic, social and educational fields,

Considering that it would be necessary and normal for the international community to continue to show special concern for the former Trust Territories and to be prepared to grant every possible assistance if those countries, having become independent and sovereign, should desire such assistance.

Considering that it would be appropriate, before planning an action programme on behalf of countries which were formerly under trusteeship, to survey the various ways and means of providing international assistance,

both of those now in existence and of those which might be devised and developed,

- 1. Decides to set up a Committee of five members composed of . . . responsible for studying all opportunities of international co-operation which could be of interest to the former Trust Territories which have become independent, within the spheres and in the framework of existing programmes of international technical assistance and within any other sphere or in any other framework now existing or yet to be created;
- 2. <u>Authorizes</u> the Committee, in its study of this problem, to seek the co-operation of such international organizations, governmental organizations, non-governmental organizations and persons as it may deem advisable to approach;
- 3. <u>Authorizes</u> the Committee to consult with the Governments of countries which were formerly under trusteeship and which have become independent for the purpose of ascertaining their views with respect to these questions;
- 4. Recommends that the Committee should report to the General Assembly at its fifteenth session concerning the results of this study and also concerning any conclusions and recommendations which it deems appropriate;
- 5. Recommends that the Secretary-General should make available to the Committee the staff and resources necessary for carrying out the study.

DOCUMENT A/C.4/L.611

Assistance to Trust Territories about to become independent

United States of America: draft resolution

[Original text: English] [16 November 1959]

The General Assembly,

Welcoming the forthcoming independence of the Trust Territories of the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration during 1960.

Recalling the basic objectives of the Trusteeship System as set forth in Article 76 of the Charter of the United Nations,

Recognizing the many problems with which the emerging Trust Territories must inevitably be faced

upon their attainment of independence, particularly in the economic and social fields,

Desiring that all possible aid in the field of technical assistance be available from the existing facilities in the United Nations to those emerging Trust Territories which might request it,

<u>Invites</u> the Secretary-General to consider sympathetically and promptly all requests which he might receive to provide Territories emerging from a trust status or newly independent States with such high-level technical experts as they might desire.

DOCUMENT A/C.4/L.613

Date of independence of the Trust Territory of Somaliland under Italian administration Argentina, Canada, Iran, Ireland, Japan and United States of America: draft resolution

[Original text: English]
[16 November 1959]

The General Assembly,

Recalling the terms of article 24 of the Trusteeship Agreement with respect to the Trust Territory of Somaliland under Italian administration (hereinafter referred to as Somalia) which provides that the Agreement shall cease to be in force ten years after the date of the approval of the Trusteeship Agreement by the General Assembly, at the conclusion of which the Territory shall become an independent sovereign State,

Recalling its resolution 442 (V) of 2 December 1950, by which it approved the Trusteeship Agreement,

Having considered the information submitted by the Administering Authority (A/4262) to the effect that the Government of Somalia has conveyed the wish expressed by the Legislative Assembly that the Trusteeship Agreement be terminated as soon as possible, so that the Trust Territory may achieve independence at a date earlier than 2 December 1960, as well as the statement of the representative of the Italian Government that the Administering Authority is prepared to support this wish,

Having heard the statements made by the Chairman of the United Nations Advisory Council for Somalia,

Noting the wish expressed by the Government of Somalia that, on the date of attainment of its independence. Somalia should be admitted to membership of the United Nations,

Noting further, with satisfaction, that the Government of Italy has expressed its readiness to initiate the necessary procedure to this end in the Security Council,

1. Takes note of the statements made by the representative of Italy and the representative of the Government of Somalia that, although it is not possible at this stage to give the precise date for earlier inde-

pendence, pending approval of the constitution which is at present under consideration by the Somali Government and the Legislative Assembly, it is envisaged that the preparation for, and the attainment of independence will be achieved several months in advance of 2 December 1980;

- 2. Congratulates the Government of Italy as Administering Authority and the Government and the people of Somalia on taking steps in order to attain the basic objectives of the International Trusteeship System several months in advance of 2 December 1960;
- 3. Expresses its appreciation for the assistance and advice provided by the United Nations Advisory Council for Somalia to the Administering Authority;
- 4. Resolves accordingly, in agreement with the Administering Authority, that on a date not later than 2 December 1960, to be agreed upon between the Government of Italy and the Government of Somalia in consultation with the United Nations Advisory Council, on which Somalia shall become independent, the Trusteeship Agreement approved by the General Assembly on 2 December 1950 shall cease to be in force, the objectives of trusteeship having been attained;
- 5. Requests the Government of Italy to notify the Secretary-General of the date referred to in paragraph 4 above on which the Trusteeship Agreement shall cease to be in force;
- 6. Requests the Secretary-General to communicate to all Member States the notification of the Government of Italy referred to in paragraph 5 above;
- 7. Recommends that upon attainment of independence, Somalia be admitted to membership of the United Nations in accordance with Article 4 of the Charter of the United Nations.

DOCUMENT A/C.4/L.613/REV.1 AND REV.1/ADD.1 4/

Date of independence of the Trust Territory of Somaliland under Italian administration

Argentina, Canada, Iran, Ireland, Japan, Nepal, United States of America and Uruguay: revised draft resolution

[Original text: English]
[21 November 1959]

The General Assembly,

Recalling the terms of article 24 of the Trusteeship Agreement with respect to the Trust Territory of Somaliland under Italian administration (hereinafter referred to as Somalia) which provides that the Agreement shall cease to be in force ten years after the date of the approval of the Trusteeship Agreement by the General Assembly, at the conclusion of which the Territory shall become an independent sovereign State,

4/Document A/C.4/L.613/Rev.1/Add.1, dated 23 November 1959, indicated the addition of Uruguay to the list of sponsors of the draft resolution.

Recalling its resolution 442 (V) of 2 December 1950, by which it approved the Trusteeship Agreement,

Having considered the information submitted by the Administering Authority (A/4262) to the effect that the Government of Somalia has conveyed the wish expressed by the Legislative Assembly that the Trusteeship Agreement be terminated as soon as possible, so that the Trust Territory may achieve independence at a date earlier than 2 December 1960, as well as the statement of the representative of the Italian Government that the Administering Authority is prepared to support this wish,

Having heard the statements made by the Chairman of the United Nations Advisory Council for Somalia,

Having heard the views of the petitioners,

Noting the wish expressed by the Government of Somalia that, as soon as possible after the date of attainment of its independence Somalia should be admitted to membership of the United Nations, and noting further that the Government of Italy has expressed its readiness to sponsor the application that will be made by the Government of Somalia to be admitted to membership of the United Nations,

- 1. Takes note of the statements made by the representative of Italy and the representative of the Government of Somalia that, although it is not possible at this stage to give the precise date for earlier independence, pending approval of the consitution which is at present under consideration by the Somali Government and the Legislative Assembly, it is envisaged that the preparation for, and the attainment of, independence will be achieved several months in advance of 2 December 1960;
- 2. Congratulates the Government of Italy as Administering Authority and the Government and the people of Somalia on taking steps in order to attain the basic objectives of the International Trusteeship System several months in advance of 2 December 1960;
- 3. Expresses its appreciation for the assistance and advice provided by the United Nations Advisory Council for Somalia to the Administering Authority and to the Government of Somalia;
- 4. Expresses its confidence that the recommendations and observations of the Trusteeship Council, which have been accepted by the Administering

- Authority and the Government of the Trust Territory, concerning the broadening of the composition of the Political Committee and the Constituent Assembly, a popular ratification of the constitution now under preparation through a referendum, and a modification of the existing electoral law will be implemented before the date on which the Trusteeship Agreement is terminated and that the Administering Authority will furnish a report on the implementation of these recommendations to the Trusteeship Council at its twenty-sixth session;
- 5. Resolves accordingly, in agreement with the Administering Authority that on a date not later than 2 December 1960, to be agreed upon between the Government of Italy and the Government of Somalia with the assistance and advice of the United Nations Advisory Council, and to be communicated by the Administering Authority to the Trusteeship Council before the end of its twenty-sixth session, on which Somalia becomes independent, the Trusteeship Agreement approved by the General Assembly on 2 December 1950 shall cease to be in force, the basic objectives of trusteeship having been attained;
- 6. Requests the Government of Italy to notify the Secretary-General of the date referred to in paragraph 5 above on which the Trusteeship Agreement shall cease to be in force;
- 7. Requests the Secretary-General to communicate to all Members States the notification of the Government of Italy referred to in paragraph 6 above;
- 8. Recommends that, upon attainment of independence, Somalia be admitted to membership of the United Nations in accordance with Article 4 of the Charter of the United Nations.

DOCUMENT A/C.4/L.614

Plans of political reforms for the Trust Territory of Ruanda-Urundi Ghana: draft resolution

[Original text: English] [17 November 1959]

The General Assembly,

Having taken note of the statement of the Administering Authority (A/C.4/432) concerning the political reforms envisaged for the Trust Territory of Ruanda-Urundi under Belgian administration,

<u>Having taken note</u> of documents T/PET.3/95-97 dealing with the recent outbreak of violence in the Territory,

Having taken note also of the statement of the Administering Authority on the incidents leading to the outbreak of violence which have resulted in the sending of troops to the Territory.

Having heard the views of the petitioner, Mr. John Kale

- 1. <u>Draws the attention</u> of the Trusteeship Council to the statement of the petitioner on the Trust Territory of Ruanda-Urundi;
- 2. Requests the Trusteeship Council to consider in detail the plans of political reforms envisaged for the Territory by the Administering Authority and to include its observations and recommendations on the plans in its report to the General Assembly at its fifteenth session, taking into account the provisions of General Assembly resolution ... (XIV) on the attainment of self-government or independence by Trust Territories.

DOCUMENT A/C.4/L.618

United Arab Republic: amendments to document A/C.4/L.613/Rev.1

[Original text: English] [23 November 1959]

- 1. Replace operative paragraph 5 by the following text:
- "5. Resolves accordingly, in agreement with the Administering Authority, that on a date not later than 15 October 1960, to be agreed upon between the Government of Italy, the Government of Somalia and the United Nations Advisory Council, Somalia shall become independent and the Trusteeship Agreement approved by the General Assembly on 2 December 1950 shall cease to be in force, the basic objectives of trusteeship having been attained;".
- 2. Replace operative paragraph 6 by the following text:
- "6. Requests the Administering Authority to submit a report regarding the exact date of the termination of the Trusteeship Agreement to the Trusteeship Council at its twenty-sixth session;".
- 3. Delete operative paragraph 7 and renumber operative paragraph 8 as paragraph 7.

DOCUMENT A/C.4/L.619

Tunisia: amendments to document A/C.4/L.613/Rev.1 and Rev.1/Add.1

[Original text: French] [23 November 1959]

- 1. After the third preambular paragraph, insert the following additional paragraph:
 - "Having noted with satisfaction the statement by the representative of the Italian Government that the Administering Authority and the Government of Somalia have agreed that the date for the independence of Somalia shall be 1 July 1960, or, if the constitutional preparations have not been completed by that date, 12 October 1960,".
- 2. Delete operative paragraph 1 and renumber the present paragraphs 2, 3, 4, 5 and 6, as 1, 2, 3, 4 and 5, respectively.
- 3. In operative paragraph 5, which becomes paragraph 4, replace the words "not later than 2 December 1960" by the words "not later than 12 October 1960", and the words "with the assistance" by the words "with the aid".
- 4. Replace operative paragraph 6, which becomes paragraph 5 by the following:
 - "5. Requests the Administering Authority to submit to the Trusteeship Council at its twenty-sixth session a report concerning the precise date for the abrogation of the Trusteeship Agreement;".
- 5. Delete operative paragraph 7 and renumber the present paragraph 8 as paragraph 6.

DOCUMENT A/C.4/L.619/REV.1

Tunisia: revised amendments to document A/C.4/L.613/Rev.1 and Rev.1/Add.1

[Original text: French] [24 November 1959]

- 1. After the third preambular paragraph, insert the following additional paragraph:
 - "Having noted with satisfaction the statement by the representative of the Italian Government that the Administering Authority and the Government of Somalia have agreed that the date for the independence of Somalia shall be 1 July 1960, or, if the constitutional preparations have not been completed by that date 12 October 1960,".
- 2. Delete operative paragraph 1 and renumber the present paragraphs 2, 3 and 4 as 1, 2 and 3, respectively.
- 3. After operative paragraph 4, which becomes paragraph 3, insert a new paragraph 4, reading as follows:
 - "4. Expresses the hope that Somalia will attain independence on 1 July 1960".
- 4. In operative paragraph 5 replace the words "not later than 2 December 1960" by the words "not later than 12 October 190", and the words "with the assistance" by the words "with the aid".

DOCUMENT A/C.4/L.620

Liberia: amendments to document A/C.4/L.619/Rev.1

[Original text: English] [24 November 1959]

- 1. Delete the third amendment (para. 3).
- 2. Replace the fourth amendment (para. 4) by the following:
 - "4. Replace operative paragraph 5 by the following text:
 - '5. Resolves accordingly, in agreement with the Administering Authority, that Somalia shall become independent on 1 July 1960 and that on that date the Trusteeship Agreement approved by the General Assembly on 2 December 1950 shall cease to be in force, in accordance with Article 76 b of the Charter of the United Nations'."
- 3. After the fourth amendment (para. 4), add a new amendment as follows:
- "5. Delete operative paragraphs 6 and 7 and re-number the present paragraph 8 as paragraph 6."

DOCUMENT A /4320

Report of the Fourth Committee

[Original text: English]
[3 December 1959]

INTRODUCTION

- 1. At its 803rd meeting, on 22 September 1959, the General Assembly allocated to the Fourth Committee the following two items on its agenda:
 - "13. Report of the Trusteeship Council."
 - "39. Offers by Members States of study and training facilities for inhabitants of Trust Territories: report of the Trusteeship Council."
- 2. The first item consisted of the general report of the Trusteeship Council covering its activities from 2 August 1958 to 6 August 1959 (A/4100). The second item consisted of a special report of the Trusteeship Council on offers by Member States of study and training facilities for inhabitants of Trust Territories called for by the General Assembly in its resolution 1277(XIII) of 5 December 1958: it formed section D of chapter VII of part I of the general report of the Trusteeship Council. At its 933rd meeting the Committee decided to consider these two items together. During the course of their consideration, the Committee also had before it a letter dated 5 November 1959 (A/4262) from the Permanent Representative of Italy addressed to the Secretary-General transmitting a request of the Somali Legislative Assembly that the date of the attainment of independence by Somalia should be advanced.
- 3. In connexion with the report of the Trusteeship Council, the Committee received the following thirteen requests for oral hearings, 5/ which were granted without objection at the meeting indicated:
- (a) Request from Mr. Philippe Mbarga Manga on behalf of the Conseil national kamerunais de la Conference des peuples africains (883rd meeting);
- (b) Request from Mr. Isaac Tchoumba Ngouankeu on behalf of the same organization (883rd meeting);

behalf of the Association Bamiléké du Kamerun (883rd meeting);

(d) Request from Mr. Abel Kingué on behalf of the

(c) Request from Mr, Isaac Tchoumba Ngouankeu on

- (d) Request from Mr. Abel Kingué on behalf of the Union des populations du Cameroun (889th meeting);
- (e) Request from Mr. Ndeh Ntumazah on behalf of One Kamerun (889th meeting);
- (f) Request from Mrs. Marthe Ouandié on behalf of the Union démocratique des femmes camerounaises (896th meeting);
- (g) Request from Mr. Claude Akono on behalf of the Groupe parlementaire des Démocrates camerounais (904th meeting);
- (h) Request from Mr. John Kale concerning conditions in Ruanda-Urundi (906th meeting);
- (i) Request from Mr. André-Marie Mbida (908th meeting);
- (j) Request from Mr. Silas Mbong on behalf of Members of Parliament elected on the platform of national reconciliation and independence (917th meeting);
- (k) Request from Mr. Jean-Paul Sende on behalf of former members of the Resistance, "maquisards," refugees, exiles and political prisoners (918th meeting);
- (1) Request from Mr. Hagi Mohamed Hussen, President of the Great Somalia League, Hajji Scikei Abatti, Secretary-General of the Somali National Union and Mr. Scek Mohamed Ahmed, President of the Somali Independent Constitutional Party concerning conditions in Somalia (941st meeting):
- (m) Request from Mr. Michel Rwagasana, General Secretary of the Union national rwandaise concerning conditions in Ruanda-Urundi (961st meeting).

The requests, except where otherwise indicated, concerned conditions in the Cameroons under Frenchad-ministration.

^{5/} The requests were contained in documents A/C.4/409 and Add.1-6 and A/C.4/423, or were read at the meeting in question.

- 4. At the 933rd meeting the report of the Trusteeship Council was introduced by its President, who also made a statement at the 935th meeting in his capacity as Chairman of the Sub-Committee on the Questionnaire. At the 947th and 962nd meetings, statements were made by the Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration. 6
- 5. From the 933rd to the 940th meeting and at the 943rd meeting, the Committee heard statements by, and members addressed questions to, the following petitioners in respect of conditions in the Cameroons under French administration:
- Mr. Ndeh Ntumazah (One Kamerun), Mr. Isaac Tcnoumba Ngouankeu (Conseil national kamerunais de la Conférence des peuples africains), Mr. Blaise Manga-Bilé (Groupe parlementaire des Démocrates camerounais), Mr. Ernest Ouandié (Union des populations du Cameroun), Mr. Théodore Mayi Matip (representing former members of the Resistance, "maquisards," refugees, exiles and political prisoners) and Mr. Nonga Yomb (representing members of Parliament elected on the platform of national reconciliation and independence). The hearing of John Kale in relation to conditions in Ruanda-Urundi took place at the 934th, 938th, 939th and 944th meetings. 11 At its 957th and 964th meetings, the Committee heard the following petitioners from Somalia: Mr. Abubacar Hamoud Socoro (Somali National Union), Mr. Scek Yero Abdio (Somali Independent Constitutional Party) and Mr. Mohamed Hussen Hamud (Great Somalia League). At the 963rd meeting, the Committee heard Mr. Michel Rwagasana (Union nationale rwandaise) in relation to conditions in Ruanda-Urundi.
- 6. Following statements by various representatives of Administering Authorities at the 933rd, 935th and 937th meetings, the general debate took place from the 940th to the 942nd and from the 944th to the 952nd meetings. During the course of and at the conclusion of the general debate, draft resolutions on the following subjects were submitted:
 - I. Report of the Trusteeship Council.
 - II. Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories.
- III. Offers by Member States of study and training facilities for inhabitants of Trust Territories.
- IV. Preparation and training of indigenous civil cadres in the Trust Territories.
- V. Attainment of self-government or independence by Trust Territories.
- VI. Study of opportunities for international co-operation on behalf of the former Trust Territories which have become independent.
- VII. Assistance to Territories emerging from a trust status and newly independent States.
- VIII. Date of the independence of the Trust Territory of Togoland under French administration.

- IX. Assistance to the Trust Territory of Togoland under French administration.
- X. Date of the independence of the Trust Territory of Somaliland under Italian administration.
- XI. Plans of political reforms for the Trust Territory of Ruanda-Urundi.
- XII. Future of the Trust Territory of the Cameroons under French administration.

The consideration of those proposals is described separately under the subjects to which they relate.

I. REPORT OF THE TRUSTEESHIP COUNCIL

- 7. At the 951st meeting, Ireland submitted a draft resolution (A/C.4/L.604) whereby the General Assembly would: (1) take note of the report of the Trusteeship Council; (2) recommend that the Trusteeship Council, in its future deliberations should take into account the comments and suggestions made during the discussion of its report at the fourteenth session of the General Assembly.
- 8. The draft resolution was discussed at the 955th meeting and adopted without objection.
- 9. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution I.
- II. DISSEMINATION OF INFORMATION ON THE UNITED NATIONS AND ON THE INTERNATIONAL TRUSTEESHIP SYSTEM IN TRUST TERRITORIES
- 10. At the 949th meeting Bulgaria, Burma, Ceylon, Ethiopia, Ghana, Greece Guatemala, Guinea, India, Indonesia, Iran, Morocco, Nepal, the United Arab Republic and Venezuela submitted a draft resolution (A/C.4/L.602) concerning the dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories. The text of the draft resolution was as follows:

"The General Assembly,

"Recalling its resolution 1276 (XIII) of 5 December 1958, whereby the Assembly, inter alia, requested the Secretary-General to prepare for the twenty-fourth session of the Trusteeship Council a report on the early establishment of United Nations information centres in or near the Trust Territories,

"Noting from the report (T/1467) submitted by the Secretary-General to the Trusteeship Council pursuant to General Assembly resolution 1276 (XIII) that information centres may be established only after the State concerned has requested or agreed to the establishment of these centres and after the Assembly has provided the necessary funds, and that thus far no requests have been received by the Secretary-General from the Administering Authorities for the establishment of information centres in any of the Trust Territories,

"Having perused the further report (T/1463) submitted by the Secretary-General to the Trusteeship Council at its twenty-fourth session under Council resolution 36 (III) of 8 July 1948 and observing therefrom that the dissemination of information on the United Nations among the peoples of the Trust Territories is still far from satisfactory,

^{6/} The Advisory Council also submitted a written memorandum (A/C.4/434).

I/ The Committee decided also to take into consideration the written petitions contained in documents T/PET.3/95-97.

"Keeping in view the special status of Trust Territories and their inhabitants and also the General Assembly's own special responsibilities under Chapters XII and XIII of the Charter of the United Nations,

"Reiterating that it is essential, in its view, that the peoples of Trust Territories should receive adequate information concerning the purposes and operation of the United Nations and of the International Trusteeship System,

"Noting the recommendation of the Committee of Experts on United Nation's Public Information that United Nations information centres constitute the most inportant means of disseminating information about the United Nations (A/3928, para. 227 (e)),

- "1. Requests the Secretary-General to initiate discussions with the Administering Authorities concerned with a view to establishing, during 1960, in at least some of the larger Trust Territories such as Tanganyika, Ruanda-Urundi and New Guinea, United Nations information centres in which the responsible positions would be occupied preferably by indigenous inhabitants of the Trust Territories concerned;
- "2. Also requests the Administering Authorities to extend their co-operation and assistance to the Secretary-General in implementing the recommendations made in paragraph 1 above;
- "3. Further requests the Secretary-General to prepare, for the fifteenth session of the General Assembly, a report on the implementation of the present resolution."
- 11. Subsequently Uruguay joined (A/C.4/L.602/Add. 1) the sponsors of the draft resolution.
- 12. The proposal was discussed and put to the vote at the 953rd meeting with the following results:

The third paragraph of the preamble was adopted by 48 votes to 3, with 18 abstentions.

The words "during 1960" in operative paragraph 1 were adopted by 42 votes to 14, with 13 abstentions.

Operative paragraph 1 was adopted by 49 votes to 1, with 19 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 59 to none, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, Canada, France, Italy, Netherlands, New Zealand, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

13. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution II

III. OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF TRUST TERRITORIES

14. At the 951st meeting, Ceylon, Czechoslovakia and Indonesia submitted a draft resolution (A/C.4/L.605) concerning offers by Member States of study and training facilities for inhabitants of Trust Territories, the text of which read as follows:

"The General Assembly,

"Bearing in mind that most of the Trust Territories do not have sufficient facilities for higher education which would ensure the education of highly qualified indigenous cadres,

"Considering the urgent need in the Trust Territories for indigenous personnel who could take over the functions held by those non-indigenous persons who up to now have occupied the most important positions in the administration of these Territories,

"Expressing regret at the fact that the greater part of the scholarships offered by Member States remain unutilized,

"Expressing regret also that some Administering Authorities do not provide all students who have been accorded scholarships with facilities to leave the Trust Territories in order to take advantage of such scholarships, as attested by the periodic report of the Secretary-General on the progress of the scholarships programme (T/1462),

"Recalling its resolution 557 (VI) of 18 January 1952, which invited the Member States to make scholarships available to qualified students from the Trust Territories,

- "1. Takes note of part I, chapter VII, section D, of the report of the Trusteeship Council (A/4100), as well as of the periodic report of the Secretary-General on the progress of the scholarship programme;
- "2. <u>Reaffirms</u> its resolution 1277 (XIII) of 5 December 1958 and once again invites the Administering Authorities to take all necessary measures consistent with the interests and needs of the Trust Territories and their people to ensure that scholarships and training facilities offered by Member States may be utilized by inhabitants of these Territories, and to render every assistance to those persons who have applied for or have been granted scholarships or fellowships, particularly with regard to facilitating their travel formalities;
- "3. Requests all Administering Authorities which have not done so to give the fullest publicity in the Trust Territories under their administration to all offers of study and training facilities made by Member States;
- "4. Requests the Secretary-General to give such assistance as is possible, and as may be sought by the Member States concerned and by the applicants;
- "5. Requests the Secretary-General to prepare for the fifteenth session of the General Assembly a report concerning the actual use of scholarships

offered by Member States to students from the Trust Territories;

- "6. Requests the Trusteeship Council to resume, at its sessions to be held in 1960, the consideration of this question and to report thereon to the General Assembly at its fifteenth session;
- "7. Decides to place this question as a separate item on the provisional agenda of its fifteenth session.
- 15. The draft resolution was discussed at the 955th meeting, at which time the sponsors orally revised operative paragraph 5 by inserting the words "and training facilities" after "scholarships". Ethiopia joined (A/C.4/L.605/Add.1) in the sponsorship of the revised draft resolution, which was adopted unanimously.
- 16. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution III.

IV. PREPARATION AND TRAINING OF INDIGENOUS CIVIL CADRES IN THE TRUST TERRITORIES

17. At the 953rd meeting, Burma, Ghana, India, Indonesia and Pakistan submitted a draft resolution (A/C.4/L.609) on the preparation and training of indigenous civil cadres in the Trust Territories, the text of which read as follows:

"The General Assembly,

"Noting from chapters on individual Trust Territories included in part II of the report of the Trusteeship Council (A/4100) that there are serious shortages of qualified civilian and technical personnel in all these Territories,

"Considering that appropriately trained indigenous civil and technical cadres are essential to the functioning of administration of these Territories when they emerge from trusteeship to independence,

"Considering also that it is equally necessary and desirable that before the accession of Trust Territories to independence, positions of high responsibility should be held by suitably trained indigenous persons so that the transfer of power from the Administering Authorities to the administrations of the Territories upon the termination of trusteeship should take place smoothly without causing administrative dislocation,

"Considering further that while the Administering Authorities are becoming increasingly aware of the vital need of developing civil and technical cadres of indigenous persons and are taking steps to fulfil it, the measures adopted for the training of indigenous personnel in various fields of administration and for transferring positions of high responsibility to them are inadequate and need to be expanded and accelerated,

- "1. <u>Urges</u> the Administering Authorities to take expeditious measures on a planned basis aimed at the rapid development of indigenous civil and technical cadres and for the replacement of expatriate personnel by local officers;
- "2. <u>Draws the attention</u> of the Administering Authorities to the facilities provided by the United

Nations under the programmes of technical assistance and public administration for training in administration and related functions and requests them to make fuller use of these facilities;

- "3. Requests the Secretary-General to prepare a report on the utilization by the Administering Authorities of the facilities for training offered by the United Nations in this field and to submit it to the Trusteeship Council at its twenty-sixth session."
- 18. The draft resolution was considered at the 958th meeting and put to the vote with the following results:

The words "are inadequate and" in the fourth preambular paragraph were adopted by a roll-call vote of 28 to 27, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Czechoslovakia, Ethiopia, Ghana, Greece, Guinea, Haiti, Hungary, Iraq, Israel, Lebanon, Liberia, Libya, Morocco, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Belgium, Canada, Chile, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Sweden Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Ceylon, China, Colombia, Federation of Malaya, Guatemala, India, Indonesia, Iran Nepal, Pakistan, Paraguay, Spain, Thailand, United Arab Republic, Venezuela, Yemen.

The draft resolution as a whole was adopted by a roll-call vote of 63 to none, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, Dominican Republic, El Salvador, France, Italy, Netherlands, Portugal, Spain, Union of South Africa.

- 19. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution IV.
- V. ATTAINMENT OF SELF-GOVERNMENT OR IN-DEPENDENCE BY TRUST TERRITORIES
- 20. At the 950th meeting, Burma, Ethiopia, Ghana, Guatemala, Haiti, India, Indonesia, Iraq, the United

Arab Republic, Venezuela and Yugoslavia submitted a draft resolution (A/C.4/L.603) concerning the attainment of self-government or independence by Trust Territories. According to the draft resolution, the General Assembly would: (1) request the Administering Authorities concerned to propose, after consultation with the representatives of the inhabitants, for the consideration of the General Assembly at its fifteenth session, time-tables and targets for the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future; (2) invite the Administering Authorities concerned to formulate, in respect of the remaining Trust Territories, early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence: (3) request the Trusteeship Council, in its examination of the annual reports submitted by the Administering Authorities and in formulating the terms of reference of the 1960 visiting mission to Trust Territories in Africa, to keep in view the provisions of the present resolution.

- 21. The draft resolution was discussed at the 954th meeting, at which time Guinea, Morocco and Poland joined the sponsors (A/C.4/L.603/Add.1).
- 22. The draft resolution was then put to the vote, with the following results:

Operative paragraph 1 was adopted by a roll-call vote of 43 to 17, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, EL Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Paraguay, Philippines, Poland, Romania, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, Honduras, Japan, Panama, Peru, Thailand, Turkey.

The draft resolution as a whole was adopted by a roll-call vote of 48 to 16, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Paraguay, Philippines, Poland, Romania, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, China, Colombia, Costa Rica, Honduras, Panama, Peru, Spain, Turkey.

- 23. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution V.
- VI. STUDY OF OPPORTUNITIES FOR INTERNA-TIONAL CO-OPERATION ON BEHALF OF THE FORMER TRUST TERRITORIES WHICH HAVE BECOME INDEPENDENT
- 24. At the 952nd meeting, Cuba, Haiti, Iran, the Philippines, Tunisia and Venezuela submitted a draft resolution (A/C.4/L.606), providing for the establishment of a committee of five members to study all opportunities for international co-operation which could be of interest to the former Trust Territories which had become independent and to report to the General Assembly at its fifteenth session.
- 25. At the 954th meeting Canada submitted an amendment (A/C.4/L.612) to the six-Power proposal to the effect that the words "through the Economic and Social Council" should be added to paragraph 4 after the word "should".
- 26. Following a discussion at the 955th and 956th meetings, the sponsors submitted a revised text of their proposal (A/C.4/L.606/Rev.1) as follows:

"The General Assembly,

"Noting that three Trust Territories—the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration—will attain independence during 1960 and that other Trust Territories will also attain independence during the following years,

"Considering that the United Nations, under the Trusteeship System and in co-operation with the Administering Authorities, has contributed to ensuring this attainment of independence in the best possible circumstances,

"Considering also that these countries, generally speaking, are under-developed and that during the first years of their independence they will have to find speedy solutions to a considerable number of problems in the administrative, economic, social and educational fields,

"Considering that it would be necessary and normal for the international community to continue to show special concern for the former Trust Territories and to be prepared to grant every possible assistance if those countries, having become independent and sovereign, should desire such assistance,

"Considering that it would be appropriate to survey the various ways and means of providing international assistance.

"1. <u>Decides</u> to set up a Committee of five members composed of ... responsible for studying all opportunities of international co-operation which could be of interest to the former Trust Territories which have become independent within the spheres

and in the framework of programmes of international assistance:

- "2. Authorizes the Committee, in its study of this problem, to seek the co-operation of such international organizations, governmental organizations, non-governmental organizations and eminent persons as it may deem advisable to approach;
- "3. Authorizes the Committee to consult with the Governments of countries which were formerly under Trusteeship and which have become independent for the purpose of ascertaining their views with respect to these questions;
- "4. Recommends that the Committee should report to the General Assembly at its fifteenth session concerning the results of this study and also concerning any conclusions and recommendations which it deems appropriate;
- "5. Recommends that a copy of this report should also be submitted to the Economic and Social Council, with a request that it communicate its opinion and comments thereon to the fifteenth session of the General Assembly;
- "6. Recommends that the Secretary-General should make available to the Committee the staff and resources necessary for carrying out the study."
- 27. The Canadian amendment (A/C.4/L.612) was thereupon withdrawn.
- 28. At the same meeting Ceylon submitted amendments $(A/C.4/L.616)^{8/}$ to the revised draft resolution, which as orally revised read as follows:
 - "1. In operative paragraph 1, replace the words 'Decides to set up a Committee of five members composed of ... responsible for studying' by the words 'Invites the Economic and Social Council to make a study, under Article 62, paragraph 1, of the Charter, of'.
 - "2. In operative paragraph 2, replace the words 'Authorizes the Committee, in its study of this problem, to seek' by the words 'Recommends that the Council, in its study of this problem, should seek'.
 - "3. In operative paragraph 3, replace the words 'Authorizes the Committee to consult' by the words 'Recommends that the Council should consult'.
 - "4. In operative paragraph 4, replace the word 'Committee' by the word 'Council'.
 - "5. Delete operative paragraphs 5 and 6."
- 29. The draft resolution and the related amendments were put to the vote at the 957th meeting with the following results:

The first amendment of Ceylon was adopted by a roll-call vote of 41 to 9, with 24 abstentions. The voting was as follows:

<u>In favour</u>: Albania, Australia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia,

Ceylon, Chile, Czechoslovakia, Denmark, Federation of Malaya, Finland, Guinea, Hungary, India, Iraq, Ireland, Israel, Italy, Japan, Jordan, Libya, Mexico, Nepal, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

Against: Argentina, Brazil, Cuba, France, Haiti, Iran, Tunisia, Uruguay, Venezuela.

Abstaining: Afghanistan, Austria, Belgium, Canada, China, Colombia, Costa Rica Ecuador, El Salvador, Ethiopia, Ghana, Greece, Guatemala, Honduras, Lebanon, Liberia, Morocco, Panama, Paraguay, Peru, Philippines, Turkey, United Arab Republic, United States of America.

The remaining amendments of Ceylon were adopted without objection.

The words "in the best possible circumstances" in the second paragraph of the preamble of the revised draft resolution were adopted by 42 votes to 3, with 19 abstentions.

The word "special" in the fourth paragraph of the preamble was adopted by 19 votes to 8, with 43 abstentions.

The words "and eminent persons" in operative paragraph 2 were rejected by 19 votes to 15, with 34 abstentions.

The revised draft resolution as a whole as amended was adopted by a roll-call vote of 45 to 3, with 26 abstentions. The voting was as follows:

In favour: Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, Czechoslovakia, Denmark, Federation of Malaya, France, Ghana, Greece, Guinea, Hungary, India, Iraq, Ireland, Israel, Italy, Japan, Jordan, Libya, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia.

Against: Haiti, Liberia, Tunisia.

Abstaining: Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Ethiopia, Finland, Guatemala, Honduras, Iran, Lebanon, Nepal, Panama, Paraguay, Peru, Portugal, Turkey, United States of America, Venezuela.

- 30. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution VI.
- VII. ASSISTANCE TO TERRITORIES EMERGING FROM A TRUST STATUS AND TO NEWLY INDEPENDENT STATES
- 31. At the 953rd meeting the United States of America submitted a draft resolution (A/C.4/L.611), by which the Secretary-General would be invited to consider sympathetically and promptly all requests

^{8/} Document A/C.4/L.616 contained six amendments, the first four of which were identical with the amendments quoted in paragraph 28 and the last two of which read as follows:

[&]quot;5. Delete paragraph 5.

[&]quot;6. In operative paragraph 6, replace the word 'Committee' by 'Council'."

which he might receive to provide Territories emerging from a trust status or newly independent States with such high-level technical experts as they might desire. In a revised form submitted at the 958th meeting (A/C.4/L.611/Rev.1), the United States draft resolution read as follows:

"The General Assembly,

"Welcoming the forthcoming independence of the Trust Territories of the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration during 1960,

"Recalling the basic objectives of the Trusteeship System as set forth in Article 76 of the Charter of the United Nations,

"Recognizing the many problems with which the emerging Trust Territories must inevitably be faced upon their attainment of independence, particularly in the economic and social fields,

"Desiring that all possible aid in the field of technical assistance be available from the existing facilities in the United Nations to those emerging Trust Territories which might request it,

"Invites the Secretary-General to give urgent and sympathetic consideration, without prejudice in any way to present assistance given to other States Members of the United Nations, to all requests which he might receive to provide Territories emerging from a trust status or newly independent St. 'es with:

- "(a) Such high-level technical experts as they might desire;
- "(b) All other forms of technical aid required by the special circumstances under which they have acceded to independence."
- 32. The revised draft resolution was considered at the 961st meeting, at which time the representative of Iran proposed orally that the words "and newly independent States" should be inserted after "emerging Trust Territories" in the third and fourth paragraphs of the preamble. The representative of Ceylon proposed orally that the words "and the specialized agencies" should be inserted after "United Nations" in the fourth paragraph of the preamble and the words "and the executive heads of the specialized agencies concerned after "the Secretary-General" in the operative paragraph. Both proposals were accepted by the sponsor.
- 33. Afghanistan, Ceylon, Czechoslovakia and Pakistan joined in the sponsorship (A/C.4/L.611/Rev.1/Add.1) of the revised draft resolution.
- 34. The revised draft resolution (A/C.4/L.611/Rev.1 and Rev.1/Add.1) as further revised orally was then adopted unanimously.
- 35. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution VII.

VIII. DATE OF THE INDEPENDENCE OF THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

36. At the 952nd meeting Iran and Mexico submitted a draft resolution (A/C.4/L.607) by which the General Assembly would: (1) note that the Governments of France and of the Republic of Togoland had agreed

that the date on which Togoland should become independent was to be 27 April 1960; (2) express its satisfaction with the terms and spirit in which that agreement had been concluded; (3) reiterate its decision that on the date of the independence of Togoland, which had now been established as 27 April 1960, the Trusteeship Agreement for Togoland under French administration approved by the General Assembly on 13 December 1946 would cease to be in force.

- 37. At the 955th meeting Guinea submitted an amendment (A/C.4/L.615) to the draft resolution, providing for the following additional paragraph:
 - "4. Recommends that, upon the attainment of independence on 27 April 1960, Togoland shall be admitted to membership of the United Nations according to Article 4 of the Charter of the United Nations."
- 38. The proposal and the related amendment were discussed at the 953th meeting, at which time the amendment of Guinea and the draft resolution as amended were successively adopted without objection.
- 39. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution VIII.

IX. ASSISTANCE TO THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

- 40. At the 952nd meeting Colombia, Cuba, Lebanon, Libya, Mexico and the United Arab Republic submitted a draft resolution (A/C.4/L.608), by which the General Assembly would: (1) note with satisfaction the assistance given to this date to Togoland under French administration by agencies of the United Nations; (2) trust that the Administering Authority would continue to transmit without delay requests for assistance that might be made by the Government of Togoland, and that the Secretary-General, the Special Fund, the Technical Assistance Board and the specialized agencies would give urgent and sympathetic consideration to these requests.
- 41. The draft resolution was considered at the 958th meeting and adopted without objection.
- 42. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution IX.

X. DATE OF THE INDEPENDENCE OF THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

43. At the 955th meeting, Argentina, Canada, Iran, Ireland. Japan and the United States of America submitted a draft resolution (A/C.4/L.613) on the date of independence of the Trust Territory of Somaliland under Italian administration. By that draft resolution, the General Assembly, having noted, inter alia, the wish expressed by the Legislative Assembly of Somalia that the Trusteeship Agreement should be terminated at a date earlier than 2 December 1960, would have resolved in particular, in agreement with the Administering Authority, that on a date not later than 2 December 1960, to be agreed upon between the Government of Italy and the Government of Somalia in consultation with the United Nations Advisory Council, on which Somalia should become independent, the Trusteeship Agreement for the Territory should cease to be in

- 44. The Committee began its consideration of the draft resolution at the 962nd meeting, at which time Nepal submitted an amendment (A/C.4/L.617), providing for the addition, after operative paragraph 2, of the following new paragraph:
 - "3. Expresses its confidence that the recommendations and observations of the Trusteeship Council, which have been accepted by the Administering Authority and the Government of the Trust Territory, concerning the broadening of the composition of the Political Committee and the Constituent Assembly, a popular ratification of the constitution now under preparation through a referendum, and a modification of the existing electoral law, will be implemented before the date on which the Trusteeship Agreement is terminated, and that the Administering Authority will furnish a report on the implementation of these recommendations to the Trusteeship Council at its twenty-sixth session."
- 45. At the 964th meeting, when consideration of the draft resolution was resumed, the sponsors submitted a revised text of their draft resolution (A/C.4/L.613/Rev.1) which differed from the preceding text mainly in that the paragraph proposed by Nepal was accepted. It also provided that the date of independence would be communicated to the Trusteeship Council before the end of its twenty-sixth session. Nepal accordingly withdrew its amendment and became a co-sponsor.
- 46. At the same meeting, the United Arab Republic submitted amendments (A/C.4/L.618) to the revised draft resolution, which would, inter alia, set the date for independence as not later than 15 October 1960 and would include the United Nations Advisory Council as one of the parties which would agree upon the exact date.
- 47. At the 965th meeting, the representative of Italy informed the Committee that his Government and the Government of Somalia were in agreement that the date of independence should be 1 July 1960, or, if the constitutional preparations had not been completed by that date, 12 October 1960.
- 48. At the 966th meeting, Tunisia submitted amendments (A/C.4/L.619), revised during the course of the same meeting (A/C.4/L.619/Rev.1), by which the general Assembly would in particular note with satisfaction the statement of the representative of Italy, express the hope that Somalia would attain independence on 1 July 1960 and resolve that the date should not be later than 12 October 1960.
- 49. At the same meeting, Liberia submitted subamendments (A/C.4/L.620) to the revised Tunisian amendments, in accordance with which the General assembly would, <u>inter alia</u>, decide that the Trusteeship Agreement should cease to be in force on 1 July 1960.
- 50. When consideration of the question was resumed at the 972nd meeting, the representative of Italy and the representative of the Government of Somalia informed the Committee that, after further consideration, their Governments were in agreement that the preparations for independence would be completed by 1 July 1960 and that independence would be proclaimed on that date.
- 51. At the same meeting the sponsors of the draft resolution submitted a second revised text (A/C.4/

L.613/Rev.2), the operative part of which read as follows:

"The General Assembly,

n. .

- "1. Takes note of the statements made by the representative of Italy and the representative of the Government of Somalia that the preparations for independence will be completed by 1 July 1960 and that independence will be proclaimed on that date:
- "2. Congratulates the Government of Italy as Administering Authority, and the Government and people of Somalia on taking steps in order to attain the basic objectives of the International Trusteeship System in advance of 2 December 1960;
- "3. Expresses its appreciation for the aid and advice provided by the United Nations Advisory Council for Somalia to the Administering Authority, and also to the Government and the people of Somalia in their progress towards independence;
- "4. Expresses its confidence that the recommendations and observations of the Trusteeship Council, which have been accepted by the Administering Authority and the Government of Somalia, concerning the broadening of the composition of the Political Committee and the Constituent Assembly, a popular confirmation of the constitution now under preparation through a referendum, and a modification of the existing electoral law will be implemented before the date on which the Trusteeship Agreement is terminated and that the Administering Authority will furnish a report on the implementation of these recommendations to the Trusteeship Council at its twenty-sixth session;
- "5. Resolves accordingly, in agreement with the Administering Authority, that on 1 July 1960, when Somalia shall become independent, the Trusteeship Agreement approved by the General Assembly on 2 December 1950 shall cease to be in force, the basic objectives of trusteeship having been attained:
- "6. Recommends that, upon the attainment of independence Somalia be admitted to membership of the United Nations in accordance with Article 4 of the Charter of the United Nations."

The various amendments were thereupon withdrawn.

- 52. Ghana, Iraq, Liberia, Pakistan, the Philippines and the United Arab Republic associated themselves (A/C.4/L.613/Rev.2/Add.1) with the sponsors of the draft resolution.
- 53. The revised draft resolution (A/C.4/L.613/Rev.2 and Rev.2/Add.1) was adopted unanimously.
- 54. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution X.
- XI. PLANS OF POLITICAL REFORMS FOR THE TRUST TERRITORY OF RUANDA-URUNDI
- 55. At the 955th meeting, Ghana submitted a draft resolution (A/C.4/L.614) on plans of political reforms for the Trust Territory of Ruanda-Urundi, according to which the General Assembly would draw the attention of the Trusteeship Council to the statement of a petitioner on that Territory and would request the Trusteeship Council to report in detail to the General Assembly at its fifteenth session on the plans of poli-

tical reforms envisaged for that Territory by the Administering Authority.

56. At the 965th meeting, following the hearing of a second petitioner on the situation in the Territory, Ghana submitted a revised text of its draft resolution (A/C.4/L.614/Rev.1), which read as follows:

"The General Assembly,

"Having taken note of the statement of the Administering Authority (A/C.4/432) concerning the political reforms envisaged for the Trust Territory of Ruanda-Urundi under Belgian administration,

"Having taken note of the petitions and communications dealing with the recent outbreak of violence in the Territory (T/PET.3/95, 96 and Add.1, 97-99; T/COM.3/L.32),

"Having taken note also of the statement of the Administering Authority on the incidents leading to the outbreak of violence which have resulted in the sending of troops to the Territory,

"Having heard the views of the petitioners,

- "1. <u>Draws the attention</u> of the Trusteeship Council to the statements of the petitioners on the Trust Territory of Ruanda-Urundi;
- "2. Requests the Trusteeship Council to consider in detail the plans of political reforms envisaged for the Territory by the Administering Authority and to include its observations and recommendations on the plans in its report to the General Assembly at its fifteenth session, taking into account the provisions of Assembly resolution ... (XIV) on the attainment of self-government or independence by Trust Territories;
- "3. Further requests the Trusteeship Council to dispatch its 1960 visiting mission to Trust Territories in East Africa early in 1960 so as to make it possible for the mission to report to the Trusteeship Council at its twenty-sixth session on the conditions and causes of the recent disturbances in the Territory."
- 57. The revised draft resolution was considered at the 966th meeting and adopted unanimously.
- 58. The text of the draft resolution is set forth in paragraph 61 of the present report as draft resolution XI.
- XII. FUTURE OF THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION
- 59. At the 953rd meeting Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Morocco and the United Arab Republic submitted a draft resolution (A/C.4/L.610) on the future of the Trust Territory of the Cameroons under French administration, which read as follows:

"The General Assembly,

"Recalling its resolution 1349 (XIII) of 13 March 1959,

"Recalling in particular the fourth paragraph of the preamble, in which it noted with satisfaction 'the adoption by the Legislative Assembly of the Cameroons under French administration of the amnesty

law of 14 February 1959 and the assurances given by the Prime Minister of the Cameroons that this law is being put into effect on the widest possible basis and with the least possible delay',

"Recalling the fifth paragraph of the preamble, in which it noted the 'statements of the representatives of the Cameroons Government that it welcomes the return of all Cameroonians who in recent years have left the country and invites them to re-enter normal life without fear of reprisal',

"Recalling the sixth paragraph of the preamble, in which it has been assured 'by the representatives of the Administering Authority and the Government of the Cameroons that there exist in the Territory freedom of the Press, of assembly and of political association, and other fundamental freedoms',

"Recalling further paragraph 2 of the operative part in which the Assembly expressed its confidence that 'at the earliest possible date after the attainment of independence on 1 January 1960, elections will be held for the formation of a new assembly which should take decisions regarding the establishment, in their final form, of the institutions of the free and independent Cameroons',

"Having heard the views of the petitioners,

- "1. \underline{Notes} the unfavourable conditions prevailing in the Territory;
- "2. Reaffirms its resolution 1349 (XIII) and requests the Government of the Cameroons to implement the above-mentioned paragraphs;
- "3. Appeals to all concerned to end by their common efforts the unfavourable conditions prevailing in the Territory for the interest of their country;
- "4. Notes the recent statement of the Prime Minister of the Cameroons that the elections shall be held at the beginning of 1960 and that these elections shall be free and democratic;
- "5. Recommends that the fundamental rights laid down in the Charter of the United Nations and the Universal Declaration of Human Rights shall be respected in order to re-establish full and free democratic political activities in the Territory;
- "6. Recommends that a commission of three members appointed by the President of the General Assembly be immediately dispatched to the Territory to assist the Government and the people of the Cameroons in achieving, between now and the date of independence, the purposes of resolution 1349 (XIII) and the present resolution so that the Territory will accede to independence in an atmosphere of peace and harmony."
- 60. The draft resolution was considered at the 959th and 960th meetings, being put to the vote at the latter meeting with the following results:

The preamble was adopted by 73 votes to none, with 6 abstentions.

Operative paragraph 1 was rejected by a roll-call vote of 40 to 30, with 10 abstentions. The voting was as follows:

<u>In favour</u>: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal,

Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria. Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Haiti, Iceland, Ireland, Israel, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Cambodia, Cuba, Ethiopia, Federation of Malaya, Greece, Guatemala, Honduras, Iran, Mexico, Venezuela.

The phrase "Reaffirms its resolution 1349 (XIII)" in operative paragraph 2 was adopted unanimously.

Operative paragraph 2 as a whole was rejected by a roll-call vote of 38 to 32, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Ethiopia, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Canada, China. Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Haiti, Iceland, Ireland, Israel, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Brazil, Cambodia, Chile, Cuba, Federation of Malaya, Guatemala, Honduras, Iran, Mexico, Venezuela.

Operative paragraph 3 was rejected by a roll-call vote of 38 to 33, with 8 abstentions. The voting was as follows:

<u>In favour</u>: Afghanistan, Albania, Bulgaria Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Haiti, Honduras, Iceland, Israel, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal,

Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: Austria, Cambodia, Ethiopia, Federation of Malaya, Greece, Guatemala, Ireland, United States of America.

The sponsors of the draft resolution orally revised operative paragraph 4 by adding at the beginning the words "Reaffirms its resolution 1349 (XIII) and".

The phrase thus added to operative paragraph 4 was adopted by a roll-call vote of 47 to 13, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bulgaria. Burma, Byelorussian Soviet Socialist Republic, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Ethiopia, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Peru, Philippines, Poland Romania, Saudi Arabia Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Brazil. Cambodia, Canada, China, Costa Rica, Denmark, Ecuador, El Salvador, Federation of Malaya, Finland. Ghana, Iceland, Israel, Italy, Japan, Laos, United States of America.

The remainder of operative paragraph 4 was adopted by 68 votes to none, with 6 abstentions.

Operative paragraph 4 as a whole, as revised, was adopted by a roll-call vote of 51 to 5, with 22 abstentions. The voting was as follows:

In favour: Afghanistan, Albania. Argentina, Australia, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada. Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Greece. Guatemala, Guinea, Haiti, Hungary India, Indonesia, Iran. Iraq Ireland, Jordan, Laos, Lebanon, Libya, Mexico. Morocco, Nepal, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Honduras, Netherlands, New Zealand, Nicaragua.

Abstaining: Brazil, Cambodia, China, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Ghana, Iceland. Israel. Italy, Japan, Norway, Portugal, Sweden. Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Operative paragraph 5 was rejected by a roll-call vote of 41 votes to 28, with 12 abstentions. 9 The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Poland, Romania, Saudi Arabia Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, Union of Soviet Socialist Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Haiti, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Austria, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Guatemala, Iran, Israel, Laos, Liberia, Pakistan, Philippines.

Operative paragraph 6 was rejected by a roll-call vote of 48 to 26, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom

of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Ceylon, Ethiopia, Federation of Malaya, Iran, Nepal, Pakistan, Philippines.

The draft resolution as a whole, as amended, was rejected by a roll-call vote of 41 to 33, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Cuba, Czechoslovakia, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon. Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Ethiopia, Federation of Malaya, Ghana, Greece, Iran, Liberia, Paraguay.

Recommendations of the Fourth Committee

61. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

REPORT OF THE TRUSTEESHIP COUNCIL

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution II

DISSEMINATION OF INFORMATION ON THE UNITED NATIONS AND ON THE INTERNATIONAL TRUSTEESHIP SYSTEM IN TRUST TERRITORIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution III

OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF TRUST TERRITORIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution IV

PREPARATION AND TRAINING OF INDIGENOUS CIVIL CADRES IN THE TRUST TERRITORIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

^{9∕}A motion by the representative of Iraq that operative paragraph 5 should be voted on in two parts, namely, the part up to the word "respected" and the remainder, was rejected by a roll-call vote of 41 votes to 26, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Poland, Romania, Saudi Arabia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Austria, Cambodia, Ceylon, Cuba, Greece, Iran, Israel, Liberia, Mexico, Nepal, Pakistan, Philippines, Tunisia, Venezuela.

Draft resolution V

ATTAINMENT OF SELF-GOVERNMENT OR INDE-PENDENCE BY TRUST TERRITORIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution VI

STUDY OF OPPORTUNITIES FOR INTERNATIONAL CO-OPERATION ON BEHALF OF THE FORMER TRUST TERRITORIES WHICH HAVE BECOME INDEPENDENT.

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution VII

ASSISTANCE TO TERRITORIES EMERGING FROM A TRUST STATUS AND TO NEWLY INDEPENDENT STATES.

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution VIII

DATE OF THE INDEPENDENCE OF THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below,]

Draft resolution IX

ASSISTANCE TO THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution X

DATE OF THE INDEPENDENCE OF THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

Draft resolution XI

PLANS OF POLITICAL REFORMS FOR THE TRUST TERRITORY OF RUANDA-URUNDI

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted draft resolutions I, II, III, IV, V, VI, VII, VIII, IX, X and XI submitted by the Fourth Committee (A/4320, para. 61). For the final texts, see resolutions 1409 (XIV), 1410 (XIV), 1411 (XIV), 1412 (XIV), 1413 (XIV), 1414 (XIV), 1415 (XIV), 1416 (XIV), 1417 (XIV), 1418 (XIV) and 1419 (XIV), respectively, below.

Resolutions adopted by the General Assembly

1409 (XIV). REPORT OF THE TRUSTEESHIP COUNCIL

The General Assembly,

Having examined the report of the Trusteeship Council covering the period from 2 August 1958 to 6 August 1959, (A/4100),

- 1. Takes note of the report of the Trusteeship Council;
- 2. Recommends that the Trusteeship Council, in its future deliberations, should take into account the comments and suggestions made during the discussion of its report at the fourteenth session of the General Assembly.

846th plenary meeting, 5 December 1959.

1410 (XIV). DISSEMINATION OF INFORMATION ON THE UNITED NATIONS AND ON THE INTERNATIONAL TRUSTEESHIP SYSTEM IN TRUST TERRITORIES

The General Assembly,

Recalling its resolution 1276 (XIII) of 5 December 1958, whereby the General Assembly, inter alia, requested the Secretary-General to prepare, for the twenty-fourth session of the Trusteeship Council, a report on the early establishment of United Nations information centres in or near the Trust Territories,

Noting from the report (T/1467) submitted by the Secretary-General to the Trusteeship Council pursuant to General Assembly resolution 1276 (XIII) that information centres may be established only after the state concerned has requested or agreed to the establishment of these centres and after the Assembly has provided the necessary funds, and that thus far

no requests have been received by the Secretary-General from the Administering Authorities for the establishment of information centres in any of the Trust Territories,

Having perused the report (T/1463) submitted by the Secretary-General to the Trusteeship Council at its twenty-fourth session under Council resolution 36 (III) of 8 July 1948 and observing therefrom that the dissemination of information on the United Nations among the peoples of the Trust Territories is still far from satisfactory,

Keeping in view the special status of Trust Territories and their inhabitants and also the General Assembly's own special responsibilities under Chapters XII and XIII of the Charter of the United Nations,

Reiterating that it is essential, in the General Assembly's view, that the peoples of Trust Territories should receive adequate information concerning the purposes and operation of the United Nations and of the International Trusteeship System,

Noting the recommendation of the Committee of Experts on United Nations Public Information that United Nations information centres constitute the most important means of disseminating information about the United Nations (A/3928, para. 227 (e)),

- 1. Requests the Secretary-General to initiate discussions with the Administering Authorities concerned with a view to establishing, during 1960, in at least some of the larger Trust Territories, such as Tanganyika, Ruanda-Urundi and New Guinea, United Nations information centres in which the responsible positions would be occupied preferably by indigenous inhabitants of the Trust Territories concerned;
- 2. Also requests the Administering Authorities to extend their co-operation and assistance to the Secretary-General in implementing the recommendations made in paragraph 1 above;
- 3. Further requests the Secretary-General to prepare, for the fifteenth session of the General Assembly, a report on the implementation of the present resolution.

846th plenary meeting, 5 December 1959.

1411 (XIV). OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF TRUST TERRITORIES

The General Assembly,

Bearing in mind that most of the Trust Territories do not have sufficient facilities for higher education which would ensure the education of highly qualified indigenous cadres,

Considering the urgent need in the Trust Territories for indigenous personnel who could take over the functions held by those non-indigenous persons who up to now have occupied the most important positions in the administration of these Territories,

Expressing regret that the greater part of the scholarships offered by Member States remain unutilized,

Expressing regret also that some Administering Authorities do not provide all students who have been

accorded scholarships with facilities to leave the trust Territories in order to take advantage of such scholarships, as attested by the periodic report of the Secretary-General on the progress of the scholarship programme (T/1462),

Recalling its resolution 557 (VI) of 18 January 1952, inviting the Member States to make scholarships available to qualified students from the Trust Territories,

- 1. Takes note of part I, chapter VII, section D, of the report of the Trusteeship Council (A/4100), as well as of the periodic report of the Secretary-General on the progress of the scholarship programme;
- 2. Reaffirms its resolution 1277 (XIII) of 5 December 1958 and once again invites the Administering Authorities to take all necessary measures consistent with the interests and needs of the Trust Territories and their peoples to ensure that scholarships and training facilities offered by Member States may be utilized by inhabitants of these Territories, and to render every assistance to those persons who have applied for or have been granted scholarships or fellowships, particularly with regard to facilitating their travel formalities;
- 3. Requests all Administering Authorities which have not done so to give the fullest publicity in the Trust territories under their administration to all offers of study and training facilities made by Member States;
- 4. Requests the Secretary-General to give such assistance as is possible and as may be sought by the Member States concerned and by the applicants;
- 5. Requests the Secretary-General to prepare, for the fifteenth session of the General Assembly, a report concerning the actual use of scholarships and training facilities offered by Member States to students from the Trust Territories;
- 6. Requests the Trusteeship Council to resume, at its sessions to be held in 1960, the consideration of this question and to report thereon to the General Assembly at its fifteenth session;
- 7. Decides to place this question as a separate item on the provisional agenda of its fifteenth session.

846th plenary meeting, 5 December 1959.

1412 (XIV). PREPARATION AND TRAINING OF INDIGENOUS CIVIL CADRES IN THE TRUST TERRITORIES

The General Assembly,

Noting from chapters on individual Trust Territories in part II of the report of the Trusteeship Council (A/4100) that there are serious shortages of qualified civilian and technical personnel in all these Territories.

Considering that appropriately trained indigenous civil and technical cadres are essential to the functioning of the administration of these Territories when they emerge from trusteeship to independence,

Considering also that it is equally necessary and desirable that, before the accession of Trust Territories to independence, positions of high responsibility

should be held by suitably trained indigenous persons so that the transfer of power from the Administering Authorities to the Administrations of the Territories upon the termination of trusteeship should take place smoothly without causing administrative dislocation,

Considering further that, while the Administering Authorities are becoming increasingly aware of the vital need of developing civil and technical cadres of indigenous persons and are taking steps to fulfil it, the measures adopted for the training of indigenous personnel in various fields of administration and for transferring positions of high responsibility to them are inadequate and need to be expanded and accelerated,

- 1. <u>Urges</u> the Administering Authorities to take expeditious measures on a planned basis aimed at the rapid development of indigenous civil and technical cadres and for the replacement of expatriate personnel by local officers;
- 2. <u>Draws the attention</u> of the Administering Authorities to the facilities provided by the United Nations under the programmes of technical assistance and public administration for training in administration and related functions, and requests them to make fuller use of these facilities;
- 3. Requests the Secretary-General to prepare a report on the utilization by the Administering Authorities of the facilities for training offered by the United Nations in this field and to submit it to the Trusteeship Council at its twenty-sixth session.

846th plenary meeting, 5 December 1959.

1413 (XIV). ATTAINMENT OF SELF-GOVERNMENT OR INDEPENDENCE BY TRUST TERRITORIES

The General Assembly,

Considering that the basic objective of the International Trusteeship System under the Charter of the United Nations is the progressive development of the inhabitants of Trust Territories towards self-government or independence,

Recalling its resolutions 558 (VI) of 18 January 1952, 1064 (XI) of 26 February 1957, 1207 (XII) of 13 December 1957 and 1274 (XIII) of 5 December 1958,

Noting with satisfaction that the dates for the attainment of independence by Togoland under French administration, the Cameroons under French administration and Somaliland under Italian administration have already been set,

Noting further that the time-table proposed by the Administering Authority provides for the attainment of independence by Western Samoa under New Zealand administration in the course of 1961, and that processes leading to the termination of trusteeship over the Cameroons under United Kingdom administration in 1961 have already been set in motion,

Believing that the formulation of plans and targets in advance can assist in the acceleration of the progress of the inhabitants of Trust Territories towards independence,

Considering therefore that at this stage it is both necessary and desirable to foresee the course of

developments leading to the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future.

Having examined part I, chapter V, of the report of the Trusteeship Council (A/4100),

- 1. Requests the Administering Authorities concerned to propose, after consultation with the representatives of the inhabitants, for the consideration of the General Assembly at its fifteenth session, time-tables and targets for the attainment of independence by the trust Territories of Tanganyika and Ruanda-Urundi in the near future;
- 2. <u>Invites</u> the Administering Authorities concerned to formulate, in respect of the remaining Trust Territories. early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence;
- 3. Requests the Trusteeship Council, in its examination of the annual reports submitted by the Administering Authorities and in formulating the terms of reference of the 1960 visiting mission to Trust Territories in Africa, to keep in view the provisions of the present resolution.

846th plenary meeting, 5 December 1959.

1414 (XIV). STUDY OF OPPORTUNITIES FOR INTERNATIONAL CO-OPERATION ON BEHALF OF THE FORMER TRUST TERRITORIES WHICH HAVE BECOME INDEPENDENT

The General Assembly,

Noting that three Trust Territories—the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration—will attain independence during 1960 and that other Trust Territories will also attain independence during the following years,

Considering that the United Nations, under the Trusteeship System and in co-operation with the Administering Authorities, has contributed to ensuring this attainment of independence in the best possible circumstances,

Considering also that these countries, generally speaking, are under-developed, and that during the first years of their independence they will have to find speedy solutions to a considerable number of problems in the administrative, economic, social and educational fields,

Considering that it would be necessary and normal for the international community to continue to show special concern for the former Trust Territories and to be prepared to grant every possible assistance if those countries, having become independent and sovereign, should desire such assistance,

Considering that it would be appropriate to survey the various ways and means of providing international assistance,

1. Invites the Economic and Social Council to make a study, under Article 62, paragraph 1, of the Charter of the United Nations of all opportunities for interna-

tional co-operation which could be of interest to the former Trust Territories which have become independent, within the spheres and in the framework of programmes of international assistance;

- 2. Recommends that the Economic and Social Council, in its study of this problem, should seek the cooperation of such international, governmental and non-governmental organizations as the Council may deem it advisable to approach;
- 3. Recommends that the Economic and Social Council should consult with the Governments of countries which were formerly under trusteeship and which have become independent, for the purpose of ascertaining their views with respect to these questions;
- 4. Recommends that the Economic and Social Council should report to the General Assembly, at its fifteenth session, concerning the results of this study and also concerning any conclusions and recommendations which it deems appropriate.

846th plenary meeting, 5 December 1959.

1415 (XIV). ASSISTANCE TO TERRITORIES EMERG-ING FROM A TRUST STATUS AND TO NEWLY INDEPENDENT STATES

The General Assembly,

Welcoming the forthcoming independence of the Trust Territories of the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration during 1960,

Recalling the basic objectives of the Trusteeship System as set forth in Article 76 of the Charter of the United Nations,

Recognizing the many problems with which the emerging Trust Territories and newly independent States must inevitably be faced upon their attainment of independence, particularly in the economic and social fields,

Desiring that all possible aid in the field of technical assistance be available from the existing facilities in the United Nations and the specialized agencies to those emerging Trust Territories and newly independent States which might request it,

<u>Invites</u> the Secretary-General and the executive heads of the specialized agencies concerned to give urgent and sympathetic consideration, without prejudice in any way to present assistance being given to other States Members of the United Nations, to all requests which they might receive to provide Territories emerging from a trust status or newly independent States with:

- (a) Such high-level technical experts as they might desire:
- (b) All other forms of technical aid required by the special circumstances in which they have acceded to independence.

846th plenary meeting, 5 December 1959.

1416 (XIV). DATE OF THE INDEPENDENCE OF THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

The General Assembly,

Recalling its resolution 1253 (XIII) of 14 November 1958, by which it was decided, in agreement with the Administering Authority, that on the day which would be agreed upon between the Government of France and the Government of Togoland and on which the Republic of Togoland is to become independent in 1960, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 shall cease to be in force, in accordance with Article 76 b of the Charter of the United Nations,

Having considered the communication of 13 July 1959 sent to the Secretary-General by the representative of France to the Trusteeship Council (A/4138), Trusteeship Council resolution 1950 (XXIV) of 14 July 1959, and the statements made at the 933rd and 935th meetings of the Fourth Committee on 30 October and 2 November 1959 by the representative of France and by the representative of Togoland, duly accredited as a member of the delegation of France,

- 1. Notes that the Governments of France and of Togoland have agreed that the date on which the Republic of Togoland shall become independent is to be 27 April 1960;
- 2. Expresses its satisfaction with the terms and spirit in which this agreement has been concluded;
- 3. Reiterates its decision that on the date of the independence of Togoland, which has now been established as 27 April 1960, the Trusteeship Agreement for Togoland under French administration, approved by the General Assembly on 13 December 1946, shall cease to be in force;
- 4. Recommends that, upon the attainment of independence on 27 April 1960, Togoland shall be admitted to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

846th plenary meeting, 5 December 1959.

1417 (XIV). ASSISTANCE TO THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION

The General Assembly,

Recalling its resolution 1254 (XIII) of 14 November 1958 relating to assistance to Togoland under French administration,

Considering that requests for assistance to Trust Territories deserve sympathetic consideration by the United Nations,

Considering further that Togoland under Frenc administration is about to attain the objectives of the International Trusteeship System, and that 27 April 1960 has now been established as the date of the independence of the Republic of Togoland, 10/

¹⁰/See resolution 1416 (XIV).

Having considered part II, chapter VI, of the report of the Trusteeship Council (A/4100) in connexion with the development of Togoland under French administration and the assistance given to it by the Administering Authority and by agencies of the United Nations,

Having heard the statement made at the 935th meeting of the Fourth Committee on 2 November 1959 by the Minister of State of the Republic of Togoland as a member of the delegation of France,

- 1. Notes with satisfaction the assistance given to this date to Togoland under French administration by agencies of the United Nations;
- 2. Trusts that the Administering Authority will continue to transmit without delay requests for assistance that may be made by the Government of Togoland and that the Secretary-General, the Special Fund, the Technical Assistance Board and the specialized agencies will give urgent and sympathetic consideration to these requests.

846th plenary meeting, 5 December 1959.

1418 (XIV). DATE OF THE INDEPENDENCE OF THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

The General Assembly,

Recalling the terms of article 24 of the Trusteeship Agreement with respect to the Trust Territory of Somaliland under Italian administration (hereinafter referred to as Somalia) which provides that the Agreement shall cease to be in force ten years after the date of the approval of the Trusteeship Agreement by the General Assembly, at the conclusion of which the Territory shall become an independent sovereign State,

Recalling its resolution 442 (V) of 2 December 1950, by which it approved the Trusteeship Agreement,

Having considered the information submitted by the Administering Authority (A/4262) to the effect that the Government of Somalia has conveyed the wish expressed by the Legislative Assembly that the Trusteeship Agreement be terminated as soon as possible so that the Trust Territory may achieve independence at a date earlier than 2 December 1960, as well as the statement of the representative of the Italian Government that the Administering Authority is prepared to support this wish,

Having heard the statements made by the Chairman of the United Nations Advisory Council for Somalia,

Having heard the views of the petitioners,

Noting the wish expressed by the Government of Somalia that, as soon as possible after the date of attainment of its independence, Somalia should be admitted to membership in the United Nations, and noting further that the Government of Italy has expressed its readiness to sponsor the application that will be made by the Government of Somalia to be admitted to membership in the United Nations,

1. Takes note of the statements made by the representative of Italy and the representative of the Government of Somalia that the preparations for independence will be completed by 1 July 1960 and that independence will be proclaimed on that date;

- 2. Congratulates the Government of Italy, as Administering Authority, and the Government and the people of Somalia on taking steps in order to attain the basic objectives of the International Trusteeship System in advance of 2 December 1960;
- 3. Expresses its appreciation for the aid and advice provided by the United Nations Advisory Council for Somalia to the Administering Authority and also to the Government and the people of Somalia in their progress towards independence;
- 4. Expresses its confidence that the recommendations and observations of the Trusteeship Council, which have been accepted by the Administering Authority and by the Government of Somalia, concerning the broadening of the composition of the Political Committee and the Constituent Assembly, a popular confirmation of the constitution nowunder preparation through a referendum, and a modification of the existing electoral law will be implemented before the date on which the Trusteeship Agreement is terminated, and that the Administering Authority will furnish a report on the implementation of these recommendations to the Trusteeship Council at its twenty-sixth session:
- 5. Resolves accordingly, in agreement with the Administering Authority that on 1 July 1960, when Somalia shall become independent, the Trusteeship Agreement approved by the General Assembly on 2 December 1950 shall cease to be in force, the basic objectives of trusteeship having been attained;
- 6. Recommends that, upon the attainment of independence, Somalia shall be admitted to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

846th plenary meeting, 5 December 1959.

1419 (XIV). PLANS OF POLITICAL REFORMS FOR THE TRUST TERRITORY OF RUANDA-URUNDI

The General Assembly,

Having taken note of the statement of the Administering Authority, (A/C.4/432) concerning the political reforms envisaged for the Trust Territory of Ruanda-Urundi under Belgian administration,

Having taken note of the petitions and communications dealing with the recent outbreak of violence in the Territory (T/PET.3/95, 96 and Add.1, 97-99; T/COM.3/L.32),

Having taken note also of the statement of the Administering Authority on the incidents leading to the outbreak of violence which have resulted in the sending of troops to the Territory,

Having heard the views of the petitioners,

- 1. <u>Draws the attention</u> of the Trusteeship Council to the statements of the petitioners on the Trust Territory of Ruanda-Urundi;
- 2. Requests the Trusteeship Council to consider in detail the plans of political reforms envisaged for the Territory by the Administering Authority and to include the Council's observations and recommendations on the plans in its report to the General Assembly at

its fifteenth session, taking into account the provisions of Assembly resolution 1413 (XIV) on the attainment of self-government or independence by Trust Territories;

3. <u>Further requests</u> the Trusteeship Council to dispatch its 1960 visiting mission to Trust Territories

in East Africa early in 1960 so as to make it possible for the mission to report to the Council, at its twenty-sixth session, on the conditions and causes of the recent disturbances in the Territory.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda items 13 and 39 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3822	Report of the Trusteeship Council covering the work of its twenty-first and twenty-second sessions	Official Records of the General Assembly, Thirteenth Session, Supplement No. 4
A/3928	Report of the Committee of Experts on United Nations Public Information	Ibid., Thirteenth Session, An- nexes, agenda item 55
A/4100	Report of the Trusteeship Council (2 August 1958 - 6 August 1959)	Ibid., Fourteenth Session, Supplement No. 4
A/4122	Public information activities of the United Nations: report of the Secretary-General	Ibid., Fourteenth Session, Annexes, agenda item 52
A/4287	Report of the Second Committee [agenda item 31 (a) and (b)]	Ibid., agenda item 31
A/4301	Report of the Fifth Committee	Ibid., agenda item 52
A/C.4/409 and Add.1-6	Requests for hearings concerning the Trust Territory of the Cameroons under French administration	Mimeographed
A/C.4/423	Request for a hearing concerning Ruanda-Urundi	Ditto
A/C.4/430	Statement made by the Prime Minister of New Zealand at the 935th meeting of the Fourth Committee	Mimeographed; for summary, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 935th meeting, paras. 2-10.
A/C.4/431	Statement made by the representative of Haiti at the 940th meeting of the Fourth Committee	Idem, 940th meeting, paras.
A/C.4/432	Statement made by the representative of Belgium at the 947th meeting of the Fourth Committee	Idem, 947th meeting, paras.
A/C.4/433	Statement made by the Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration at the 947th meeting of the Fourth Committee	Idem, paras. 58-62
A/C.4/435	Statement made by the representative of Italy at the 962nd meeting of the Fourth Committee	Idem, 962nd. meeting, paras. 7-25
A/C.4/436	Statement made by the Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration at the 962nd meeting of the Fourth Committee	Idem, paras. 26-38.
A/C.4/L.542/ Rev.1 and Rev.1/Add.1	Attainment of self-government or independence by Trust Territories—Burma, Ghana, Guatemala, Haiti, India, Liberia, Mexico and Yugo-slavia: revised draft resolution	Official Records of the General Assembly Thirteenth Session, Annexes, agenda item 13, document A/4017, paras. 13 and 15.
A/C.4/L.552	Union of Soviet Socialist Republics: amendments to document A/C.4/L. $542/\text{Rev.1}$	Ibid., para. 14.
A/C.4/L.581	Ghana, Guinea, Liberia, Libya, Morocco, Sudan, Tunisia and United Arab Republic: draft resolution	Ibid., document A/4095, para.18
A/C.4/L.602 and Add.1	Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories—Bulgaria, Burma, Ceylon, Ethiopia, Ghana, Greece, Guatemala, Guinea, India, Indonesia, Iran, Morocco, Nepal, United Arab Republic, Uruguay and Venezuela: draft resolution	See A/4320, paras. 10 and 11
A/C.4/L.603 and Add.1	Attainment of self-government or independence by Trust Territories—Burma, Ethiopia, Ghana, Guatemala, Guinea, Haiti, India, Indonesia, Iraq, Morocco, Poland, United Arab Republic, Venezuela and Yugo-slavia: draft resolution	Adopted without change. See A/4320, para. 61, draft resolution V
A/C.4/L.604	Report of the Trusteeship Council—Ireland: draft resolution	Idem, draft resolution I

Document No.	Title	Observations and references
A/C.4/L.605 and Add.1	Offers by Member States of study and training facilities for inhabitants of Trust Territories—Ceylon, Czechoslovakia, Ethiopia and Indonesia: draft resolution	See A/4320, paras. 14 and 15
A/C.4/L.606/ Rev.1	Study of opportunities for international co-operation on behalf of the former Trust Territories which have become independent—Cuba, Haiti, Iran, Philippines, Tunisia and Venezuela: revised draft resolution	Ibid., para. 26
A/C.4/L.607	Date of the independence of the Trust Territory of Togoland under French administration—Iran and Mexico: draft resolution	Ibid., para. 36
A/C.4/L.608	Assistance to the Trust Territory of Togoland under French administration—Colombia, Cuba, Lebanon, Libya, Mexico and United Arab Republic: draft resolution	Adopted without change. See A/4320, para. 61, draft resolution IX
A/C.4/L.609	Preparation and training of indigenous civil cadres in Trust Territories—Burma, Ghana, India, Indonesia and Pakistan: draft resolution	See A/4320, para. 17
A/C.4/L.610	The future of the Trust Territory of the Cameroons under French administration—Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Morocco and United Arab Republic: draft resolution	<u>Ibid</u> ., para. 59
A/C.4/L.611/ Rev.1 and Rev.1/Add.1	Assistance to Territories emerging from a trust status and newly in- dependent States—Afghanistan, Ceylon, Czechoslovakia, Pakistan and United States of America: revised draft resolution	Ibid., paras. 31 and 33
A/C.4/L.612	Canada: amendment to document A/C.4/L.606	Ibid., para. 25
A/C.4/L.613/ Rev.2 and Rev.2/Add.1	Date of independence of the Trust Territory of Somaliland under Italian administration—Argentina, Canada, Ghana, Iran, Iraq, Ireland, Japan, Liberia, Nepal, Pakistan, Philippines, United Arab Republic, United States of America and Uruguay: revised draft resolution	<u>Ibid., paras. 51 and 52</u>
A/C.4/L.614/ Rev.1	Plans of political reforms for the Trust Territory of Ruanda-Urundi-Ghana: revised draft resolution	Ibid., para. 56
A/C.4/L.615	Guinea: amendment to document A/C.4/L.607	Ibid., para. 37
A/C.4/L.616	Ceylon: amendments to document A/C.4/L.606/Rev.1	Ibid., para. 28 and footnote
A/C.4/L.617	Nepal: amendment to document A/C.4/L.613	Ibid., para. 44
A/C.4/L.621	Draft report of the Fourth Committee	Same text as A/4320
A/C.5/L.172	Report of Sub-Committee 8 of the Fifth Committee on Public Information	Official Records of the General Assembly, Sixth Session, Annexes, agenda item 41
T/484	Letter dated 1 March 1950 received by the President of the Trusteeship Council from the Permanent United Kingdom Representative on the Council	Official Records of the Trustee- ship Council, Sixth Session, Annex, vol. I, agenda item 18
T/1010	Questionnaire as approved by the Trusteeship Council at its 414th meeting, eleventh session, on 6 June 1952	Ibid., Eleventh Session, Special Supplement
T/1346	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1957, on Ruanda-Urundi	Ibid., Twenty-first Session, Supplement No. 3
T/1426 and Add.1	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, on the Cameroons under United Kingdom administration	Ibid., Twenty-third Session, Supplement No. 2
T/1427 and T/1434	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, on the Cameroons under French administration	Ibid., Supplement No. 3
T/1430	Sixth progress report of the Sub-Committee on the Questionnaire	Ibid., Twenty-third Session, Annexes, agenda item 19
T/1438	Report of the Food and Agriculture Organization of the United Nations concerning land tenure and land use problems in the Trust Territories of Tanganyika and Ruanda-Urundi	Ibid., agenda item 8
T/1444	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1958 to 31 March 1959	Ibid., Twenty-fourth Session, Annexes, agenda item 15
T/1418 and Add.1	Report of the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959, on Nauru	Ibid., Twenty-fourth Session, Supplement No. 4
T/1449	Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959	Ibid., Supplement No. 2
T/1451	Report of the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959, on New Guinea	Ibid., Supplement No. 5
T/1456	Observations by the Government of Australia as the Administering Authority for the Trust Territory of Nauru concerning the sixth progress report of the Sub-Committee on the Questionnaire (T/1430)	Ibid., Twenty-fourth Session, Annexes, agenda item 10
T/1459	Seventh progress report of the Sub-Committee on the Questionnaire	Ibid.

Document No.	Title	Observations and references
T/1462	Report of the Secretary-General	Ibid., agenda item 14
T/1463	Report of the Secretary-General	Ibid., agenda item 13
T/1465	Observations of the United Nations Educational, Scientific and Cultural Organization on the annual report on the Trust Territory of Nauru for the year ended 30 June 1959	<u>Ibid</u> ., agenda item 3
T/1467	Establishment of United Nations information centres in or near the Trust Territories: report of the Secretary-General	Ibid., agenda item 13
T/1476	Supplementary information for the examination of the annual report on Somaliland under Italian administration for the year 1958, submitted by the Administering Authority in accordance with Trusteeship Council resolution 997 (XIV)	<u>Ibid.</u> , agenda item 3
T/1477	Letter dated 16 July 1959 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General transmitting the plan for the transfer of the functions of government from the Italian Government to the Somali Government	<u>Ibid</u> .
T/COM/		Documents in this series are mimeographed
T/PET/		Ditto

GENERAL ASSEMBLY

Official Records



Agenda item 14

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Observations and references

Agenda item 14: Report of the International Atomic Energy Agency*

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 836th plenary meeting, on 3 November 1959, the General Assembly adopted the draft resolution submitted by Czechoslovakia, the Union of South Africa and the United Arab Republic (A/L.265). For the final text, see resolution 1355 (XIV) below.

Resolution adopted by the General Assembly

1355 (XIV). REPORT OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

The General Assembly

Takes note of the report of the International Atomic Energy Agency to the General Assembly covering the period from 1 July 1958 to 30 June 1959 (A/4244).

836th plenary meeting, 3 November 1959.

CHECK LIST OF DOCUMENTS

Title

Document No.	Title	Observations and references
A/4119	Progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 24
A/4135	Second report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 49
A/4219	Declaration of the Soviet Government on general and complete disarmament	Ibid., agenda item 70
A/4244	Note by the Secretary-General transmitting the report of the International Atomic Energy Agency to the General Assembly of the United Nations (1 July 1958-30 June 1959)	Mimeographed
A/L.265	Czechoslovakia, Union of South Africa and United Arab Republic: draft resolution	Adopted without change. See above "Action taken by the General Assembly", resolution 1355 (XIV). The text of the resolution appears also in Official Records of the General Assembly, Fourteenth Session, Supplement No. 16
E/3248	Note by the Secretary-General transmitting the annual report of the International Atomic Energy Agency to the Economic and Social Council for 1958-1959	Mimeographed

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 835th and 836th meetings.

Document No.

United Nations

GENERAL ASSEMBLY

Official Records



Agenda item 17

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 17: Election of two members of the Trusteeship Council*

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DOCUMENT A/L.274

Union of Soviet Socialist Republics: draft resolution

[Original text: Russian] [8 December 1959]

The General Assembly,

Guided by the provisions of Article 86 of the Charter of the United Nations,

Considering that, with the attainment on 27 April 1960 of independence by the Trust Territory of Togoland under French administration, France will cease to be a Member State administering Trust Territories, and that pursuant to Article 86, paragraph 1 c, of the Charter the composition of the Trusteeship Council should be changed accordingly,

- 1. <u>Decides</u> to elect two members of the Trusteeship Council at the present session, in accordance with Article 86 of the Charter;
- 2. Resolves to resume, on 28 April 1960, its fourteenth session with a view to taking a decision on the change in the composition of the Trusteeship Council in accordance with Article 86, paragraph 1 c, of the Charter, in connexion with the reduction in the number of Members of the United Nations administering Trust Territories.

DOCUMENT A/L.275

Tunisia: draft resolution

[Original text: French] [10 December 1959]

The General Assembly,

Guided by the provisions of Article 86 of the Charter of the United Nations,

Considering, first, that on 27 April 1960, with the attainment of independence by the Trust Territory of

Togoland under French administration, France will cease to be a Member State administering Trust Territories and that, in accordance with Article 86, paragraph 1 c, of the Charter, the composition of the Trusteeship Council should be modified accordingly and, secondly, that on 1 July 1960, with the attainment of independence by the Trust Territory of Somaliland under Italian administration, Italy will cease to be a Member State administering Trust Territories and that, in accordance with Article 86, paragraph 1 c, of

^{*/} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 857th meeting.

the Charter, the composition of the Trusteeship Council should be modified accordingly,

Considering that a study should be made of the situation which will result both from the imminent impossibility of observing the principle of parity at the same time as that of the inclusion of the permanent members of the Security Council in the composition of the Trusteeship Council, and from the impending disappearance of the category of elected members who play a very important part in the work of the Trusteeship Council,

1. Decides:

- (a) To elect two members of the Trusteeship Council at the present session, in accordance with Article 86 of the Charter;
- (b) That on the date upon which France ceases to be an administering member of the Trusteeship Coun-

- cil and becomes a member under Article 86, paragraph 1 b, and upon which two of the members elected under sub-paragraph c of the same Article cease to be members of the Trusteeship Council, the Council shall proceed, by drawing lots, to designate two countries, which shall not, however, belong to the same region of the world;
- (c) That on the date upon which Italy ceases to be an administering member and leaves the Trusteeship Council and upon which one of the members elected under Article 86, paragraph 1 c, ceases to be a member of the Trusteeship Council, the Council shall proceed, by drawing lots, to designate one country;
- 2. Decides to include the question of the composition of the Trusteeship Council in the provisional agenda of the General Assembly at its fifteenth session.

DOCUMENT A/L.275/REV.1

Tunisia: revised draft resolution

[Original text: French] [12 December 1959]

The General Assembly,

Guided by the provisions of Article 86 of the Charter of the United Nations,

Considering, first, that on 27 April 1960, with the attainment of independence by the Trust Territory of Togoland under French administration, France will cease to be a Member State administering Trust Territories and that, in accordance with Article 86, paragraph 1 c, of the Charter, the composition of the Trusteeship Council will have to be modified in consequence and, secondly, that on 1 July 1960, with the attainment of independence by the Trust Territory of Somaliland under Italian administration, Italy will cease to be a Member State administering Trust Territories and that, in accordance with Article 86, paragraph 1 c, of the Charter, the composition of the Trusteeship Council will have to be modified in consequence.

Considering the desirability of studying the situation which would result both from the fact that it will soon be impossible to observe simultaneously the principles of parity and of the inclusion of the permanent members of the Security Council in the membership of the Trusteeship Council, and from the fact that the category of elected members whose role in the work of the Trusteeship Council had proved important will be eliminated in the very near future,

1. Decides:

- (a) To elect two members of the Trusteeship Council at the present session, in accordance with Article 86 of the Charter;
- (b) That on the date upon which France ceases to be an administering member of the Trusteeship Council and becomes a member under Article 86, paragraph 1 b, two of the members elected under sub-paragraph c of that Article shall cease to be members of the Trusteeship Council;
- (c) That on the date upon which Italy ceases to be an administering member and leaves the Council, one of the members elected under Article 86, paragraph 1 c, shall cease to be a member of the Trusteeship Council;
- 2. <u>Decides</u> that, in the absence of voluntary resignations, the Trusteeship Council shall proceed, by drawing lots, on 27 April 1960 and 1 July 1960 respectively, to designate the elected countries which shall cease to be members of the Trusteeship Council;
- 3. Recommends that consideration should be given to equitable geographical distribution among the remaining elected members, namely, that the two main groups at present represented by the elected members should continue to be so represented;
- 4. Decides to resume consideration of the whole question of the membership of the Trusteeship Council at its next session.

DOCUMENT A/L.277

Union of Soviet Socialist Republics: draft resolution

[Original text: Russian] [12 December 1959]

The General Assembly

- 1. Decides, in accordance with rule 7 of the rules of procedure, to convene on 28 April 1960 a special session of the General Assembly for deciding the question of changing the composition of the Trusteeship Council in accordance with paragraph 1 c of Article 86 of the Charter of the United Nations;
- 2. Decides to elect at the fourteenth session two members of the Trustee-ship Council in accordance with paragraph 1 c of Article 86 of the Charter.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 857th plenary meeting, on 13 December 1959, the General Assembly elected two members to the Trusteeship Council to fill the vacancies occurring on the expiration of the terms of office of Haiti and India.

The following States were elected: Bolivia and India.

* *

At the same meeting, the General Assembly also considered in connexion with agenda item 17 the question of the composition of the Trusteeship Council. The draft resolutions submitted by Tunisia (A/L.275/Rev.1) and by the Union of Soviet Socialist Republics (A/L.274, A/L.277) on this subject were not adopted.

United Nations

GENERAL ASSEMBLY

Official Records



Agenda item 18

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 18: Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero*

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DOCUMENT A/4179-S/4204

List and curricula vitae of candidates nominated by national groups: note by the Secretary-General

[Original text: English] [11 August 1959]

- 1. In accordance with Article 7 of the Statute of the International Court of Justice, the Secretary-General has the honour to submit herewith to the General Assembly and to the Security Council a list in alphabetical order of all the persons nominated by national groups for the election to be held during the fourteenth session of the General Assembly in order to fill the vacancy in the International Court of Justice caused by the death of Judge José Gustavo Guerrero on 25 October 1958. In accordance with Article 15 of the Statute, the term of office of the person elected to fill the vacancy will expire on 5 February 1964, the date on which the deceased member's term of office would have expired.
- 2. Curricula vitae of the candidates accompany the list.

LIST OF CANDIDATES NOMINATED BY NATIONAL GROUPS

Name and nationality of candidate, and the national groups nominating him:

ALFARO, Ricardo J. (Panama)—Argentina, Austria, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Dominican Republic, El Salvador, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Mexico, Netherlands, Nicaragua,

Panama, Paraguay, Peru, Spain, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

BARTOS, Milan (Yugoslavia)-Yugoslavia.

BUSTAMANTE Y RIVERO, José Luis (Peru)-Peru, Uruguay.

CASTREN, Erik (Finland)-Finland.

KURIYAMA, Shigeru (Japan)-United States of America.

LOPEZ OLIVAN, Julio (Spain)—France, Norway, Switzerland, United Kingdom of Great Britain and Northern Ireland.

MATINE-DAFTARI, Ahmad (Iran)-Iran.

MORELLI, Gaetano (Italy)-Sweden.

PETREN, Sture (Sweden)-Sweden.

SAPENA PASTOR, Raul (Paraguay)-Paraguay.

YANGUAS MESSIA, José de (Spain)-Belgium.

[For the <u>curricula vitae</u> of the candidates, see the mimeographed text of documents A/4179-S/4204 and Corr.1.]

DOCUMENT A/4180-S/4205

Memorandum by the Secretary-General

[Original text: English]
[11 August 1959]

I. INTRODUCTORY NOTE

1. The President of the International Court of Justice, by a communication dated 26 October 1958, informed the Secretary-General of the death, on the

previous day, of Judge José Gustavo Guerrero. A vacancy in the Court thus arose for the remainder of the term of Judge Guerrero. That term expires on 5 February 1964.

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 813th meeting.

- 2. The Security Council, at its 840th meeting on 25 November 1958, adopted a resolution (S/4118) deciding that an election to fill the above vacancy should take place during the fourteenth session of the General Assembly or during a special session before the fourteenth session. This resolution was brought to the attention of the General Assembly in a letter, dated 26 November 1958, from the President of the Security Council addressed to the President of the General Assembly (A/4011).
- 3. By communications dated 14 November 1958, the Secretary-General invited the national groups of the States parties to the Statute of the Court to make nominations for the vacancy. The nominations which he has received have been submitted to the General Assembly and to the Security Council in documents A/4179-S/4204 and Corr.1 which also contain the curricula vitae of the candidates. The list of candidates will further be printed in the Journal of the United Nations on the day of the election and the names of the candidates will also appear on the ballot papers distributed during those elections.
- 4. The object of this memorandum is to set out the present composition of the International Court of Justice, and to describe the procedure in the General Assembly and the Security Council in regard to the election.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

5. The names and nationalities of the present members of the International Court of Justice, and the years in which their present terms expire, are as follows:

Name and nationality	Expiration of present term (on 5 February)
Helge Klaestad, President (Norway)	1961
Sir Mohammad Zafrulla Khan, Vice-President (Pakistan)	1961
J. Basdevant (France)	1964
G. H. Hackworth (United States of America)	1961
B. Winiarski (Poland)	1967
A. H. Badawi (United Arab Republic)	1967
E. C. Armand Ugon (Uruguay)	1961
F. I. Kojevnikov (Union of Soviet Socialist Republics)	1961
Sir Hersch Lauterpacht (United Kingdom of Great Britain and Northern Ireland)	1964
L. M. Moreno Quintana (Argentina)	1964
, , ,	
R. Córdova (Mexico)	1964
V. K. Wellington Koo (China)	1967
J. Spiropoulos (Greece)	1967
Sir Percy Spender (Australia)	1967

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

- 6. The election will take place in accordance with the following:
- (a) The Statute of the Court, in particular Articles 2 to $\overline{4}$, 8 to 12 and 14;
- (b) Rules 151 and 152 of the rules of procedure of the General Assembly;
- (c) Pules 40 and 61 of the provisional rules of procedure of the Security Council.
- 7. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Liechtenstein, San Marino and Switzerland, which are parties to the Statute of the Court but not Members of the United Nations, participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.
- 8. On the day of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court in the place of Judge Guerrero (Article 8 of the Statute).
- 9. According to Article 2 of the Statute, the judges are to be elected, regardless of their nationality, from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.
- 10. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Article 10, paragraph 1, of the Statute).
- 11. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all the qualified electors, whether or not they vote. The qualified electors in the General Assembly are all the Members, together with the three non-member States mentioned in paragraph 7 above which are parties to the Statute of the Court. With the present number of Members of the United Nations and non-members parties to the Statute, forty-two votes constitute an absolute majority in the General Assembly.
- 12. In the Security Council, six votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Article 10, paragraph 2, of the Statute).
- 13. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against his name on the ballot paper. Each elector may vote for only one candidate. Under Article 7 of the Statute, only those candidates whose names appear in the list prepared by the Secretary-General are eligible for election, unless the special procedure outlined in Article 12, paragraph 2, is used.
- 14. If in the first ballot in either the General Assembly or the Security Council no candidate receives

an absolute majority, a second ballot will be held, and balloting will continue in the same meeting until a candidate has obtained an absolute majority of votes. When this occurs in either organ (and not until that time), the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President to the members of an organ until that organ has itself given a candidate the required majority of votes.

- 15. If, upon comparison of the names of the candidates so elected, it is found that different persons have received absolute majorities in the General Assembly and in the Security Council, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect a candidate by further ballots, the results being again compared after one candidate has received an absolute majority in each organ.
- 16. The above procedure will be continued until the General Assembly and the Security Council have given
- an absolute majority of votes to the same candidate. If, however, after the third of these meetings the vacancy remains unfilled, the Assembly and the Council may, at any time, at the request of either body, form a joint conference consisting of six members, three appointed by each body. This joint conference may, by an absolute majority, agree upon a candidate and submit his name for the approval of the Assembly and of the Council. If unanimously agreed, the joint conference may submit the name of a candidate not included in the list of nominations provided that candidate fulfils the required conditions (Article 12 of the Statute).
- 17. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected will, within a period to be fixed by the Security Council, proceed to fill the vacant seat by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council. In the event of an equality of votes among the judges, the eldest judge will have a casting vote (Article 12 of the Statute).

ACTION TAKEN BY THE GENERAL ASSEMBLY

On 29 September 1959, the General Assembly, at its 813th plenary meeting, and the Security Council, at its 849th meeting, voting independently, elected Mr. Ricardo J. Alfaro (Panama) as a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero (El Salvador).

In accordance with Article 15 of the Statute of the International Court of Justice, the term of office of Mr. Ricardo J. Alfaro will expire on 5 February 1964.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 18 which are not reproduced in the present fascicle.

Document No.

A/4011

Title

Observations and references

Letter dated 26 November 1958 from the President of the Security Council addressed to the President of the General Assembly, transmitting a resolution adopted by the Security Council at its 840th meeting, on 25 November 1958

Mimeographed. For the text of the resolution, see Official Records of the Security Council, Thirteenth Year, Supplement for October, November and December 1958, document S/4118

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 19: Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council*

Agenda item 20: Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council*

Agenda item 21: Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice*

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DOCUMENT A /4256

Report of the Special Political Committee

[Original text: English and Spanish]
[4 November 1959]

- 1. In accordance with resolutions 1299 (XIII) and 1300 (XIII) of 10 December 1958, items 19 (Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council), 20 (Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council) and 21 (Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice) were included in the provisional agenda of the fourteenth session of the General Assembly. At its 803rd plenary meeting on 22 September 1959, the General Assembly decided to place those three items on its agenda and to refer them to the Special Political Committee for consideration and report.
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Special Political Committee, 128th to 140th meetings; and ibid., Plenary Meetings, 843rd meeting.

- 2. At its 127th meeting, on 7 October, the Special Political Committee decided to consider the three items jointly as the first subject on its agenda. It considered them at thirteen meetings (128th to 140th meetings) held between 13 and 30 October 1959.
- 3. A draft resolution submitted by El Salvador (A/SPC/L.32) was circulated on 19 October. The text read as follows:

"The General Assembly,

"Realizing that many delegations have expressed the opinion that, in view of the considerable increase in the membership of the United Nations in recent years, there should be an increase in the membership of some of the principal organs of the United Nations,

"Recalling its resolution 1300 (XIII) of 10 December 1958, in which it recognized that in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of the Economic and Social Council is desirable,

"Noting that an increase in the membership of the Economic and Social Council and other principal organs would necessitate the amendment of certain provisions of the Charter of the United Nations,

"Considering that, in order to solve this problem, further efforts must be made with a view to obtaining

the agreement of the greatest possible number of Member States, including all the permanent members of the Security Council,

- "1. <u>Decides</u> to postpone until its fifteenth session the consideration of items 19, 20 and 21 of the agenda of the fourteenth session;
- "2. <u>Decides</u> that these items shall be placed on the provisional agenda of its fifteenth session;
- "3. <u>Decides</u> to set up a Good Offices Committee consisting of representatives of [three or five] States, with authority to engage in any consultations it may consider advisable with the representatives of Member States, and in particular the permanent members of the Security Council, with a view to studying the possibilities of arriving at an agreement which will facilitate the amendment of the Charter on the lines indicated above:
- "4. Requests the Good Offices Committee to submit a report on its work to the General Assembly at its fifteenth session."
- 4. On 20 October, the Special Political Committee completed its general debate on these items after having heard more than fifty speakers, and agreed to adjourn its meeting to enable members to study draft resolutions which were being prepared by several delegations, as well as the draft resolution of El Salvador, which had been circulated on 19 October (see paragraph 3).
- 5. At the 134th meeting, on 21 October, the representative of El Salvador introduced a revised text (A/SPC/L.32/Rev.1) of his draft resolution, in which operative paragraph 3 was modified. In the new version the General Assembly would ask the Good Offices Committee to study the possibilities of arriving at an agreement which would facilitate the amendment of the Charter "to increase the membership of the Economic and Social Council and other principal organs of the United Nations".
- 6. At the same meeting, the representative of Ceylon introduced the following draft resolution (A/SPC/L.33 and Add.1), sponsored by Afghanistan, Burma, Cambodia, Ceylon, Ghana, Jordan, Indonesia, Iraq, Lebanon, Libya, Pakistan, and Saudi Arabia:

"The General Assembly,

"Noting the recent expansion in the membership of the United Nations and the further increase which is anticipated,

"Noting that nevertheless no increase in the membership of the principal organs of the United Nations has yet taken place,

"Recognizing that there is a strong volume of opinion among Member States that the Security Council and the Economic and Social Council should be enlarged so as appropriately to reflect the increase in the membership of the United Nations,

"Recognizing that such increase cannot be achieved except by amendment of the Charter of the United Nations,

"Expressing the hope that the strong desire manifested by a large number of Member States will help in bringing about an expansion of membership in these organs as early as possible,

- "<u>Decides</u> to include the items dealing with the question of an increase in these organs in the provisional agenda of the fifteenth session."
- 7. After a discussion of the two draft resolutions before it, the Committee decided, at its 135th meeting, on 23 October, to adjourn in order that members might study the possibility of merging the two texts.
- 8. At the 136th meeting, on 26 October, after conversations with the sponsors of the twelve-Power draft resolution, the representative of El Salvador introduced a new revised text (A/SPC/L.32/Rev.2) of his delegation's draft resolution. The revised draft read as follows:

"The General Assembly,

"Realizing that many delegations have expressed the opinion that in view of the considerable increase in the membership of the United Nations in recent years, there should be an increase in the membership of the Security Council and the Economic and Social Council,

"Recalling its resolution 1300 (XIII) of 10 December 1958, in which it recognized that in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of of the Economic and Social Council is desirable,

"Noting that an increase in the membership of those organs would necessitate the amendment of certain provisions of the Charter of the United Nations,

"Expressing the hope that the strong desire manifested by a large number of Member States will help to bring about such amendment at the earliest opportunity.

"Considering that, in order to solve this problem, further efforts must be made with a view to obtaining the agreement of the greatest possible number of Member States,

- "1. <u>Decides</u> that items relating to an increase in the membership of the said organs shall be placed on the provisional agenda of its fifteenth regular session,
- "2. <u>Decides</u> to set up a committee consisting of representatives of [three or five] States to study the possibility of arriving at an agreement which will facilitate the amendment of the Charter so as to increase the membership of the aforementioned organs;
- "3. Requests the committee to submit a report on its work to the General Assembly at its fifteenth session."
- 9. The representative of El Salvador later amended operative paragraph 2 of the draft resolution to provide that the Committee should consist of representatives of five States.
- 10. At the 136th meeting, the representative of Ceylon introduced an amendment (A/SPC/L.34) to the revised draft resolution of El Salvador. Sponsored jointly by Afghanistan, Burma, Cambodia, Ceylon, India, Indonesia, Iraq Nepal, and Saudi Arabia, the amendment called for the deletion of operative paragraphs 2 and 3 of the revised draft resolution (A/SPC/L.32/Rev.2), relating to the establishment of the committee.
- 11. Ethiopia, Liberia and Tunisia, joined by Nepal at the 138th meeting, submitted amendments (A/SPC/

L.35 and A/SPC/L.36 and Add.1) calling for the addition of the words "which would make it possible to improve the present distribution of seats in those organs" to the first preambular paragraph of the revised draft resolution of El Salvador (A/SPC/L.32/Rev.2) and to the second preambular paragraph of the twelve-Power draft resolution (A/SPC/L.33 and Add.1).

- 12. The Committee considered the draft resolutions and amendments at its 134th to 138th meetings. At the 138th meeting, the Committee adopted, by 38 votes to 27, with 11 abstentions, a procedural motion by the representative of Ireland to close the debate under rule 118 of the rules of procedure of the General Assembly.
- 13. At its 138th and 139th meetings on 28 and 29 October, the Committee voted on the draft resolutions and amendments before it, as well as on certain procedural motions. The results of its decisions are indicated below.
- (a) The nine-Power amendment (A/SPC/L.34) calling for the deletion of operative paragraphs 2 and 3 of the revised draft resolution submitted by El Salvador (A/SPC/L.32/Rev.2), was voted on by roll-call. The result of the vote was 35 in favour and 35 against, with 11 abstentions. The amendment was therefore not adopted. The voting was as follows:

In favour: Afghanistan, Albania, Australia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, Yemen, Yugoslavia.

Against: Argentina, Belgium, Brazil, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Peru, Portugal, Spain, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Austria, Bolivia, Canada, China, Cuba, Ethiopia, Federation of Malaya, Finland, Ireland, Laos, Thailand.

(b) The four-Power amendment (A/SPC/L.35) consisting in the addition of a phrase to the first preambular paragraph of the revised draft resolution of El Salvador (A/SPC/L.32/Rev.2), was adopted by a roll-call vote of 63 to none, with 18 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India. Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Tunisia, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: None.

Abstaining: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Czechoslovakia, Federation of Malaya, Hungary, Jordan, Morocco, Poland, Romania, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

(c) A motion by the representative of the United Arab Republic, under rule 130 of the rules of procedure, to the effect that separate votes should be taken on the preamble and each of the operative paragraphs of the revised draft resolution of El Salvador was rejected by a roll-call vote of 41 to 35, with 6 abstentions, as follows:

In favour: Afghanistan, Albania, Australia, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic Cambodia, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iran Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, Yemen, Yugoslavia.

Against: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Canada, Ethiopia, Federation of Malaya, Ireland, Laos, Thailand.

(d) The revised draft resolution of El Salvador (A/SPC/L.32/Rev.2), as amended by the four-Power amendment, was voted upon as a whole, and was adopted by a roll-call vote of 47 to 25, with 10 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Iran, Iraq, Libya, Morocco, Nepal, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Ethiopia, Federation of Malaya, Indonesia, Ireland, Jordan, Lebanon, Philippines, Sudan, Thailand, Tunisia.

(e) A motion by the representative of El Salvador under rule 132 of the rules of procedure, to the effect that the Committee should decide not to put to the vote the twelve-Power draft resolution (A/SPC/

L.33 and Add.1), and the four-Power amendment thereto (A/SPC/L.36 and Add.1), was adopted by a roll-call vote of 36 to 34, with 10 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Honduras, Hungary, Israel, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Czechoslovakia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ireland, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Australia, Austria, Cuba, Ethiopia, Greece, Iceland, Japan, Laos, Tunisia, Turkey.

Following the announcement by the Chairman of the results of the voting, some representatives said they wished to correct their votes. The Committee then engaged in a procedural discussion as to whether a representative could be permitted, once the results had been announced, to change the vote he had cast if that change would reverse the announced result. At its 139th meeting, on 29 October, the Committee agreed without objection that in the existing special circumstances a second vote should be taken on the motion of El Salvador. Some representatives said that that procedure should not be considered as a precedent.

(f) The procedural motion of El Salvador under rule 132 of the rules of procedure, to the effect that the Committee should decide not to put to the vote the twelve-Power draft resolution (A/SPC/L.33 and Add.1) and the four-Power amendment thereto (A/SPC/L.36 and Add.1) was rejected by a roll-call vote of 41 to 35, with 4 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Israel, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Australia, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Czechoslovakia, Ethiopia, Federation of Malaya, Finland, Ghana, Hungary, India, Indonesia, Iran, Iraq, Ireland, Jordan, Laos, Lebanon, Libya, Mexico Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Cuba, Iceland, Japan, Turkey.

(g) The Committee then voted on the twelve-Power draft resolution and the four-Power amendment, relat-

ing to the second preambular paragraph. The four-Power amendment (A/SPC/L.36 and Add.1) was adopted by a roll-call vote of 40 to 1, with 41 abstentions. The voting was as follows:

In favour: Australia, Austria, Bolivia, Burma, Cambodia, Canada, Ceylon, Cuba. Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana. Greece, Guinea, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Laos, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Philippines, Saudi Arabia, Sudan, Sweden, Tunisia, Turkey, United Arab Republic, Venezuela, Yemen.

Against: China.

Abstaining: Afghanistan, Albania, Argentina, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, France, Guatemala, Haiti, Honduras, Hungary, Italy, Jordan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Spain, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa. Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

(h) The twelve-Power draft resolution as a whole (A/SPC/L.33 and Add.1), as amended (A/SPC/L.36 and Add.1) was adopted by a roll-call vote of 39 votes to none, with 43 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Austria, Burma, Cambodia, Canada, Ceylon, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Laos, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Saudi Arabia, Sudan, Sweden, Tunisia, Turkey, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Albania, Argentina, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Hungary, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Spain, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Recommendations of the Special Political Committee

14. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

QUESTION OF AN INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OF THE ECO-NOMIC AND SOCIAL COUNCIL

Draft resolution I

The General Assembly,

Realizing that many delegations have expressed the opinion that, in view of the considerable increase in the membership of the United Nations in recent years,

there should be an increase in the membership of the Security Council and the Economic and Social Council which would make it possible to improve the present distribution of seats in those organs,

Recalling its resolution 1300 (XIII) of 10 December 1953 in which it recognized that, in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of the Economic and Social Council is desirable.

Noting that an increase in the membership of those organs would necessitate the amendment of certain provisions of the Charter of the United Nations,

Expressing the hope that the strong desire manifested by a large number of Member States will help to bring about such amendment at the earliest opportunity,

Considering that, in order to solve this problem, further efforts must be made with a view to obtaining the agreement of the greatest possible number of Member States,

- 1. <u>Decides</u> that items relating to an increase in the membership of the Security Council and of the Economic and Social Council shall be placed on the provisional agenda of is fifteenth session;
- 2. <u>Decides</u> to set up a Committee consisting of representatives of five States to study the possibility of arriving at an agreement which will facilitate the amendment of the Charter so as to increase the membership of the afore-mentioned organs;

3. Requests the Committee to submit a report on its work to the General Assembly at its fifteenth session.

Draft resolution II

The General Assembly,

Noting the recent expansion in the membership of the United Nations and the further increase which is anticipated.

Noting that nevertheless no increase in the membership of the principal organs of the United Nations has yet taken place which would make it possible to improve the present distribution of seats in those organs,

Recognizing that there is a strong volume of opinion among Member States that the Security Council and the Economic and Social Council should be enlarged so as appropriately to reflect the increase in the membership of the United Nations,

Recognizing that such increase cannot be achieved except by amendment of the Charter,

Expressing the hope that the strong desire manifested by a large number of Member States will help in bringing about an expansion of membership in these organs as early as possible,

<u>Decides</u> to include in the provisional agenda of its fifteenth session the items dealing with the question of an increase in these organs.

DOCUMENT A/L.269

El Salvador and Japan. amendment to draft resolution I submitted by the Special Political Committee (A/4256, para. 14)

[Original text: English and Spanish]
[20 November 1959]

Replace paragraphs 2 and 3 of the operative part by the following text:

2. <u>Declares</u> that if progress is not made during the fifteenth session of the General Assembly towards the achievement of an increase in the membership of the Security Council and the Economic and Social Council, it should set up at that session a committee to study the possibilities of arriving at an agreement which will facilitate the amendment of the Charter to achieve the increase of membership referred to above.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 843rd plenary meeting, on 25 November 1959, the General Assembly adopted draft resolution I submitted by the Special Political Committee (A/4256, para. 14), as amended (A/L.269). For the final text, see resolution 1404 (XIV) below.

At the same meeting, the General Assembly decided not to vote on draft resolution II submitted by the Special Political Committee (A/4256, para. 14).

Resolution adopted by the General Assembly

1404 (XIV). QUESTION OF THE INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OF THE ECONOMIC AND SOCIAL COUNCIL

The General Assembly,

Realizing that many delegations have expressed the opinion that, in view of the considerable increase in the membership of the United Nations in recent years, there should be an increase in the membership of the Security Council and the Economic and Social Council which would make it possible to improve the present distribution of seats in those organs,

Recalling its resolution 1300 (XIII) of 10 December 1958, in which it recognized that, in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of the Economic and Social Council is desirable,

Noting that an increase in the membership of those organs would necessitate the amendment of certain provisions of the Charter of the United Nations,

Expressing the hope that the strong desire manifested by a large number of Member States will help to bring about such amendment at the earliest opportunity,

Considering that, in order to solve this problem, further efforts must be made with a view to obtaining the agreement of the greatest possible number of Member States,

- 1. <u>Decides</u> that items relating to an increase in the membership of the Security Council and of the Economic and Social Council shall be placed on the provisional agenda of its fifteenth session;
- 2. <u>Declares</u> that, if progress is not made during the fifteenth session of the General Assembly towards the achievement of an increase in the membership of the Security Council and of the Economic and Social Council, the Assembly should set up at that session a committee to study the possibilities of arriving at an agreement which will facilitate the amendment of the Charter to achieve the increase in membership referred to above.

843rd plenary meeting, 25 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda items 19, 20 and 21 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4132/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization (1 July 1958-30 June 1959)	Official Records of the General Assembly, Fourteenth Session, Supplement No. 1A
A/4213	Annual report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (1 July 1958-30 June 1959)	Ibid., Supplement No. 14
A/AC.81/ SR.3 and 4	Summary records of the third and fourth meetings of the Committee on arrangements for a conference for the purpose of reviewing the Charter	Mimeographed
A/SPC/38	Draft resolution adopted by the Special Political Committee at its 138th meeting	See A/4256, para. 14
A/SPC/39	Draft resolution adopted by the Special Political Committee at its 139th meeting	See A/4256, para. 14
A/SPC/L.32	El Salvador: draft resolution	See A/4256, para. 3
A/SPC/L. 32/Rev.1	El Salvador: revised draft resolution	See A/4256, para. 5
A/SPC/L. 32/Rev.2	El Salvador: revised draft resolution	See A/4256, para. 8
A/SPC/L.33 and Add.1	Afghanistan, Burma, Cambodia, Ceylon, Ghana, Jordan, Indonesia, Iraq, Lebanon, Libya, Pakistan and Saudi Arabia: draft resolution	See A/4256, para. 6
A/SPC/L.34	Afghanistan, Burma, Cambodia, Ceylon, India, Indonesia, Iraq, Nepal and Saudi Arabia: amendment to document A/SPC/L.32/Rev.2	See A/4256, para. 10
A/SPC/L.35	Ethiopia, Liberia and Tunisia: amendment to document A/SPC/L.32/Rev. 2	See A/4256, para. 11
A/SPC/L.36 and Add.1	Ethiopia, Liberia and Tunisia: amendment to document A/SPC/L.33 and Add.1	See A/4256, para. 11

GENERAL ASSEMBLY



ANNEXES

Official Records

NEW YORK, 1959

FOURTEENTH SESSION

Agenda item 22: Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter*

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DOCUMENT A /4199

Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter

[Original text: English]
[8 September 1959]

- 1. Under resolution 992 (X) of 21 November 1955, the General Assembly decided to appoint a Committee consisting of all the Members of the United Nations to consider, in consultation with the Secretary-General, the question of fixing a time and place for a general conference, to be held at an appropriate time, to review the Charter, and the organization and procedures of such a conference. The Committee was requested to report, with recommendations, to the General Assembly at its twelfth session.
- 2. The report of the Committee (A/3593) was considered by the General Assembly during its twelfth session, and at its 705th plenary meeting, on 14 October 1957, the Assembly accepted the recommendation in the draft resolution (A/AC.81/L.1) contained in the Committee's report that the Committee be kept in being and be requested to report, with recommendations, to the General Assembly not later than at its fourteenth session (resolution 1136 (XII)).
- 3. Accordingly, at its third meeting on 2 September 1959, the Committee elected Mr. Abdul Rahman Pazhwak (Afghanistan) as Chairman and Mr. Carlos Adrián Perdomo (Honduras) as Vice-Chairman to replace, respectively, Mr. Abdul Hamid Aziz (Afghanistan) and Mr. José Vicente Trujillo (Ecuador) who were no longer members of their delegations and hence were not available in New York.
- 4. Mr. Franz Matsch (Austria) continued to be the Rapporteur of the Committee.
- 5. The representatives of the following Member States took part in the discussion: Afghanistan, the United Kingdom, Ghana, Ceylon, Italy, the Soviet Union, the United Arab Republic, the United States, India, Romania, Yugoslavia, the Philippines, Poland and China. The Rapporteur was requested to prepare
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 841st meeting.

- a draft of the Committee's report to the General Assembly and to submit it for the Committee's consideration at its next meeting. The representatives of the USSR and Ghana hoped that the report would reflect all the views expressed by the Committee members. The representatives of Ghana, Ceylon and the Philippines spoke in favour of deciding, at this stage, a definite date for convening a conference for the purpose of reviewing the Charter. The representative of Afghanistan, whilst expressing the hope that the appropriate time for review might not be too far distant, did not think that any drastic review of the Charter was necessary. Nevertheless, he felt it was high time that use should be made of the provisions of Article 108 of the Charter to alter the size and composition of bodies such as the Trusteeship Council.
- 6. The majority of the speakers expressed the view that a review of the Charter would be useful on account of the political, economic and social changes that had occurred in the world situation since 1945, but thought that the present time was not propitious for the convening of such a conference and therefore favoured a postponement. The hope was voiced that the forthcoming exchange of views and negotiations may improve the international atmosphere. In their view, the Committee should be kept in being and should submit recommendations either to the fifteenth or sixteenth session of the General Assembly.
- 7. The representatives of the USSR, Romania and Poland said that they objected to the convening of a general conference for the purpose of reviewing the Charter and accordingly considered that it would be inappropriate to keep the Committee in being any longer. In their view, the Charter as it stood was fully adequate to the task of strengthening the general peace and developing international co-operation. They recalled the difficulties which had had to be overcome in the past, at the time of the framing of the

Charter, in order to reconcile the divergent viewpoints of many States with different social and political systems. Too superficial an approach to the problem of reviewing the Charter might undermine the very foundations of the United Nations and plunge it into a state of disorder and uncertainty. What was needed to make the work of the United Nations more effective was not revision of its Charter but the consistent application of its purposes and principles. They stated that, without the participation of the People's Republic of China, whose rights as a Member of the United Nations and permanent member of the Security Council had been violated, it would be impossible and inadmissible to discuss questions relating to a review of the United Nations Charter and that such a discussion would constitute yet another violation of that instrument.

- 8. At the end of the discussion, the representative of the United Kingdom, supported by the representative of the Philippines, noted that, in the prevailing view of the speakers, the time was not propitious for the convening of a Charter reviewing conference and that the Committee should recommend to the General Assembly to keep it in being and to instruct it to report again not later than at the sixteenth session of the Assembly.
- 9. The Rapporteur presented at the Committee's fourth meeting on 3 September 1959 a draft of the

Committee's report to the Assembly (A/AC.81/L.2) with the suggestion that an additional paragraph containing a draft resolution for adoption by the Assembly be incorporated in the report as paragraph 10 of the report. A number of suggestions and amendments to the draft report were made by members, including a new substitute text for paragraph 8 of the draft report by the representative of the USSR and a substitute text of paragraph 9 made by the representative of Belgium. These suggestions and amendments were accepted by the Rapporteur for incorporation in the final text. At the request of the representative of the USSR, however, the Committee voted on the amended paragraph 9 and the additional paragraph 10 of the draft report and approved them by a vote of 71 to none, with 9 abstentions.

Recommendation of the Committee on arrangements for a conference for the purpose of reviewing the Charter

10. The Committee on arrangements for a conference for the purpose of reviewing the Charter therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted the draft resolution submitted by the Committee on arrangements for a conference for the purpose of reviewing the Charter (A/4199, para. 10). For the final text, see resolution 1381 (XIV) below.

Resolutions adopted by the General Assembly

1381 (XIV). REPORT OF THE COMMITTEE ON ARRANGEMENTS FOR A CONFERENCE FOR THE PURPOSE OF REVIEWING THE CHARTER

The General Assembly,

Recalling the provisions of its resolutions 992 (X) of 21 November 1955 and 1136 (XII) of 14 October 1957.

- 1. <u>Decides</u> to keep in being the Committee on arrangements for a conference for the purpose of reviewing the Charter and to request the Committee to report, with recommendations, to the General Assembly not later than at its sixteenth session:
- 2. Requests the Secretary-General to continue the work envisaged in paragraph 4 of General Assembly resolution 992 (X).

841st plenary meeting, 20 November 1959

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 22 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3593	Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter	Official Records of the Gen- eral Assembly, Twelfth Session, Annexes, agenda item 22
A/AC.81/L.1	Brazil, Canada, Egypt, El Salvador, India, Indonesia, Iran, Ireland, Liberia, and Panama: draft resolution	Mimeographed
A/AC.81/L.2	Draft report of the Committee on arrangements for a conference for the purpose of reviewing the Charter	Mimeographed

ANNEXES

GENERAL ASSEMBLY



Official Records

NEW YORK, 1959

FOURTEENTH SESSION

Agenda item 23: Interim report of the Secretary-General evaluating the Second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future*

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DOCUMENT A /4261

Interim report of the Secretary-General evaluating the Second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future

[Original text: English] [5 November 1959]

- 1. In its resolution 1344 (XIII) of 13 December 1958, the General Assembly requested the Secretary-General and the United Nations Scientific Advisory Committee, in consultation with the International Atomic Energy Agency and the interested specialized agencies, "to undertake a thorough evaluation of the Second Conference in relation to the need, nature and timing of similar conferences in this field". The General Assembly requested the Secretary-General to submit an interim report to the Assembly at its fourteenth session and to report at the fifteenth session on the results of the study made with the Scientific Advisory Committee.
- 2. The Secretary-General consulted with the Scientific Advisory Committee about this matter at its meeting of 28 October 1959, and the present interim report has the concurrence of the Committee.
- 3. It would be premature at this time to present any firm conclusions about a third conference of the Geneva type. More study and consultation are needed. The publication of the English version of the Proceedings of the Second United Nations International Conference on the Peaceful Uses of Atomic Energy, comprising thirty-two volumes and an index, was completed only in September of this year, and the later volumes, therefore, have been available for only a short time. The proceedings present a large body of important material covering the whole range of peaceful uses of atomic energy, and some time is required to digest this material. It is also pertinent that a number of specialized conferences and symposia regarding the peaceful uses of atomic energy have been

- held or are in prospect for 1959 and 1960 by the International Atomic Energy Agency and certain of the specialized agencies, some of them as a direct outgrowth of suggestions made at the Second Geneva Conference. Moreover, the United Nations Scientific Committee on the Effects of Atomic Radiation is in a new stage of its work as a result of General Assembly resolution 1347 (XIII) of 13 December 1958. Such matters, of course, will have a bearing on the conclusions eventually to be reached concerning possible future conferences of the Geneva type.
- 4. There are other factors which will affect conclusions about holding another comprehensive conference on the peaceful uses of atomic energy within the next few years. These include: (a) the constantly increasing range and complexity of the field and the consequent effect on the size and scope of such conferences; (b) an estimate of the usefulness of the Second Conference (1958) in stimulating subsequent activities and in providing a general survey of work done the world over in the application of the peaceful uses of atomic energy for all purposes; (c) the amount of time, effort and financial expenditure involved in a comprehensive conference and the contribution made to the exchange of information and the development of the peaceful uses of atomic energy, as compared with the contributions from small and specialized conferences; (d) the desirability of affording an opportunity to meet together for large numbers of scientists of different scientific disciplines but working in related fields; (e) new and prospective developments in the atomic energy field which would justify the effort involved in holding another comprehensive conference; (f) the question of the desirability of considering a comprehensive conference in some broad scientific field other than that of the peaceful uses of atomic energy.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 838th meeting.

5. The Secretary-General and the Scientific Advisory Committee will take these and other factors into account in the preparation of the report to be submitted to the General Assembly at its fifteenth session, following the necessary consultations with the International Atomic Energy Agency and the interested specialized agencies.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting, on 17 November 1959, the General Assembly took note of the interim report of the Secretary-General (A/4261).

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 24: Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation*

CONTENTS Title Page Document No. A/4119 Progress report for 1959 of the United Nations Scientific Committee on the Effects 1 Financial implications of the proposals contained in document A/4119: note by the A/4119/Add.1 Secretary-General A/4283Financial implications of the draft resolution contained in document A/L.268: note by the Secretary-General..... 6 A/L.263 A/L.266 Argentina, Austria, Canada, Ghana, Ireland, Italy, Japan, Mexico, New Zealand and Norway: draft resolution...... 6 8

DOCUMENT A /4119

Progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation

[Original text: English]
[15 June 1959]

- 1. The United Nations Scientific Committee on the Effects of Atomic Radiation was established by resolution 913 (X) of 3 December 1955 at the tenth session of the General Assembly. It has the following members: Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Japan, Mexico, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America.
- 2. The Committee held its sixth session at Headquarters between 23 March and 1 April 1959. Professor Rolf Sievert of Sweden and Dr. V. R. Khanolkar of India served as Chairman and Vice-Chairman, respectively.
- 3. The Committee considered its future work in the light of the requests made by the General Assembly in resolution 1347 (XIII) of 13 December 1958, of its previous comprehensive report to the General Assembly (A/3838 and Corr.1) and of the discussions in the First Committee between 5 and 8 December 1958 (1011th to 1014th meetings). The Committee discussed its work under the following headings:
- (a) Maintenance and stimulation of the flow of information to the Committee:
 - (b) The pattern of scientific study by the Committee;
- * For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 839th meeting.

- (c) The reporting practice of the Committee;
- (d) The manner and areas in which research may usefully be stimulated;
 - (e) The pattern of meetings of the Committee;
- (f) The organization of work and staff needs of the Committee;
 - (g) Relations of the Committee with other bodies;
 - (h) Immediate programme of work for 1959 and 1960.
- 4. In the course of its discussions, the Committee noted that it had received, and hoped it would continue to receive, much useful information on fall-out, radiation levels and radio-biological questions from States Members of the United Nations and members of the specialized agencies and of the International Atomic Energy Agency (IAEA). In order to carry out the task assigned to it by the General Assembly, the Committee found it necessary to suggest that this collection of information be supplemented by a variety of activities and discussions undertaken by the United Nations, its specialized agencies, IAEA and certain non-governmental organizations. The Committee further decided to request the Secretary-General to continue to provide it with assistance as in the past; to recommend to the General Assembly that its normal pattern of meetings be similar to that of past years, with appropriate adjustments found desirable in the light of the Committee's past experience and present situation; and to centre its discussion in the immediately forth-

coming sessions on radio-active fall-out and radio-biological questions. The Committee intends to continue to report progress annually to the General Assembly and to submit a further comprehensive report in 1962. The conclusions and recommendations approved by the Committee are set out in detail in annex I.

ANNEX I

Summary of conclusions reached by the United Nations Scientific Committee on the Effects of Atomic Radiation at its sixth session

I. MAINTENANCE AND STIMULATION OF THE FLOW OF INFORMATION TO THE COMMITTEE

1. The Committee decided to recall to States Members of the United Nations and members of the specialized agencies and of IAEA the comprehensive report of the Committee (A/3838 and Corr.1) and the decision of the General Assembly to request the Committee to continue its useful work; and to invite them to send any further data of the type already contained in the comprehensive report so as to enable this report to be kept up to date or extended, having in mind as a guide its earlier detailed requests for such information.

II. THE PATTERN OF SCIENTIFIC STUDY BY THE COM-MITTEE

A. Stratospheric fall-out mechanism

2. The Committee decided to discuss problems relating to the stratospheric fall-out mechanism at its next session, and to emphasize the need for further information of specific kinds bearing on this problem. It also welcomed the co-operation of the World Meteorological Organization (WMO), asked that Organization to assist it in its discussions by making available relevant information from conferences, and invited the participation of a group of experts of WMO in its discussions of the problem.

B. Food-chain problem

3. The Committee emphasized the continued importance for its work of further studies of the movement of radio-active nuclides in food-chains and the value of the work carried out and of the information submitted to the Committee by States Members of the United Nations, members of the specialized agencies and of IAEA. It welcomed the proposal of the Food and Agriculture Organization of the United Nations (FAO) that that Organization, in association with other interested international agencies, should give detailed and continuing consideration to this subject on an international basis, expressed its immediate concern with the soil-plant-animal human diet relationships for isotopes such as Sr90, Sr89, Cs137 and I131, and also with the levels of these isotopes in diets and the factors which govern the contribution made by diets of various types to human body burdens; and it recommended that FAO give specialized consideration to the difficult problems of sampling food and agricultural materials. The Committee also agreed to make available for agricultural studies by FAO relevant data submitted to it.

C. Studies of exposed groups of populations

4. Recognizing that an appreciable contribution to the present irradiation of human populations caused by man-made sources originates in a number of countries from the medical uses of radiation, the Committee expressed its belief that a careful study of the radiation doses received by patients is desirable and should include not only doses to the gonads but exposure of significance for the possible induction of malignant diseases; it also expressed its belief that the results of such a study should be correlated with the results of epidemiological investigations of possible radiation-induced diseases. It noted that the International Commission on Radiological Protection and the International Commission on Radiological Units and Measurements are appropriate and competent bodies to study the problems of dose estimation involved, and observed that the World Health Organization (WHO), having interests and activities in epidemiological studies, is an appropriate and competent body to consider questions of radiation-induced diseases. The Committee therefore invited

the International Commission on Radiological Protection and the International Commission on Radiological Units and Measurements:

- (a) To define the relevant parameters needed to describe any one exposure as fully as possible;
- (b) To consider the methods of obtaining reliable information with regard to these parameters and the procedures of measurement and computation, with special attention to the concept of "significant dose" as used in the comprehensive report of the Committee;
- (c) To survey the available information with regard to the number of patients undergoing different types of treatment and examination involving ionizing radiation, and to indicate, wherever possible, what are the exposures as described in the relevant parameters;
- (d) To submit to the Committee, as soon as possible, and, in any event, before the end of 1960, a report upon their deliberations and conclusions on the subjects mentioned in (a) to (c) above, and to make any appropriate recommendations.

The Committee also invited WHO:

- (a) To further consider the development of suitable methodology for the investigation of radiation-induced diseases;
- (b) To examine the question of epidemiological studies of human malignant diseases in relation to medical radiation exposures;
- (c) To take steps as may be appropriate for the stimulation and furtherance of such studies.

The Committee requested the Secretary-General to make the necessary arrangements to implement the above invitations, including provision for the reimbursement of expenses incurred by the International Commission on Radiological Protection and the International Commission on Radiological Units and Measurements.

D. Adaptation and use of national vital and health statistics for genetic purposes

5. The Committee considered it desirable that a seminar be held in the near future to review how best to use and adapt national civil registration practices and vital and health statistics for genetic purposes and other considerations relevant to the radiation problem and that such a seminar be held under the joint sponsorship of the United Nations and WHO, if possible in 1960. It therefore decided to recommend to the General Assembly that such a seminar be held and to suggest to WHO that it co-sponsor such a seminar.

E. Population studies

6. The Committee expressed its continued interest in studies of populations exposed to relatively high levels of natural radiation, and stated that it considered such studies to be important, and would welcome reports on their progress.

F. Human genetics

7. The Committee suggested to WHO that it continue its work in the field of human genetics and that it consider convening in the near future an expert group for the discussion of the distribution and maintenance of genetic defects in populations; it stated that it would welcome the results of such a meeting in the light of its intention to consider this question at a subsequent session of the Committee. The Committee also stated that it considered important the study of the significance of alterations in the sex ratio as a possible indicator of radiation-induced genetic disturbance in human populations, and it sought the close co-operation of WHO in a study of this problem.

G. Accidental exposure

8. The Committee considered it important that it should be aware of available information as to accidental exposure of human beings to large doses of ionizing radiation and the biological effects produced, and requested its secretary to prepare and circulate short bibliographies on these subjects prior to meetings of the Committee.

H. Hazards of incorporated radio-active atoms

9. The Committee recognized that the recent progress in molecular biology of DNA is an important and most critical approach to the understanding of fundamental radio-biology and of genetic effects of ionizing radiation in particular. It noted that the genetic effects of radio-isotopes incorporated into the body have so far been considered mostly as consequences of molecular changes caused by ionizations only; that the recoil of the decayed radio-active atom and the change of its chemical characteristics could, however, also lead to mutations if the radio-isotopes (H3, C14, P32, P33) have been incorporated into DNA molecules of the genetic material; and, further, that experiments made to obtain basic data on relative efficiencies of ionization and of transmutation or recoil in specific locus mutation would enhance the accuracy of the quantitative assessment of the biological hazards of radio-active contamination. In formulating its conclusion, the Committee also pointed out that certain viruses and microorganisms give the greatest promise of the profitable attack on this problem because of the precise genetic technique available. The Committee considered that, since some of the somatic effects may reflect mutations in somatic cells or damage of their genetic apparatus, studies of the molecular effects of radio-active decay of incorporated radio-isotopes may be important not only for the understanding of genetic hazards but also for the explanations of such somatic effects as carcinogenesis, ageing or even acute lethality.

I. Urgent need of further research in general biology

- 10. The Committee decided to point out that further advance in radio-biology depends mainly upon progress in general biology, and that better understanding of complex cellular mechanisms is required before any satisfactory explanation of primary radiation effects can be expected; that, as in other similarly complex fields of applied biological science, continuing progress can only be achieved by giving enough support and research effort to the fundamental biology; and that, since an assessment of radiation damage produced at very low dose levels can hardly be based only on statistical experimentation, understanding of the basic radio-biological mechanism may be the only rational approach to the evaluation of radiation risk and to the eventual prevention of it. The Committee drew the attention of scientific organizations and research institutions to the great benefit that would come from better knowledge in fundamental biology, not only through understanding the effects of ionizing radiation, but also through the deep influence of such knowledge on the whole field of genetics and on other important problems like carcinogenesis or ageing.
- 11. In the two following general fields, the Committee noted that more data are urgently needed:
 - (a) Molecular biology, especially studies in polynucleotides;
 - (b) Cell physiology and cell chemistry.
- It also stressed that additional information on the following particular problems will be of immediate profit:
- (a) Structure of polynucleotides, their role in the transfer of genetic information and in protein synthesis;
- (b) Mechanisms of mutation and possible recovery processes of genetic damage; comparative nature of induced and spontaneous mutation; the fate of mutational changes in a population;
 - (c) Role of genetic mechanisms in somatic cell variation;
- (d) Chemical composition of cell structures carrying genetic information; role of specific minerals, such as strontium and calcium as microelements necessary for normal cell function;
- (e) Regulation of cell growth and cell differentiation; role of different cell structures in normal functioning of the cell; problem of ageing on the cellular level;
- (f) Nature of cellular processes leading to tumour development.

The Committee recognized the value of recent advances in relevant methodology such as the method of $\underline{\text{in vitro}}$ cultivation of mammalian cells.

12. The Committee stated that it was conscious of the overall importance of progress in general biology, and it therefore recommended that the specialized agencies and other bodies give adequate support to fundamental biological research, stimulate this research by organizing frequent exchanges of new information, possibly by holding inter-disciplinary symposia, and help in the training of specialists by granting an appropriate number of fellowships in general biological disciplines.

III. THE REPORTING PRACTICE OF THE COMMITTEE

13. The Committee expressed its intention to submit annual progress reports to the General Assembly, to report to the Assembly on each phase of its scientific work separately, as it is completed, and to submit a further comprehensive report during or before 1962, including a summary of interim scientific reports and modifications necessary to update the Committee's 1958 comprehensive report, which would constitute a self-contained document rather than material in the form of annexes updating the Committee's 1958 comprehensive report.

IV. THE PATTERN OF MEETINGS OF THE COMMITTEE

14. After giving careful consideration to the place and frequency of its future meetings, and reviewing its experience at previous meetings, the Committee decided that it would normally be desirable to hold two meetings every year, one in the first half of the year, which would include the preparation of a progress report to be submitted to the General Assembly through the Secretary-General, and the other in the second half of the year, which would be devoted mainly to the evaluation of technical data which had become available to the Committee during the course of the year. The Committee stated that it considered it absolutely essential to its work that the sum of its sessions be attended by the widest group of experts whose advice its members can collectively bring to bear, and, moreover, that it desired the corresponding burdens in time and expense incurred by Governments, to be more equitably distributed among its members. It therefore considered it very desirable that the Committee meet from time to time at Geneva, and also that it meet in other places following an invitation from a Government or a United Nations agency made in accordance with the principles of General Assembly resolution 1202 (XII) of 13 December 1957, and that it hold one session in 1960 at Geneva or such other place as may be approved, in accordance with the principles of the above resolution.

V. THE ORGANIZATION OF WORK AND STAFF NEEDS OF THE COMMITTEE

15. The Committee requested the Secretary-General to continue to provide it, on the same basis as in the past, with scientific staff assisted, as appropriate, by the services of scientific consultants, with a small working library, and with other ad hoc services; and it emphasized the value of travel by members of the scientific staff for purposes of consultation during their work.

VI. RELATIONS OF THE COMMITTEE WITH OTHER BODIES

- 16. The Committee welcomed the offers of co-operation it had received from the specialized agencies, from the IAEA and from the International Commission on Radiological Protection and the International Commission on Radiological Units and Measurements. It anticipated that its work would be assisted by the IAEA because of that Agency's expanding work in subjects related to the question of radiation.
- 17. The Committee decided to draw the attention of the General Assembly to the requests for studies and information that it has made to specialized agencies, to IAEA and to other bodies, and to emphasize that these requests were made in order to assist the Committee to carry out the obligation assigned to it by the General Assembly for evaluating the effects of ionizing radiation on man and on his environment.

VII. IMMEDIATE PROGRAMME OF WORK FOR 1959 AND 1960

- 18. The Committee decided that at its forthcoming sessions it would include the following as main subjects for discussion:
 - (a) At the seventh session:
 - (i) The physical aspects of fall-out;
- (ii) Physical and biological problems concerning the transmission of fission products through food-chains;
- (iii) The relationship between radiation dose and effects, particularly at small-dose levels.
 - (b) At the eighth session:
- (i) Physical and biological problems concerned with carbon-14.
 - (ii) Genetic problems.

At this session, a report from FAO on food-chain problems might be expected.

ANNEX II

Financial implications

At the time of adoption of the conclusions set forth in annex I, the Committee was informed that the request to the Secretary-General contained in paragraph 4 would, on the basis of information supplied by the two non-governmental organizations concerned, require an expenditure of not more than \$10,000, and that the recommendation contained in paragraph 5 would, on certain simple assumptions, involve the expenditure of approximately \$35,000 to \$40,000, to be apportioned between the sponsors.

DOCUMENT A/4119/ADD.1

Financial implications of the proposals contained in document A/4119 Note by the Secretary-General

[Original text: English]
[13 November 1959]

1. An indication of the types of new costs associated with the proposals contained in the progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation (A/4119) was given in its annex II. The present statement supplements the information given therein.

STUDIES OF EXPOSED GROUPS OF POPULATIONS 1/

2. Work on these studies has been begun by the International Commission on Radiological Protection and the International Commission on Radiological Units and Measurements. Inasmuch as the studies will not be completed until the middle of 1960 and reimbursement to the two organizations is not required until that time, the amount (\$10,000) earmarked for this purpose within the 1959 global appropriation under section 1 has been surrendered. The same amount would now be requested in supplementation of the consultancy funds under section 6 of the initial budget estimates for 1960.

ADAPTATION AND USE OF NATIONAL VITAL AND HEALTH STATISTICS FOR GENETIC PURPOSES²/

- 3. In pursuance of the recommendation of the Scientific Committee, the Secretary-General has invited WHO to co-sponsor the proposed seminar. In accepting the Secretary-General's invitation, WHO has offered to share in the costs of the seminar by paying at least \$9,200 of the expenses.
- 4. The proposed plan for the seminar as developed jointly by the Secretariat of the United Nations and the secretariat of WHO would call for the convening, immediately before the summer session of the Economic and Social Council at Geneva, of an international expert workshop of approximately five days' duration. The purpose of the workshop would be to explore fully the possibilities of a systematic linkage and application to

 $\frac{1}{2}$ See A/4119, annex I, para. 4.

certain genetic and other radiation problems of information already widely recorded for large populations (e.g., civil registration and health records), together with other relevant records, such as those of radiation exposures or particular conditions and traits. It is believed that funds should be provided to assure the participation of approximately twenty-five experts from ten to twelve countries to present or discuss papers. Other participants, perhaps resulting in a total attendance of some 100 persons, would consist of experts nominated by Governments or other individuals whose travel and subsistence expenses would not be a charge to the United Nations budget. It is not proposed to pay fees or honoraria for the submission of papers, but proceedings of the seminar, consisting primarily of the scientific papers submitted and records of discussion, would be published.

5. On the basis just outlined, the additional requirements of the United Nations budget would come to a total of \$29,800, in respect of which miscellaneous income would be received from WHO in the amount of at least \$9,200. Details of the cost items for which provision would have to be made in the 1960 appropriations are shown below.

Cost United States dollarș

Travel and subsistence of twenty-five participating experts at \$800 each (average travel cost of \$725 and subsistence for six days)	20,000
Travel of United Nations staff (secretary of the seminar, secretary of the Scientific Committee, three substantive officers from the Statistical Office and the Population Branch of whom two would serve as expert participants)	5,000
Contractual printing	4,500
Miscellaneous supplies and services	300
TOTAL	29,800

^{2/} Ibid., para. 5.

Revised

estimate

6. Excluded from the above enumeration is an anticipated cost of \$2,700 for additional temporary assistance language staff at Geneva which it is believed can be met without increase in the appropriations as now foreseen. The language services in this particular case would be limited to minimal adhoc interpretation into English and French, and possible summary records for the opening and closing plenary meetings.

PATTERN OF MEETINGS OF THE COMMITTEE 3/

7. For the reasons shown in its report, the Scientific Committee has recommended that its normal pattern of meetings be similar to that in past years, with certain adjustments. Specifically, it proposes that it meet from time to time at Geneva and also that it meet in other places following an invitation from a Government or a United Nations agency, made in accordance with the principles of General Assembly resolution 1202 (XII) of 13 December 1957. As to the pattern of meetings for 1960, it is the proposal of the Committee that one of its sessions be held at Geneva or such other place as may be approved in accordance with the principles of resolution 1202 (XII).

8. If the Scientific Committee's conclusion concerning the pattern of meetings normally desirable for it is approved, the Secretary-General will continue to make budgetary provision for two meetings of the Committee each year. Bearing in mind the Committee's conclusion that it would be very desirable, from time to time, for its meetings to be held elsewhere than in New York, the Secretary-General anticipates that specific proposals to that end would, from time to time, be formulated by the Committee in consultation with him. Any such proposal would then be taken into account by the Secretary-General in preparing his initial budget estimates for the year in question, or, if time did not so permit, by seeking the concurrence of the Advisory Committee on Administrative and Budgetary Questions. The budgetary effect of this adjustment of pattern, in any year in which it might be reflected by the Committee holding one of its sessions in Geneva instead of New York, would be to reduce the requirement for travel of representatives by approximately \$3,800 and to increase the requirements for travel of staff, inasmuch as it would be necessary to provide for the overseas round-trip travel of the Committee secretary and other staff scientists, at a variable amount not exceeding approximately \$8,000.

9. So far as 1960 is concerned, the Secretary-General has scheduled the first session of the Scientific Committee for January at Headquarters. He would expect the place of the second session to be determined during that meeting and would propose in the meantime that the 1960 budget provision be revised to allow for the holding of the second session at Geneva (September 1960). It would be his understanding, however, that an alternative decision during the Committee's first session to accept an invitation from a Government or a United Nations agency would be dealt with in accordance with the requirements of General Assembly resolution 1202 (XII). In such event, therefore, the Secretary-General would submit a statement of the financial arrangements and expenditures involved

to the Advisory Committee on Administrative and Budgetary Questions for concurrence at an early date in 1960.

10. The budgetary revisions involved for 1960 are as shown below.

Initial

estimate

			(Geneva) s dollars
Travel and subsistence of representatives (two-week session, fiftee members) (section 1)	n	,200	16,400
Travel and subsistence of Headquarter staff (Committee secretary, five staff scientists, two general service staff (section 8)	if ()	_	8,600
Temporary language staff at Genev (local recruits or continued subsistence for Headquarters staff retaine at Geneva) (section 6)	- d	_	1,000
TOTAI	_	,200	26,000

In view of the special staffing arrangements for other meetings which may take place in 1960, it is possible that the expenditure of \$1,000 for temporary language staff can in fact be absorbed, so that the actual increase in budgetary provisions required would be \$4,800.

RECAPITULATION

11. The 1960 budget estimates contain provision for the continuation of the Scientific Committee secretariat and the holding of two sessions of the Committee at Headquarters. The 1959 global provision of \$23,000 for special activities has not been carried into 1960, except for the inclusion under section 12 of \$1,000 for purchase of library materials. Hence, implementation of the proposals just described would necessitate revisions in the 1960 budget estimates as follows.

New provision
United States dollars

Section 1

Travel and subsistence of members (reduction in cost of Committee's second session at Geneva)	(3,800)
United Nations-WHO seminar	29,800
Section 6	
Temporary assistance (consultant payment for studies of exposed groups of populations: deferred from 1959)	10,000
Section 8	
Travel of staff to meetings (for Committee's second session at Geneva)	8,600
TOTAL	44,600

The estimate of miscellaneous income would also be revised to take account of a sum of at least \$9,200 to be received from WHO towards expenses of the United Nations-WHO seminar.

<u>3</u>∕ <u>Ibid., para. 14.</u>

DOCUMENT A /4283*

Financial implications of the draft resolution contained in document A/L.268 Note by the Secretary-General

[Original text: English] [16 November 1959]

- 1. The financial implications of the proposals contained in the progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation have been put before the General Assembly in document A/4119/Add.1, indicating requirements in 1960 of \$44,600. Should the draft resolution presented in document A/L.268 be adopted by the General Assembly, there would be certain additional financial implications in connexion with new studies.
- 2. The studies which the Scientific Committee is asked to undertake in sections II and III of the operative part of the draft resolution and upon which the
- Committee is required, by section V of the draft resolution, to report to the General Assembly at its fifteenth session, are of the kind which the Committee would usually ask expert working groups to undertake. In order to avoid disruption of the Committee's own plan of work by these studies, the Secretary-General would wish to be able to arrange, upon request by the Committee, for two expert working groups. These groups might consist of four experts each, to meet between the Committee's two sessions in 1960 for a probable period of not more than four days each. The estimated cost of travel and subsistence for each group would be about \$3,500, or a total of \$7,000.
- 3. The total financial implications of the draft resolution therefore come to \$51,600.

DOCUMENT A/L.263*

Czechoslovakia: draft resolution

[Original text: English] [12 October 1959]

The General Assembly,

Reaffirming the great importance of studies relating to the effects of ionizing radiation upon man and his environment.

Recalling the conclusions of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation and General Assembly resolution 1347 (XIII) of 13 December 1958,

Bearing in mind that the radio-active fall-out found in the stratosphere is a long-lasting threat and evergrowing danger looming over the health of mankind,

Bearing in mind further that in the atmosphere new dangerous particles of radio-active fall-out have been discovered.

- 1. Takes note of the progress report of 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation (A/4119 and Add.1) as well as the programme of its further work;
- 2. Requests the Scientific Committee to devote, in its future activities, more attention to the complex of problems of radio-active fall-out, in particular with regard to the biological and genetic effects of C14, and to accord special attention to these problems in its report for the fifteenth session of the General Assembly:
- 3. Calls upon the respective governmental and nongovernmental organizations and all States to assist the Scientific Committee more intensively, in particular by providing information relating to radio-active fall-out and its physical, biological and genetic effects.

DOCUMENT A/L.266

Argentina, Austria, Canada, Ghana, Ireland, Italy, Japan, Mexico, New Zealand and Norway: draft resolution

[Original text: English] [2 November 1959]

The General Assembly,

Recalling the conclusions of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation and General Assembly resolution 1347 (XIII) of 13 December 1958,

Reaffirming the great importance of studies relating to the effects of ionizing radiation upon man and his environment,

Recognizing the universal desire that urgent steps be taken to enlarge knowledge of the biological effects of radiation and of the extent of the hazard from manmade radiation.

Noting with appreciation that numerous reports and substantial data have been provided to the Committee by Governments and specialized agencies, and that assistance is being rendered to the Committee by

^{*}Incorporating document A/4283/Corr.l.

^{*}Incorporating document A/L.263/Corr.1

them, by the International Atomic Energy Agency, by international non-governmental and national scientific organizations, and by individual scientists,

Noting with satisfaction the increasingly close cooperation between the Committee and the International Atomic Energy Agency,

Bearing in mind the views of the Administrative Committee on Co-ordination concerning co-operation among the organizations concerned in the field of atomic radiation, as endorsed in Economic and Social Council resolution 743 B (XXVIII) of 31 July 1959,

Convinced that for the purpose of its immediate programme of work it is desirable to provide the Scientific Committee with further information on fall-out, radiation levels and radio-biological questions, and to supplement this information by a variety of activities and discussions undertaken by the United Nations, the specialized agencies, the International Atomic Energy Agency and certain non-governmental organizations,

I

Approves the recommendations of the United Nations Scientific Committee on the Effects of Atomic Radiation in connexion with the plans and suggested activities contained in its progress report for 1959 (A/4119 and Add.1) and in annex 1 thereto;

П

- 1. Notes the request of the Committee for further information and data of the type already contained in its comprehensive report (A/3838 and Corr.1) and, for the purpose of stimulating the flow of such information and data;
- 2. Requests the Committee, in consultation with the International Atomic Energy Agency, the Food and Agriculture Organization of the United Nations and the World Meteorological Organization to consider and study more effective arrangements, including means of overcoming any technical difficulties in this field, if Member States so request, for:
- (a) Sample collection on a basis of uniform standards by States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency;

(b) Analyses of samples by Member States possessing specialized facilities and willing to undertake analyses for other States which wish to collect samples but do not at the present time have the necessary facilities for analyses;

Ш

Requests the Committee also, in consultation with the World Health Organization, the International Atomic Energy Agency, to the extent relevant, and other interested organizations, to consider and study more effective arrangements, including means of overcoming any technical difficulties in this field if Member States so request, for encouraging genetic, biological and other studies, including those concerned with C ¹⁴, that will elucidate the effects of radiation exposure on the health of human populations;

ΤV

- 1. Invites Governments of Member States having facilities for laboratory analysis to make known to the Committee the extent to which they are prepared to receive and analyse samples;
- 2. Invites the International Atomic Energy Agency to consider and inform the Committee what assistance it might give in this connexion with respect to the analysis of samples;
- 3. Requests the Committee to correlate the offers of sample collection with the offers of analyses in such a way as to ensure comparability of results, making full use of the work of the International Atomic Energy Agency in the field of metrology of radio-nuclides;

v

- 1. Expresses the hope that all concerned will continue to assist the Committee, co-operate in the consideration of the arrangements contemplated above and furnish the Committee with all relevant scientific information for collation, study and dissemination;
- 2. Requests the Committee to submit as soon as practicable a report on its study of such questions to the Secretary-General for publication and dissemination to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency, and for consideration by the General Assembly at its fifteenth session.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 839th plenary meeting, on 17 November 1959, the General Assembly adopted the draft resolution submitted by Argentina, Austria, Canada, Czechoslovakia, Ghana, Ireland, Italy, Japan, Mexico, New Zealand and Norway (A/L.268), as amended orally.4/ For the final text, see resolution 1376 (XIV) below.

Resolution adopted by the General Assembly

1376 (XIV). PROGRESS REPORT OF THE UNITED NATIONS SCIENTIFIC COMMITTEE ON THE EFFECTS OF ATOMIC RADIATION

The General Assembly,

Recalling the conclusions of the report of the United Nations Scientific Committee on the Effects of Atomic

4/ Costa Rica submitted an oral amendment which would add "the United Nations Educational, Scientific and Cultural Organization" to paragraph 2 of section II and to section III of the draft resolution.

Radiation and General Assembly resolution 1347 (XIII) of 13 December 1958,

Reaffirming the great importance of studies relating to the effects of ionizing radiation upon man and his environment,

Recognizing the universal desire that urgent steps be taken to enlarge knowledge of the biological effects of radiation and of the extent of the hazard from manmade radiation,

Noting with appreciation that numerous reports and substantial data have been provided to the Committee

by Governments and specialized agencies, and that assistance is being rendered to the Committee by them, by the International Atomic Energy Agency, by international non-governmental and national scientific organizations, and by individual scientists,

Noting with satisfaction the increasingly close cooperation between the Committee and the International Atomic Energy Agency,

Bearing in mind the views of the Administrative Committee on Co-ordination concerning co-operation among the organizations concerned in the field of atomic radiation, as endorsed in Economic and Social Council resolution 743 B (XXVIII) of 31 July 1959,

Convinced that for the purpose of the Scientific Committee's immediate programme of work it is desirable to provide the Committee with further information on fall-out, radiation levels and radio-biological questions, and to supplement this information by a variety of activities and discussions undertaken by the United Nations, the specialized agencies, the International Atomic Energy Agency and certain non-governmental organizations,

Ι

Approves the recommendations of the United Nations Scientific Committee on the Effects of Atomic Radiation in connexion with the plans and suggested activities contained in its annual progress report for 1959 and in annex I thereto;

II

- 1. <u>Notes</u> the request of the Committee for further information and data of the type already contained in its comprehensive report (A/3838 and Corr.1);
- 2. Requests the Committee, in consultation with the International Atomic Energy Agency, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Meteorological Organization, to consider and study appropriate arrangements for the purpose of stimulating the flow of such information and data,

Ш

Requests the Committee also, in consultation with the World Health Organization, the International Atomic Energy Agency, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization, to the extent relevant, and other interested organizations, to consider and study appropriate arrangements for encouraging genetic, biological and other studies, including those concerned with C¹⁴, that will elucidate the effects of radiation exposure on the health of human populations;

ΤV

- 1. <u>Invites</u> Governments of Member States having facilities for laboratory analysis to make known to other Governments the extent to which they are prepared, at the request of other Governments, to receive and analyse samples in accordance with the programme of work of the Committee, and to keep the Committee currently informed;
- 2. <u>Invites</u> the Food and Agriculture Organization of the United Nations, the International Atomic Energy Agency and the World Health Organization to consider and inform the Committee what assistance they might give in this connexion, making full use of their work in the field of metrology of radio-nuclides;

V

- 1. Expresses the hope that all concerned will continue to assist the Committee, co-operate in the consideration of the arrangements contemplated above and furnish the Committee with all relevant scientific information for collation, study and dissemination;
- 2. Requests the Committee to submit as soon as practicable a report on its study of such questions to the Secretary-General for publication and dissemination to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency, and for consideration by the General Assembly at its fifteenth session.

839th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 24 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3838 and Corr.1	Report of the United Nations Scientific Committee on the Effects of Atomic Radiation	Official Records of the General Assembly, Thirteenth Session, Supplement No. 17
A/3864	Report of the Secretary-General on the strengthening and widening of scientific activities in the field of the effects of atomic radiation	Ibid., Thirteenth Session, An- nexes, agenda item 25
A/4244	Note by the Secretary-General transmitting the report of the International Atomic Energy Agency to the General Assembly of the United Nations (1 July 1958-30 June 1959)	Mimeographed
A/4295	Twenty-ninth report of the Advisory Committee on Administrative and Budgetary Questions	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 44
A/L.268	Argentina, Austria, Canada, Czechoslovakia, Ghana, Ireland, Italy, Japan, Mexico, New Zealand and Norway: draft resolution	For the text of this document, as amended orally at the 839th plenary meeting, see above "Action taken by the General Assembly", resolution 1376 (XIV). The text of the resolution appears also in Official Records of the General Assembly, Fourteenth Session, Supplement No. 16

GENERAL ASSEMBLY



Agenda item 25: Report of the Ad Hoc Committee on the Peaceful Uses of Outer Space*

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

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Report of the Ad Hoc Committee on the Peaceful Uses of Outer Space

[Original text: English] [14 July 1959]

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ABBREVIATIONS

CCIR	International Radio Consultative Committee
COSPAR	Committee on Space Research
CSAGI	Special Committee for the International Geophysical Year
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICSU	International Council of Scientific Unions
IGY	International Geophysical Year
ITU	International Telecommunication Union
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
URSI	International Scientific Radio Union
WHO	World Health Organization
WMO	World Meteorological Organization

Note by the Rapporteur

1. By resolution 1348 (XIII), of 13 December 1958, the General Assembly established an $\underline{\text{Ad Hoc}}$ Com-

mittee on the Peaceful Uses of Outer Space consisting of the representatives of Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Iran, Italy, Japan, Mexico, Poland, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

- 2. The work of the Ad Hoc Committee was conducted at United Nations Headquarters in New York. It began on 6 May and concluded on 25 June 1959.
- 3. The representatives of the following States took part in the work: Argentina, Australia, Belgium, Brazil, Canada, France, Iran, Italy, Japan, Mexico, Sweden, the United Kingdom and the United States.
 - 4. The Committee elected the following officers:

Chairman: Mr. Koto Matsudaira (Japan)

Vice-Chairman: Mr. Mario Amadeo (Argentina)

Rapporteur: Mr. Joseph Nisot (Belgium)

- 5. The Committee established two committees of the whole: one a technical committee, under the chairmanship of Mr. D. C. Rose (Canada); and the other, a legal one, under the chairmanship of Professor Antonio Ambrosini (Italy). The Technical Committee prepared part II of the report and the Legal Committee part III of the report. At the request of the Ad Hoc Committee, the Secretary-General presented a report which covered paragraph 1 (a) of the General Assembly resolution and constituted the basis for part I of the Committee's report.
- 6. The Ad Hoc Committee and its committees of the whole have held twenty-five meetings. They were given valuable assistance by the United Nations Secretariat, especially by Mr. Sanford Schwarz, Secretary of the Ad Hoc Committee and of the Technical Committee; Mr. Oscar Schachter, Secretary of the Legal Committee; and Mr. Geoffrey S. Murray, the representative of the Secretary-General.
- 7. By the terms of resolution 1348 (XIII), the Ad Hoc Committee was required to report to the General Assembly on the four following matters described in paragraph 1 of the resolution:
 - "(a) The activities and resources of the United Nations of its specialized agencies and of other international bodies relating to the peaceful uses of outer space;
 - "(b) The area of international co-operation and programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices to the benefit of States irrespective of the state of their economic or scientific development, taking into account the following proposals, inter alia:
 - "(i) Continuation on a permanent basis of the outer space research now being carried on within the framework of the International Geophysical Year;
 - "(ii) Organization of the mutual exchange and dissemination of information on outer space research;
 - "(iii) Co-ordination of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization;
 - "(c) The future organizational arrangements to facilitate international co-operation in this field within the framework of the United Nations;

- "(d) The nature of legal problems which may arise in the carrying out of programmes to explore outer space."
- 8. Each of these four matters is the subject of a separate part of the present report, which the Ad Hoc Committee adopted unanimously on 25 June 1959: part I: paragraph 1 (a); part II: paragraph 1 (b); part III: paragraph 1 (c).

Part I

Paragraph 1 (a) of General Assembly resolution 1348 (XIII)

- 1. The Ad Hoc Committee on the Peaceful Uses of Outer Space, at its first meeting on 6 May 1959, requested the Secretary-General to prepare a report on the subject matter of paragraph 1 (a) of General Assembly resolution 1348 (XIII), namely, "The activities and resources of the United Nations, of its specialized agencies and of other international bodies relating to the peaceful uses of outer space". On 16 June, the Secretary-General submitted a comprehensive and valuable report (A/AC.98/4) to the Committee on these matters, which stands as a part of the documentary records of the Committee.
- 2. The present part I is based on the Secretary-General's report. The Committee has sought to summarize the pertinent data in such a way as to facilitate future United Nations discussions relating to the peaceful uses of outer space.

I. INTERNATIONAL SCIENTIFIC ORGANIZATIONS

A. The international scientific unions

- 3. The principal non-governmental international bodies which are interested and active in space research are the international scientific unions in the several major fields of science which benefit by experiments utilizing sounding rockets, satellites, and space probes. These are: International Astronomical Union, International Union of Geodesy and Geophysics, International Union of Pure and Applied Chemistry, International Scientific Radio Union, International Union of Pure and Applied Physics, International Union of Biological Sciences, International Union of Theoretical and Applied Mechanics, International Union of Physiological Sciences, International Union of Biochemistry.
- 4. The International Union of Mathematics has also expressed some interest. The interests of the remaining three international scientific unions, i. e., International Geographical Union, International Union of Crystallography, and International Union of the History of Science lie outside the space field.
 - 5. The objects of the unions are:
- (a) To promote the study of problems relating to their scientific fields;
- (b) To initiate, facilitate and co-ordinate research into, and investigation of, those problems which require international co-operation:
- (c) To provide for discussion, comparisons and publication.
- 6. The unions are maintained by the voluntary, part-time work of a small group of active scientists

elected for limited terms. The administration is small and flexible. The activities are directed toward organizing meetings ranging in size from small symposia on specialized topics to large congresses devoted to all aspects of the whole discipline, and in maintaining or encouraging publications.

7. The unions maintain contact with scientists in the various countries through national committees or equivalent bodies, one for each discipline. Annual national contributions to the unions are paid by the national committees, the total for all thirteen unions amounting to between \$150,000 and \$200,000 per year. The national committees are often organized by or related to the national academies or research councils in the respective countries.

B. The International Council of Scientific Unions

- 8. The establishment of the International Council of Scientific Unions (ICSU) in 1931 provided a central organization to deal with problems of common interest and to encourage international scientific co-operation.
 - 9. Further objects of the Council are:
- (a) To encourage international scientific activity in subjects which do not fall within the purview of any existing international organization;
- (b) To enter, through the national adhering organizations, into relations with the Governments of the countries adhering to the Council in order to promote scientific investigation in these countries;
- (c) To maintain relations with the United Nations and its specialized agencies;
- (d) To make such contacts and mutual arrangements as are deemed necessary with other international councils or unions, where common interests exist in the field of the natural sciences covered by the Council.
- 10. The General Assembly of the ICSU consists of representatives of the thirteen scientific unions and of national representatives from the national academies or research councils of the forty-five countries adhering to the ICSU. The Assembly meets triennially and elects an Executive Board, which meets annually. There is an administrative office in The Hague with a small full-time secretariat.
- 11. The financial resources of the ICSU consist of contributions from the national adhering bodies amounting to about \$50,000 per year and an annual grant of about \$200,000 from UNESCO to support the scientific activities of the unions.
- 12. There are always a certain number of tasks which lie on the borderline between two or more unions. The Council takes special care to fill needs for co-operation or joint activities involving the disciplines of several unions or many national academies. Typical examples are the International Geophysical Year, Antarctic Research and Space Research. The Council copes with these tasks as they arise in international scientific life by the formation of special committees such as the Special Committee for the International Geophysical Year (CSAGI), which was formed in 1953 and will continue to the end of June 1959, the Special Committee on Oceanographic research, first established in 1957, and the Special Committee on Antartic Research, 1958.

C. The International Geophysical Year

- 13. The activities of ICSU in space research began as a part of the programme of CSAGI.
- 14. At a CSAGI conference in Rome, in 1954, a resolution was passed urging that as many nations as possible consider the development of satellites carrying scientific instruments, which would be placed in orbits around the earth during the International Geophysical Year. The resolution stated:

"In view of the great importance of observations during extended periods of time of extra-terrestrial radiations and geophysical phenomena in the upper atmosphere, and in view of the advanced state of present rocket techniques, CSAGI recommends that thought be given to the launching of small satellite vehicles, to their scientific instrumentation, and to the new problems associated with satellite experiments, such as power supply, telemetering, and orientation of the vehicle."

- 15. Within a year, both the United States and the USSR indicated their intention to launch satellites. Successively, attention was devoted by CSAGI to the several phases of the earth-satellite-tracking programmes. Special emphasis was placed on the need for wide international co-operation in tracking satellites to develop their full scientific potential. Many nations indicated a willingness to set up satellite-observation stations.
- 16. Being non-governmental in organization, and with limited financial resources, CSAGI achieved great success through the voluntary co-operation of the participating national committees. Particularly in the rocket and satellite programmes, the financial and logistic support of the programme by the several national Governments was essential.
- 17. With the termination of the International Geophysical Year, there was a wide-spread desire to continue international co-operation in the planning and co-ordination of space research as well as other activities of the year. This led to a programme of International Geophysical Co-operation 1959 and to the formation of several special committees, including a Committee on Space Research (COSPAR).

D. The Committee on Space Research

- 18. The Committee on Space Research (COSPAR) was established, provisionally for an initial period of one year ending 31 December 1959 by a resolution of the eighth General Assembly of the ICSU (held at Washington, D.C., from 2 to 6 October 1958). The resolution stated that the primary purpose of COSPAR was "to provide the world scientific community with the means whereby it may exploit the possibilities of satellites and space probes of all kinds for scientific purposes, and exchange the resulting data on a cooperative basis".
- 19. The Committee is concerned with scientific research in the broadest sense. This is made clear by the provisional charter according to which the Committee shall promote fundamental research on space, on an international scale but shall not normally concern itself with such technological problems as propulsion, construction of rockets, guidance and control. This objective shall be achieved through the maximum development of space research programmes

by the international community of scientists working through the ICSU and its adhering national academies and international scientific unions. The Committee shall report to ICSU those measures needed in the future to enable all countries in the world to participate, together, with those countries which are already actively engaged in research programmes within the domain of COSPAR, in international programmes of space research.

- 20. The Committee's composition has been provisionally established to consist of:
 - (a) The representatives of national scientific institutions of the seven countries launching satellites or having a major programme in rocket research; 1/
 - (b) The representatives of the national scientific institutions of three of the countries involved in tracking or other forms of space research on an agreed system of rotation;
 - (c) The representatives of nine international scientific unions.
- 21. The Committee has held two meetings to date, an organizational meeting in London in November 1958 and a second meeting at The Hague in March 1959. The actions taken may be summarized as follows.
- 22. All the countries that had taken part in the rocket and satellite programme of the International Geophysical Year, namely. Australia, Canada. France, Japan, the USSR, the United Kingdom and the United States, were admitted to membership in group (a) mentioned above (para. 20). India, Peru and the Union of South Africa were invited as the first rotating members in group (b), but only the Union of South Africa accepted and was present at the second meeting. Group (c) consists of the representatives of the nine unions previously listed as interested and active in space research.
- 23. Three continuing working groups were established as follows: (1) Tracking and Transmission of Scientific Information; (2) Scientific Experiments (including biological experiments); (3) Data and Publications. Ad hoc committees were established to consider matters relating to experiments with biological implications and contamination by atomic explosions.
- 24. The task of the Working Group on Tracking and Transmission of Scientific Information is: (a) To delineate problems that may exist in this area; (b) To propose and facilitate specific working arrangements for and among operating networks; (c) To study the compatibility of frequencies, equipment and the problems of radio interference. Among the matters of concern to this working group are methods whereby tracking systems can obtain "acquisition data" in time to permit the tracking of space probes and satellites by the tracking equipment; problems of synchronizing observations on different networks; telemetry techniques; and the continuing need for optical, as well as radio, tracking. In connexion with point (c) above, the working group has not been called upon to assume responsibility for requesting frequency allocations, but it will work to ensure adequate and timely action through the existing organizations responsible for such

activity (the International Telecommunication Union (ITC) and the International Radio Consultative Committee).

- 25. The task of the Working Group on Scientific Experiments is: (a) to evaluate scientific experiments submitted by countries which do not have facilities for launching space vehicles in order to determine the scientific desirability and feasibility of incorporating them in some form of space vehicle; (b) to draw attention to fields of research not receiving sufficient emphasis, which might profitably be investigated through the use of space vehicles; (c) to arrange for co-ordinated activities by participating countries.
- 26. The task of the Working Group on Data and Publications is to study the need for various forms of data exchange and for the publication of results, continuing in this connexion the use of existing world data centres and arranging for the continued operation of any recommended means for such publication and exchange.
- 27. The Committee further recommended that COSPAR should: (a) inform all participating committees engaged in rocket programmes about the purposes of a proposed series of "rocket weeks" requesting suggestions and proposals for scheduling such cooperative groups of firing, including specific suggestions for a first such week to be held in November 1959; (b) inform the same participating committees of the United States offer to undertake the launching into space of suitable and worthy experiments proposed by scientists of other countries.
- 28. At COSPAR's second plenary meeting, in March 1959, delegates from Australia, Canada, France, Japan, the Union of South Africa, the USSR, the United Kingdom and the United States reported on the programmes being carried out by their respective national scientific institutions.
- 29. The Soviet delegate, illustrating the status of space research in the Soviet Union, divided the primary scientific tasks of space research into three catefories: (a) the study of the phenomena occurring on the earth and in the upper atmosphere, and the influence of cosmic rays; (b) the properties of cosmic space as a medium in which man has to work and to travel; (c) the study of the phenomena on the planets and the stars which are impossible to observe from the earth's surface because of interference by the earth's atmosphere. The research in the upper parts of the atmosphere and in outer space was being continued by the Soviet Union. Rockets would be used as a routine means of studying the upper atmosphere; their number and the number of launching places would be increased. Satellite research would be continued including experiments of a biological and astrophysical nature.
- 30. At the same meeting, the United States delegate stated that, although the scientific planning was still in its preliminary stages, it was hoped that, in each of the next two years, between 75 and 100 sounding rockets might be launched in the United States as well as approximately one or two satellites or space probes every two months. In the rocket-sounding programme, emphasis would be placed on experiments relating to atmospheric structure; electric and magnetic fields; astronomy; energetic particles in the ionosphere. The satellite programme would emphasize atmospheres; ionospheres; astronomy; energetic particles; elec-

^{1/} These seven institutions (in Australia, Canada, France, Japan, the USSR, the United Kingdom and the United States) contributed or were to contribute the \$55,000 making up COSPAR's budget.

trical and magnetic fields and gravitation. Space probes would investigate energetic particles, fields and ionospheres. In each case the objectives were set out in detail and the planned programme was outlined separately for the long-range and for the immediate future.

E. Other international organizations

- 31. The following international organizations are non-governmental, but they are not affiliated with the
- 32. The Council for International Organizations of Medical Sciences has a professed interest in the medical aspects of manned space flight, a subject whose research interest is also represented during the present preliminary stages by the International Union of the Physiological Sciences, represented in the ICSU and in COSPAR.
- 33. The union of International Engineering Organizations and several of its constituent organizations have a potential interest in the progress of space research.
- 34. The International Astronautical Federation was founded in 1950 by representatives of a number of national societies interested in rocketry and space exploration meeting in the first International Astronautical Congress. The constitution of the Federation, adopted in 1952, states that the purposes of the organization are to promote and stimulate the achievement of space flight as a peaceful objective, to secure the wide-spread dissemination of technical information, to stimulate public interest in space flight through the major media of mass communication, and to foster research and development.

II. INTER-GOVERNMENTAL ORGANIZATIONS

A. United Nations

- 35. As with other problems in international political co-operation and international economic and social collaboration among its Members, the ground on which the activities and resources of the United Nations in this field rest is the provision in Article 1, paragraph 4 of the Charter that the United Nations shall be a centre for harmonizing the actions of nations in the attainment of their common ends, and the pledge, given by Members in Article 56, "to take joint and separate action in co-operation with the Organization for the achievement" of solutions of international economic, social, health, cultural and educational problems. The General Assembly, the Economic and Social Council, and their subsidiary organs, as central organs for harmonizing the actions of Members, have developed international co-operative activities in the fields of scientific interest.
- 36. The Secretary-General has similarly used his functions to promote co-operation among Governments. In this he has acted sometimes on his own initiative and sometimes in response to requests from the General Assembly asking him to make studies, to take procedural steps or, in some cases, to make proposals.
- 37. There are other areas of United Nations activity to which developments in the peaceful uses of outer space are relevant. These lie in the domain of the promotion of the economic, social and cultural development of States and in the progressive development of

international law. The Economic and Social Council is concerned with major inventions or technological improvements which affect existing patterns of economic and social activity. The progress anticipated in the near future in outer space in the fields of meteorology, climatology, telecommunications, transport, and possibly biology, is important from the standpoint of long-range economic policies.

- 38. One of the more important functions of the United Nations is to assist in co-ordinating the activities of the specialized agencies. In this capacity, through the Economic and Social Council, the Organization follows the work of the specialized agencies and assists in inter-agency co-ordination, at the Secretariat level, through the Administrative Committee on Co-ordination and its Preparatory Committee.
- 39. Of relevance also is the function of the General Assembly, under Article 13 of the Charter, to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification.

B. United Nations Educational, Scientific and Cultural Organization

40. In accordance with its constitutional responsibilities, UNESCO has, since its inception, undertaken as one of its major tasks the promotion of scientific co-operation between its Member States. In doing so, UNESCO has worked in the closest collaboration with the United Nations, the specialized agencies and the International Atomic Energy Agency (IAEA). To this end the General Conference, at each of its sessions, has included in the regular programmes of the Organization a resolution relating to the promotion of scientific research through international co-operation. The relevant resolution in the programme for 1959 1960 (resolution 2.41, adopted by the General Conference at its tenth session (November-December 1958)), reads as follows:

"The Director-General is authorized, in cooperation with the United Nations, specialized agencies, and other appropriate international organizations and national and regional research bodies, on the advice of advisory committees when appropriate, to study scientific problems, the solution of which may help to improve the living conditions of mankind; to stimulate research on these problems; to promote when appropriate the adoption of international or regional measures for the development of such research, particularly in the following fields:

- "(a) General problems of scientific research; "(b) Humid tropical zone;
- " (\overline{c}) Marine sciences;
- "(d) Cell biology;
- "(e) Basic research in nuclear physics;
- "(f) New sources of energy;
- "(g) Numerical processing of information and electronic computation;
 - "(h) Interdisciplinary brain research;
 - "(i) Exploration of extra-terrestrial space.

"He is further authorized to participate in the activities of Member States, at their request, in scientific research in the fields of humid tropics research, marine sciences, basic research in nuclear physics and the numerical processing of information and electronic computation."

- 41. In the past, UNESCO has carried out a programme of this type either by drawing up practical proposals to be implemented by groups of member States, or by assuming direct responsibility for international scientific research projects.
- 42. In fulfilling its scientific functions, UNESCO resorts to a number of methods:
 - (a) Co-operation with international non-governmental scientific organizations. UNESCO has created, or sponsored the creation of international non-governmental organizations, such as the Union of International Engineering Organizations and the Council of International Medical Organizations. Special mention should be made of the collaboration between UNESCO and the ICSU. An agreement between the two organizations, signed in 1951, provides that they will assist each other with a view to facilitating the execution of their joint programme in the field of international scientific co-operation. and that they shall consult each other on all questions falling within their common sphere of interest. Thus, UNESCO has undertaken to grant the ICSU an annual subvention designed to facilitate the co-ordination of the activities of the Council's member organizations and to provide funds for such scientific projects included in the programme of the ICSU as are of international interest and in line with UNESCO's aims; the ICSU has undertaken to give specialized advice to UNESCO, at the latter's request, on the planning of its programme in the field of international scientific co-operation, and to advise UNESCO on its working relationship with the non-governmental organizations within its field. It has further undertaken to give particular attention to, and to develop to the utmost, those of its programme activities which come within the framework of UNESCO's basic programme.
 - (b) The organization of international scientific conferences on important new subjects which are not yet being dealt with by international governmental or non-governmental organizations and of symposia on specific subjects related to the implementation of UNESCO's programme.
 - (c) The establishment of a programme of coordinated research, surveys, training, etc., carried out with the help of special advisory committees composed of leading scientists and representatives of international scientific unions.
- 43. Mention should also be made of the Provisional Computation Centre established by a bilateral agreement concluded in September 1957 between UNESCO and the Italian Institute of Higher Mathematics (Istituto Nazionale di Alta Matematica), pending the establishment of an international computation centre on a permanent basis. The Provisional Centre has been created for a period of two years, but will automatically cease to exist when the inter-governmental Convention establishing an International Computation Centre comes into force.
- 44. The Provisional Centre commenced its activities in January 1958, in Rome. The main functions of the Centre are: (a) to ensure mutual assistance and international collaboration between existing bodies dealing with computation and information processing, in particular as regards scientific and technological studies; (b) to promote the exchange of information

both on scientific matters and on the facilities existing in various countries; (c) to assist, on request, the countries which do not possess their own computation equipment (this assistance may consist either in undertaking certain computation tasks with the help of existing services or in giving advice for the creation of national centres); (d) to help international organizations which require its assistance; (e) to promote the training of specialized staff; (f) to act as a link between the users and the designers of computation equipment.

C. World Meteorological Organization

- 45. The objectives of the World Meteorological Organization (WMO), as stated in the World Meteorological Convention of 1947, are:
 - (a) To facilitate world-wide co-operation in the establishment of networks of stations for the making of meteorological observations or other geophysical observations related to meteorology, and to promote the establishment and maintenance of meteorological centres to provide meteorological services;
 - (b) To promote the establishment and maintenance of systems for the rapid exchange of weather information;
 - (c) To promote standardization of meteorological observations and to ensure the uniform publication of observations and statistics;
 - (d) To further the application of meteorology to aviation, shipping, agriculture, and other human activities:
 - (e) To encourage research and training in meteorology and to assist in co-ordinating the international aspects of such research and training.
- 46. The organization acts as a clearing-house for the exchange of information among its members, and for the promotion of agreements among its members regarding both the routing and exceptional transmission of meteorological data. It is not, however, an operational organization. It operates neither weather stations nor communication facilities. Its recommendations and agreements are carried out only through the co-operation of the meteorological services of the member countries.
- 47. Since earth satellites represent a new observational tool of great potential value to meteorology, early in 1958 WMO began to consider its role in connexion with international co-operation and programmes in the peaceful uses of outer space.
- 48. The subject was placed on the agenda of the tenth session of the Executive Committee of WMO (held from 29 April to 17 May 1958). The Committee decided (resolution 14 (EC-X)) that WMO should accept responsibility for meteorological questions related to artificial satellites in so far as they call for action or study by a specialized agency of the United Nations. The Committee further requested the Chairman of its technical Commission for Aerology to nominate a rapporteur to study the meteorological aspects of artificial satellites and to report to the eleventh session of the Executive Committee on any possible activities which might legitimately be undertaken by WMO in this field.

- 49. The report, prepared by Mr. H. Wexler, was submitted in April 1959 to the Third World Meteorological Congress, which laid down (resolution T.9 (Cg-III)) the following policy: the organization would encourage the development and use of artificial satellites as a means of providing valuable meteorological data, and collaborate as required with the United Nations, other specialized agencies and scientific organizations, in particular COSPAR, in artificial-satellite programmes of interest to meteorologists or on which the advice of meteorologists would be useful.
- 50. The eleventh session of the Executive Committee, which took place immediately after the Third Congress, took note (resolution P.6 (EC-XI)) of the latter's policy and directives. It further arranged for an evaluation to be made of the above-mentioned report by the relevant technical commissions of WMO. The Executive Committee also set up a panel of experts, including representatives from its Commissions for Aerology and Synoptic Meteorology, with the following terms of reference: (a) to keep a continuing review of the possible uses of artificial satellites for meteorological purposes; (b) to make suggestions as to how WMO can best assist in these activities; (c) to present a report to the next session of the Executive Committee.
- 51. The organization is thus officially seized of the question of artificial satellites in so far as they have meteorological aspects and applications. It is understood that the members of WMO are commonly agreed that, while it is difficult to foresee all the aspects of the utilization of data from artificial satellites, satellites not only have opened the way to investigations of fundamental problems which are needed for the understanding of the general atmospheric circulation, the behaviour of rainfall patterns, and other phenomena of meteorological interest, but also offer an opportunity for the immediate operational use of observational data in forecasting throughout the world.
- 52. The organization has directed its attention to both these aspects. The meteorological research interest in space is high because observations from satellites could well furnish completely new types of data having an ultimate significance which cannot be foreseen. The operational aspect is also of great importance as it offers a practical means for obtaining otherwise unknown synoptic information, for example concerning cloud-cover over the uninhabited oceans. This is of particular significance in respect of the large oceanic areas of the Southern Hemisphere, but the resulting benefit would apply to the whole world. It would be possible, for instance, to conduct realistic studies of the exchange of energy between the polar regions-particularly the Antarctic continent-and the equatorial belts. This exchange necessarily affects the general circulation, with consequential effects to the north, no less than to the south, of the Equator.
- 53. Bearing in mind that the meteorological components will probably be only a portion of the total instrumentation in any particular satellite, the meteorological utility could well be examined against the background of the over-all daily observational programme which has been organized by the members of WMO. As an example, mention can be made of the fact that several hundred radiosonde observations are made each day, at an annual cost running into millions of dollars. An effective meteorological design related to their research and synoptic use could thus strongly

- support a co-ordinated programme of research in other directions.
- 54. From a practical point of view, the operational use of satellite weather data would require coordinated facilities, for interrogating the satellites and rapidly reducing the data to a form amenable for use in synoptic meteorology, and for the systematic world-wide exchange of the data for immediate use.
- 55. The interrogating stations need not be designed solely for meteorological purposes. The existing space-vehicle tracking stations could be so utilized with a little co-ordination, but it would probably be necessary to institute an additional number related to the extent of the over-all satellite programme which could be supported at any one time. Consideration could be given to the question whether it would not be a natural extension of WMO's present responsibilities for it to take part in the planning of the space-vehicle tracking stations and in the design of the necessary computational practices and techniques for the reduction of the data to amenable forms for practical use. The existing WMO concern and responsibility in the design of codes for the world-wide exchange of data and the co-ordination of meteorological telecommunications could readily be extended to deal with satellite data.

D. International Telecommunication Union

56. The International Telecommunication Union (ITU) is the body responsible for the international co-ordination and rational use of all forms of telecommunications by landline, submarine cable or radio means. It is advised by two technical committees, the International Telegraph and Telephone Consultative Committee and the International Radio Consultative Committee (CCIR), which deal with line and radio problems respectively. In the field of radio communication, ITU drafts regulations which, among other things, define the conditions, procedure and standards for all applications of radio to the communication of intelligence in any form, including telegraphy, telephone, picture transmission, broadcasting television, radar, navigational aids, and scientific uses such as radio astronomy.

International control of radio transmission: the technical problem

57. Radio communication involves the radiation of electromagnetic waves, one of the important characteristics of which is their frequencies. Different bands of frequencies are allotted for different services within a spectrum which has rapidly become overcrowded as the applications of radio have increased, and this is in spite of the fact that, for the present and in the foreseeable future, the radio spectrum covers the range of 10 kilocycles per second to 3 million megacycles per second. It is thus necessary for all users to conform to very strict rules regarding the area within the band which they may use for their transmissions. Radio transmissions, and the codes and procedure used in connexion therewith, are subject to the control of national administrations, who, as members or associate members of ITU, are allotted precise radio frequencies and may operate transmissions only within their allotment. Consequently, the basic function of ITU is to establish international regulations and codes of operation, and to act as the world agent for the equitable and effective distribution of radio frequencies to all users. These regulations and frequency allocations are subject to adjustments from time to time as may be required, owing to changing conditions or as a result of the improvement of radio techniques. Among the problems facing engineers are the vagaries in the propagation of radio waves around the earth, interference due to atmospheric disturbances, and variations in the troposphere (lower atmosphere) and ionosphere (upper atmosphere) through which the waves travel. The ionosphere, in particular, is subject to disturbance due to solar activity, with the consequent dislocation of terrestrial radio transmissions. It is obvious, therefore, that any launching of rockets or earth satellites which carry radio transmitters must be of concern to all persons connected with telecommunications, since these transmitters are potential sources of further interference with other terrestrial users of the radio spectrum. Over the past year many statements have been made, and there is considerable documentation about the pollution of the radio spectrum and the consequent difficulties for world communications.

58. As an indication of the future dangers that could be expected for the telecommunication services, it is easily possible for a satellite equipped with an effective radio transmitter to be supplied with batteries charged by solar radiation to continue in orbit for many decades. This could seriously interfere with communications that operate on the same frequency or adjacent frequencies to that used by the satellite for its transmission during its travel around the earth every hundred-odd minutes. But it is well to remember that it is explicit in the ITU regulations that no such avoidable interference may be caused.

59. According to the 1947 Convention drawn up at Atlantic City, ITU (a) acts as the general agent for the allocation of radio frequencies; (b) promotes the development of technical facilities by establishing standards and operating rules in order to improve telecommunication services; and (c) harmonizes the activities of nations for the attainment of these ends. To implement this work, the Convention set up an eleven-member International Frequency Registration Board, whose duties are to record the frequencies allocated by members to users in accordance with the provisions in the Radio Regulations and to furnish advice regarding the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur. To assist it in this aspect of its work, ITU has also the advice of CCIR. This is a scientific body which meets every three years to consider various technical radio questions and to make recommendations for action either by its national members or by ITU. Further, CCIR has adopted the practice, in recent years, of calling upon URSI for its advice. This is a strictly non-political body which fosters international research in scientific radio, and brings a detached scientific approach to any radio problem including those that might in application have a political coloration. It is possible, or even likely, that COSPAR, if it continues in being, could similarly act in an advisory capacity in collaboration with URSI.

60. At the meeting held by CCIR at Los Angeles in April 1959, a recommendation concerning the allocation of frequencies to transmitters on space vehicles was made; this will be presented during the Administrative Radio Conference of ITU, which will open on

17 August 1959 at Geneva. In its working paper presented to the Ad Hoc Committee, ITU indicates that the Conference agenda will also carry the item "Communications with outer space". Whether this will necessitate the amendment of the 1947 Convention remains to be seen. There appears to be no doubt, however, that efforts will be made for the reallocation of the radio spectrum to provide special bands for communications with and between locations in space.

The International Radio Consultative Committee and its recommendations

61. As already mentioned, the Committee meets in Plenary Assembly at intervals of about three years to consider questions that had been referred to one or more of fourteen study groups dealing with specific subjects. Recommendations adopted at its plenary meetings are submitted to ITU as a basis for action. Some technical and frequency problems are, however, settled by direct agreement at CCIR level. The very nature of radio communication makes mutual international agreement on frequency allocation essential. The Committee makes a study of the propagation of radio waves and reception characteristics in different parts of the world to enable it to recommend to ITU the best frequencies for the various services, from the point of view of reliability and freedom from interference. Atmospheric disturbances have been analysed and an atlas of thunderstorm activity prepared to facilitate the planning of world-wide radio communication systems.

62. In recent years frequencies had been assigned to radio astronomers, and their need for the exclusive use of certain bands in the radio spectrum has had to be recognized. The Committee has recommended that ITU should afford complete protection to the frequencies used in radio astronomy: (a) molecular or atomic nuclear frequencies, particularly in the hydrogen line of the spectrum; (b) bands allocated for standard frequency and time-signal transmissions; and (c) seven other frequency bands that needed to be kept clear of man-made interference. The case of radio astronomy has thus established a precedent for the allocation and protection of frequency bands for a specific scientific purpose.

63. In the case of space research, COSPAR has already recommended that special frequencies should be assigned, and CCIR, at its Plenary Assembly held at Los Angeles in April 1959, considered the technical aspects of the matter. In a detailed technical report entitled "Factors Affecting the Selection of Frequencies for Telecommunication with and between Space Vehicles" (document 662), the relevant requirements are considered. In some cases, it is desired to use radio waves which will be deviated in the transmission through the ionosphere and troposphere, so that the characteristics of these regions can be studied by tracking signals received from satellites in known positions. In some other cases, it is desired to use frequencies for which the atmosphere is guite transparent, so that the waves pursue a straight-line trajectory between the space vehicle and the receiver. In a third case, frequencies are required for intercommunication between the space vehicle and the receiver. Finally, frequencies are required for intercommunication between space vehicles under conditions that the corresponding waves may not be receivable at the earth's surface and so cause no interference with world communications using the same frequencies.

- 64. These brief comments serve to illustrate the fact that the allocation of frequencies for use in communications with and between space vehicles is a matter that requires some considerable study of the technical problems involved.
- 65. The Los Angeles Plenary Assembly of CCIR made recommendations and adopted the following resolutions: "Selection of Frequencies used in Telecommunication with and between Artificial Earth Satellites and other Space Vehicles" (document 531); "Influence of the Troposphere on Frequencies used for Telecommunication with and between Space Vehicles" (document 530); and "Effects of the Ionosphere on Radio Waves for Telecommunication with and between Space Vehicles beyond the Lower Atmosphere" (document 538).
- 66. In addition to making these recommendations and resolutions, CCIR set up a new study group to study the technical questions regarding systems of telecommunications with and between locations in space. While the work of the study group will produce more specific recommendations as to what frequencies are appropriate for space communications, it seems likely that the progress of space science will necessitate ITU having to take early action in allotting frequencies for use in space vehicles, even if these are only available on a temporary basis.

E. International Civil Aviation Organization

- 67. The objects of the International Civil Aviation Organization (ICAO) are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation throughout the world.
- 68. While ICAO has not so far carried out any specific activity directly related to the peaceful uses of outer space, a number of problems of outer space fall within the field of interest of the Organization.
- 69. The Convention on international civil aviation, concluded at Chicago on 7 December 1944, recognizes the sovereignty of each State over the air space above its territory, but includes no definition of air space. Such a definition would determine the scope of application of that Convention as well as of ICAO's sphere of action. Furthermore, while the subject of the Convention is "aircraft", a definition of "aircraft" is not given therein. The Organization has adopted technical annexes to the Convention in which aircraft is defined as "any machine that can derive support in the atmosphere from the reactions of the air".
- 70. The launching of vehicles into outer space involves their passage through air space; such vehicles may subsequently re-enter air space. At the national level, the necessary co-operation between the responsible agencies has already been developed. At the international level, an equal degree of co-operation will be required in order to ensure the safety of air navigation during the time of launching or of re-entry of space craft through space used by aircraft.
- 71. One of the objects of ICAO is to "meet the needs of the peoples of the world for safe, regular,

efficient and economical air transport". Technical developments may advance to the point where space vehicles will be used for transport of mail and other goods, and even of persons. Evidently, ICAO would have an interest in any system regulating the two activities.

72. In February 1959, the Council of ICAO decided to bring to the attention of the Assembly of the organization, due to meet on 16 June 1959, a suggestion made to the Council that a study be made of the legal status of outer space and the regulation of the use of space craft, particularly with reference to the traffic of civil aircraft in air space. However, since the question relating to outer space is under special consideration by the United Nations, the Council has pointed out that any action by ICAO on the subject should take into account the need for co-ordination with the deliberations of the United Nations,

F. International Atomic Energy Agency

73. No work is contemplated by IAEA in the field of outer space in the immediate future. However, IAEA has an interest in the nuclear technology of outer space and might advise on its health and safety aspects.

G. World Health Organization

74. WHO is not now doing any work specific to outer space nor does it contemplate doing so in the immediate future. The organization can, however, be most useful to any outer space programme in stimulating research, publishing medical findings and holding symposia and seminars pertinent to medical or health problems associated with space exploration and travel.

H. Inter-Governmental Maritime Consultative Organization

75. The Inter-Governmental Maritime Consultative Organization (IMCO) has at present no programmes in the field of outer space. However, in view of its over-all responsibilities for international shipping matters, particularly the problems of safety at sea, navigation and improved communications, it can be expected to become associated with outer space developments affecting these responsibilities.

Part II

Paragraph 1 (b) of General Assembly resolution 1348 (XIII)

I. INTRODUCTION

A. Mandate of the Committee

1. The task of the Ad Hoc Committee on the Peaceful Uses of Outer Space under paragraph 1(b) of General Assembly resolution 1348 (XIII) is to report on:

"The area of international co-operation and programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices to the benefit of States irrespective of the state of their economic or scientific development, taking into account the following proposals, inter alia:

"(i) Continuation on a permanent basis of the outer space research now being carried on within the framework of the International Geophysical Year;

- "(ii) Organization of the mutual exchange and dissemination of information on outer space research;
- "(iii) Co-ordination of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization."
- 2. In preparing this report, the Committee has reviewed the present position and trends in peaceful space activities from a scientific and technical point of view. Drawing on the experience of its members in international scientific co-ordination, it has then analysed the present methods and organs for co-operation in the use of outer space and considered areas of present and future need for co-operation.
- 3. The Committee completed its task by specifying areas in which co-operation might appropriately be undertaken under the auspices of the United Nations.

B. Brief history

- 4. Man's interest in space is age-old. Until the last decade, however, his inquiries into the properties and objects of outer space have been confined to observations and measurements made from the surface of the earth or near that level. Mountain-top observatories, aircraft and balloons served in the past to sharpen the scientist's measurements, but it remained for the high altitude rocket to open the domains of outer space to direct observation without the obscuring and distorting effect of the earth's atmosphere.
- 5. Rocket exploration of the upper atmosphere began in 1945. Since then both the development of rocket vehicles and of the techniques for making measurements by rocket-borne instruments have advanced rapidly. The year 1957 saw the advent of man-made satellites circulating around the earth in the adjoining space, and in 1959 vehicles were launched which passed out of the area predominantly controlled by the earth's gravitation to become new planets circulating around the sun. It is now possible to explore the earth's atmosphere with many kinds of instruments to all heights, to place instrumented satellites above the atmosphere, and to probe the depths of space between the planets with automatically operating scientific equipment. Numerous facilities with varying capacities for the launching of scientific research rockets exist around the world, and many countries are expanding their activities in rocket research.
- 6. Looking into the future, and bearing in mind the rapid development during the past decade, it seems possible now to make reasonably realistic forecasts about expected developments valid for the next two to four years. Admittedly, present views into the future must be subject to continuous review and extension as new lines of thought are developed on the basis of technological achievements.

C. Problems that face us

7. In space activities, scientific and technological, there has been a great surge forward which opens new perspectives for human progress. Even more than in astronomy, they inherently ignore national boundaries. Space activities must to a large extent be an effort of Planet Earth as a whole. Along with the opportunities in prospect for all peoples in the spaceage, there are

problems which face us in arranging for these advances in science and technology on a global scale.

- 8. Means must be found to utilize scientific and technical talent wherever it may exist, either in connexion with space experiments and undertakings themselves or in the invaluable supporting research and activities which must go along with them. Means must be found for co-ordination and facilitation of the activities of the scientific community. A wide-spread problem is the encouragement and support of space activities nationally commensurate with the obvious international and popular interest. For some aspects the question of international financial support becomes important and would be on an unusually high scale compared with most previous international undertakings in science and technology.
- 9. Coming sooner than many realize are problems connected with effectively taking advantage of the practical applications of space science, some of which, like weather, are already over the horizon while others will surely rise in the near future.
- 10. The Committee recognizes that the great forward surge of space activities may also tend to widen the gap between the technologically advanced nations actively launching vehicles into space and other nations watching and wishing to take part in space activities, but feeling unable to do so. The problem is to make available and to exploit the possibilities that exist for participation by nations at all levels of development, from supporting research or operation of tracking stations to launching small vehicles or joining with others in more advanced undertakings. A related problem lies in arranging the sharing of basic scientific information and topical data so that wide-spread participation is possible.
- 11. The Committee feels strongly that the conduct of space activities must be effectively open and orderly. It is therefore important to find means for having peaceful space activities clearly announced right from the earliest stages and to make such activities known both to scientific specialists and to the world at large in an efficient manner. A determined attack on these problems is urgent, because the development of space activities is advancing at a staggering rate.
- 12. Finally, there is the over-all question of whether man's advancement in outer space will redound to his benefit. Here man's intent is of overriding importance, a point which was recognized during discussions at the thirteenth session of the General Assembly, when the resolution which established the Committee was adopted. The Committee has borne in mind throughout the fact that other organs within the United Nations have been given the important tasks of lessening international friction, encouraging mutual trust and confidence and facilitating progress on disarmament.

D. References to conclusions

13. The following sections of this report contain numerous specific conclusions. The Committee considered the desirability of restating these conclusions explicitly in a final section, but found that to do so would require considerable repetition of the text. The following section index calls attention to these conclusions:

	Paragraphs in part II
Open and orderly conduct of space activities	7-12, 121-131
International co-ordination of radio frequencies	69, 94
Supporting research	65-67
Central registration of satellite orbital elements	70, 121-131
Termination of radio transmissions	71
Removal of spent satellites	72
Re-entry and recovery of space vehicles, etc.	73-75, 121-131
Contamination	76
Simultaneous rocket launchings	77
International use of launching ranges	78-79, 121-131
Instrumentation of satellites and deep space problems	80-85, 109-117
Tracking, telemetry, and data processing.	86-89
International exchange of data	90-91, 121-131
Education and visits	92, 109-117
Applications of results of space science	93-94, 118-120
International launchings	95
Fostering of international co-operation	96-97, 98-117
Co-ordination of scientific activities	96-97, 104-108
Development of national scientific capabilities	96-97, 109-117

14. Attention is also drawn to the general conclusions given at the end of the report.

II. SPACE ACTIVITIES

- 15. At the outset it is desirable to emphasize that scientific work in outer space embraces many disciplines involving both pure research and applied research. In the area of pure science, the primary objective is the advancement of knowledge of the environment in which the earth moves, and later the extension of this knowledge to other parts of the solar system, and even further afield. In the applied and more technological area there are two phases:
- (a) The development of space vehicles of a great variety of sizes and uses;
- (b) The use of these vehicles to advance applied science in such fields as meteorology and communication.
- 16. The development of vehicles which make possible the scientific study of outer space has, to a large extent, been the outcome of military objectives and therefore problems of national security have prohibited the free exchange of information. Nevertheless, the technology of these vehicles has developed along parallel lines in several countries and it may be stated that the problems are now more those of engineering than of science. In view of this, the Technical Committee has not considered it necessary to deliberate on the vehicles used for the exploration of outer space, but has started with the premise that these are available even though the larger vehicles are at present only available to countries whose industrial, technological and, especially, financial resources make them possible.
- 17. Although great resources are required to construct a space vehicle of extreme range, this does

not in any way mean that scientific activities in space are limited only to large countries. Knowledge of the physical state of the upper atmosphere (the exact limits of which cannot be defined) at levels inaccessible to aircraft and balloons is far from satisfactory. Between the range attainable by aircraft and balloons and the lowest practicable satellite level, comparatively inexpensive rockets can be used for the conduct of scientific experiments, and many countries should be able to participate in the experiments. The feasibility of such experiments has been well demonstrated by the excellent work carried out by Australian, Canadian, French, Japanese, Soviet, United Kingdom and United States scientists, who have made valuable contributions quite apart from the more spectacular results of satellites and space probes.

A. Scientific investigations

- 18. The kinds of measurements made in space science programmes are mostly similar to, or developments of, those made from balloons or sounding rockets in the past several years. In this area of advancing space technology, more complex measurements in the lower atmosphere can be made. The regions accessible to measurement are now being extended to the earth's outer atmosphere, into interplanetary space, to the moon and planets and the sun. The simple experiments of today will soon develop into work with complex satellite or space observatories. Some of the aims of space investigations are to increase our knowledge by direct or improved observation of the following:
- (a) The atmospheres of the earth, sun and planets, as well as possible vestiges of an atmosphere on the moon, including the electrically conducting regions or ionospheres in these atmospheres;
- (b) Electric, magnetic, and gravitational forces throughout space in the solar system, whose strength and properties have hithertoonly been inferred by very indirect reasoning;
- (c) Diluted gas and scattered dust particles in space between the planets and within comets;
- (d) Electrified particles, in some cases emanating from the sun, and always influenced by electric and magnetic forces within the solar system; such particles include those producing the polar auroras, those stored in the radiation belts in the vicinity of the earth, and the very energetic cosmic rays;
- (e) The details of the external form and the internal composition of the earth, planets, and moon;
- (f) Conceivable living organisms outside the earth, either on the surfaces of other planets or elsewhere;
- (g) Stellar and galactic objects and phenomena. Special problems, such as the verification of certain conclusions from Einstein's general theory of relativity, are also among the objectives of space experiments.
- 19. These objectives are attainable by series of individual experiments, each with its special instruments, especially designed and tested to withstand the rigours of launching and of the space environment. A whole new technology is involved in the systems for taking the results of the experiments and transmitting them back to earth.

- 20. The first use of earth satellites and space probes was made under the auspices of the IGY. The IGY enterprise was sponsored by the ICSU, a non-governmental body, and was carried out through the cooperation of national scientific groups in some sixty-six countries, each of which decided on its scientific programme and arranged for its support. Many countries had programmes in the IGY category "Rockets and Satellites". As a means of continuing this kind of voluntary international co-ordination and cooperation, the ICSU has established COSPAR.
- 21. It is too early in the space age to envisage all, or even the ultimately most important, applications of space research; however, experience from other areas of scientific inquiry started or spurred by some marked scientific or technological advance gives considerable assurance that the findings of space science will have a strong influence on the future of mankind.

B. Applications furthering human welfare

- 22. As a result of these scientific investigations, it can be expected that there will be many developments leading to practical applications which in turn will add materially to the comfort and well-being of the world at large. A few of the possible applications of space technology are now coming into focus and are at present in the earliest stages of development. How and when these applications will mature will depend on many factors which cannot now be predicted. Some of the applications which are now foreseen are: the collection of data, particularly for immediate meteorological purposes; the improvement of long-distance radio communication; a means of improving man's view of the size and shape of the earth and of the distribution of land masses and water; and an all-weather global navigational system.
- 23. These and other applications of satellites that develop as a result of advancing technology will not become feasible immediately, but must necessarily depend upon an orderly sequence of technological developments. It must be realized, however, that the time when these applications will become available depends on many other factors over which the scientist can exercise no control.

C. Improvement of weather forecasting

- 24. Historically, meteorologists had to rely first on observations that could be made on the ground. Over the years, a meteorological network has been established using ground stations and many types of vehicles ranging from ships and aircraft to balloons. Despite the geographical extension of this network into many parts of the world, it is still inadequate. The earth is covered by such extensive regions of water, ice, and desert that only about one-fifth of the atmosphere is under regular observation, and wide areas of storms or other extremes of weather remain inadequately observed until they arrive at populated areas. Vertically, balloons rarely reach higher than 30 kilometres, and they ascend slowly, drifting away from the observation station to inconvenient distances.
- 25. Meteorological rockets ascending vertically can be used for routine measurement of pressures, temperatures and humidity. This can be done inexpensively up to heights of 60 kilometres. Rockets can also be made to eject small bits of metal foil or other good targets for radar and in this way permit measurement

- of wind direction and speed up to as much as 45 kilometres in height. Rockets carrying cameras can be used to photograph cloud areas from above, and thus aid in the detection of squalls, hurricanes, typhoons and other large cloud formations.
- 26. In a different way, satellites circulating in closed orbits around the earth will soon provide meteorologists with another tool for surveying the large inadequately observed parts of the globe. Thus man will obtain a downward look at clouds, and with a proper distribution of such satellites, it should be possible to keep track of each major storm, to note the birth of new storms and rain areas, and the death of old ones.
- 27. Some of the earth satellite techniques required for this extension of the capabilities of meteorological systems may be available within a few years; others may require a development period of over a decade. An ultimate system to accomplish regular collection of meteorological data on a global basis might make use of perhaps six to eight satellites in 800-to-1,600-kilometre-altitude polar orbits as well as several satellites in 35,000-kilometre-altitude equatorial orbits.
- 28. Future progress in weather forecasting over longer periods than a few days depends on the delineation of large-scale features of weather over the globe, as distinct from local studies in limited areas. Another significant application is the comparison between the heat received from the sun and that reflected or radiated from the earth into space. Such satellite measurements may assist in anticipating climatic changes and may possibly contribute to the development of new systems of long-range weather forecasting.
- 29. The use of meteorological satellite systems would not, of course, replace other observation techniques. These, with sounding rockets important among them, would continue to be needed to provide detailed knowledge of the structure of the atmosphere at lower altitudes. The total quantity of data collected would be tremendous and, since the data would have to be used within a few hours, there would be a requirement for new techniques for interpretation and utilization. In this connexion it may be appropriate to suggest that the International Computation Centre at Rome, established with the assistance of UNESCO, is concerned with precisely such problems.
- 30. A foreseeable benefit would be to extend weather forecasting capabilities from the present limit of days to periods of several weeks and beyond. No less important than the obvious practical assistance to weather forecasting will be the contribution to basic knowledge of the workings of the atmosphere which may assist in anticipating climatic changes. Ultimately these advances should afford direct benefits to agriculture, industry and transportation.

D. Improvement of radio communications

31. Currently available means of world-wide communications suffer from severe limitations of capacity. For example, the present transatlantic cables are expected to be saturated by 1962. Owing to the anticipated increase in messages during the coming decade, a new cable with several times the capacity of the present ones will be saturated by the time it is available.

- 32. Apart from enclosed cables, world-wide communications depend on the presence of reflecting regions in the high atmosphere which permit radio waves to be sent from one part of the world to another, despite the obstacle presented by the curvature of the earth. Nature has provided such reflecting regions in the high levels of the atmosphere, from 70 kilometres upwards, where free electric charges are created when the sun shines on the air. However, these natural reflecting layers are only useful on certain radio wave-lengths and are ineffective on others. Since they are often disturbed by electromagnetic processes on the sun and by polar auroras, their properties are erratic at certain times and places which can only be anticipated in part.
- 33. In view of these circumstances, it has become desirable to search for new means of economical world communications; a promising approach to a truly world-wide system is the use of earth satellites as passive reflectors or active repeaters.
- 34. In the case of the passive reflector, an antenna using much shorter waves will beam a powerful signal at the satellite, which will reflect it in such a manner that it may be received by suitable equipment anywhere within reach, or will reflect the signal in specific directions. Such a satellite might be used simultaneously by many, subject only to allocation of non-interfering frequencies. An operational system might involve some twenty-five satellites together with extensive ground equipment.
- 35. The technique of using active repeaters in satellites will involve directing a signal to a satellite, which in turn will rebroadcast it to the ground. Rebroadcasting may be accomplished instantaneously or with suitable delay until the satellite has moved into a good position relative to the intended receiver. Three such satellites spaced 120 degrees apart in 35,000-kilometre-altitude orbits at the equator might comprise a useful system.
- 36. Each of the two techniques appears to have advantages and disadvantages. Passive reflector systems involve simple satellites, but appear to require relatively large numbers and involve heavy requirements for ground transmitting and receiving equipment. Active repeater systems appear to require fewer satellites and reduced ground equipment; however, they would be susceptible to defective operation, have a limited frequency range, and require a continuing power supply on board.
- 37. Communications satellites are currently in a very early stage of development. Their technical aspects remain to be explored, as does the full extent of their economic and other implications. However, the substantial increase in the amount of information that may be transmitted internationally in a given interval of time may ultimately have a major impact on the relations of countries throughout the world.
- 38. It should be noted that preliminary experiments conducted at moderate cost with vertically ascending rockets give ample scope for important contributions from scientists in many countries to this technical problem.

E. Geodetic and mapping satellites

39. Geodetic and mapping satellites offer the means of improving man's view of the size and shape of the

earth and the distribution of land masses and water. Optical observation of geodetic satellites has the potentiality of yielding the observer's location to less than 30 metres, while mapping satellites provide a means for charting the little-explored regions of the world. Improved data on geographical details of the earth may be of economic as well as scientific significance.

F. Navigation satellite

40. The navigation satellite may provide the basis for an all-weather long-range navigation system for surface vehicles and aircraft. With the use of suitable ranges of frequencies for transmission, it would be possible to establish positions with great precision irrespective of the prevailing weather. At the present time, there is no such world-wide all-weather system of navigation.

G. Manned space flight and exploration

- 41. Initial interest in man's role in space has been concerned with the utilization of his unique characteristics which allow him to absorb a wide variety of observation, to remember and to make decisions in a way that cannot be duplicated by machines. Such human qualities as persistence, resourcefulness and the relative reliability of the complex human system further indicate the need for man's inclusion in the development of space flight and exploration.
- 42. Although unmanned vehicles will have preceded man in the exploration of space, perhaps effecting landings on the moon, penetrating interplanetary space, and at least approaching the planets, the addition of man to these efforts will constitute a dramatic innovation, one which is only in part "scientific" in purpose and only in a special sense a "practical" application of space vehicles. The motivation of manned space exploration goes deeper than any scientific and other practical results. Apparent throughout man's history is a basic urge to discover and to explore, to go where no man has gone before, to go everywhere man has the means of going. As it becomes possible for man to explore outer space, he can confidently be expected to do so.
- 43. The first demonstrations of manned space flight can be expected in the near future, probably in the form of experiments with rockets followed by relatively simple manned orbital vehicles. Looking well beyond such initial efforts, it is possible to foresee the initiation of true manned exploration of space, that is, the use of space vehicles to enable man to reach, investigate and return from the moon, interplanetary space, and ultimately at least the near planets. There does not appear to be any foreseeable prospect of manned exploration of interstellar space.
- 44. Although no insuperable problems have yet been identified, the scientific and technical problems of true manned space exploration are substantial, and the period required for full perfection of the necessary vehicles, equipment instrumentation and techniques will be measured in terms of decades rather than years.

III. TOOLS FOR SPACE ACTIVITIES

45. The development of vehicles for scientific activities in outer space is the key to executing a

successful space programme. Over the centuries, man has accumulated a good deal of knowledge about his planet, the solar system and the universe, but any real penetration of space must still await the development of adequate vehicles. In terms of the mission to be accomplished by these vehicles, they can be classified as follows: (a) sounding rockets; (b) earth satellites; and (c) deep space probes.

A. Sounding rockets

- 46. Rocket exploration of the atmosphere began in 1945. Since then both the development of rocket vehicles and of the techniques for making measurements by rocket-borne instruments has advanced rapidly.
- 47. The phrase "sounding rockets" designates a rocket research vehicle that is used to sound the upper atmosphere, in much the same sense that the mariner sounds the ocean depths or the meteorologist uses sounding balloons for observations in the lower atmosphere. There exists a wide variety of sounding rockets; some can reach heights of only tens of kilometres, while others reach to hundreds or even thousands of kilometres. In an effort to distinguish between sounding rockets and the deep space probe to be discussed below, an arbitrary definition is adopted as follows: a sounding rocket is a vehicle launched vertically or nearly vertically that reaches an altitude of no more than one earth's radius, or approximately 6,000 kilometres.
- 48. This definition is somewhat arbitrary, though not completely so. There are advantages to this definition in that vehicles to attain heights greater than about one earth's radius are substantially more expensive than those designed for lesser heights. Thus, one may anticipate the participation of many countries in sounding rocket programmes, whereas participation in the launching of deep space probes will probably be limited for economic reasons. Similarly, a sounding rocket operation can generally be carried out entirely within the domains of a single country.
- 49. With present technology, the state of the upper atmosphere can be studied by means less expensive than rockets, up to heights of about 30 kilometres. Relatively inexpensive sounding rocket experiments may start from this level and extend upwards. Satellites, as has been noted, cannot cover the intermediate levels between the 30 kilometres mentioned previously and the lowest practical satellite orbits of about 200 kilometres, yet knowledge of the physical state of the atmosphere at these levels is far from satisfactory.
- 50. Whereas we have much to learn about the methods and techniques of fully exploiting satellite and space probles, sounding rocket technology is now at the stage of becoming fully developed.

B. Earth satellites

- 51. An earth satellite is simply a man-made moon revolving about the earth. The work of the past year or two has already shown the possibilities of artificial earth satellites as a new technique for exploring the physical characteristics of the earth's atmosphere and the space beyond.
- 52. When launched in a satisfactory manner as to speed and direction, these satellites travel in elliptical orbits around the earth at heights which may range

- from a few hundred to many thousands of kilometres. Such a satellite forms a vehicle which may house a number of scientific instruments, and can carry out a number of functions simultaneously.
- 53. The data associated with the experiments can be obtained from a satellite in three ways: (a) by transmission directly to the earth by radio communication; (b) through storage in a suitable recorder which can be interrogated by radio command when the satellite is in a suitable position relative to a receiving station; or (c) eventually, through physical recovery of records from satellites that are returned to the earth.
- 54. In the case of (a), it is necessary to have suitable receiving stations deployed over the earth to collect the information at various points as the satellite travels round its trajectory. In the case of (b), although the stored information can be extracted when required, it is still necessary to have a network of tracking stations over the earth, in order to establish the positions of the satellite at the times the various scientific observations were made.
- 55. The orientation of the orbit of the satellite is predetermined by the launching conditions. When set at an appropriate angle to the meridian, this trajectory may either cover the entire surface of the earth as it rotates as it would in passing over the poles, or it may be confined to a relatively small zone about the equator. For different investigations, different orbital trajectories may be required and careful planning on an international scale is required to make the best use of this expensive type of technique.
- 56. Among the space vehicle operational techniques yet to be perfected are those related to the re-entry and recovery of vehicles. At this time, not all the problems associated with this type of operation can be fully evaluated, but because of the nature of the problem, it may be desirable to consider ways and means of minimizing the possibility of accidents.

C. Space probes

- 57. A space probe is defined as an exploratory vehicle, not an earth satellite, that goes into space beyond one earth's radius from the surface of the earth. Such vehicles can be instrumented for numerous important scientific investigations.
- 58. By launching a payload at a sufficiently great speed, a rocket can be used to project scientific instruments into interplanetary space. If the aim of such a space probe is simply to make measurements deep in space, far from earth without any particular reference to any celestial body such as a moon or planet, then it suffices to project the object at a sufficiently great speed in a general outward direction. On such a mission, control mechanisms can be kept at a minimum. On the other hand if, for example, it is desired to project the object close to the moon or close to Venus, then exacting control and timing requirements must be met.

D. Network of observing stations

59. Ground observing stations are essential to the successful conduct of any space activity involving satellites or space probes. The primary functions of such stations are: (a) tracking the space vehicle by radio, radar and optical methods, and (b) receiving

and recording the radio signals transmitted from the vehicle. These signals contain in coded form the observational measurements made in the vehicle: this is called telemetry. Some stations may be used to give instructions by radio to the vehicle. In general, a world-wide network of stations is needed, although in some cases only a small number may be required. For sounding rocket experiments, for instance, usually only a single station or close-spaced group of stations is needed.

- 60. Tracking is done by radio techniques for satellites while they transmit. Optical and radar techniques can be employed throughout the life of a satellite. High accuracy of position and time are essential to allow the orbit to be determined well enough to predict future positions for many days in advance. Prompt reporting of tracking observations to computation centres, rapid calculations, and prompt dissemination of prediction information are requirements for an effective tracking network. Customarily, all available observations are used for calculations intended to improve subsequent predictions, while only the most precise tracking observations are used for determination of the definitive orbit needed in interpreting the scientific experiments which may be carried on the satellite.
- 61. Radio is almost the only way to track space probes. When these are at large distances from the earth, the signals are inevitably very weak and require the use of large radio telescopes such as those used in radio astronomy for detection. However, few stations are needed in the tracking network for such experiments because at great distances the vehicle is observable from about half of the earth.
- 62. Telemetering signals are commonly recorded at the same stations which do radio tracking. For space probes this is almost essential because of the extreme sensitivity of receiving equipment needed for both purposes. However, for satellite experiments, telemetry may be recorded easily with radio receivers without the complicated arrangements for measuring the angular position of the radio transmitter. For many experiments, more telemetry stations are needed than tracking stations.
- 63. The operation of tracking and telemetry equipment in this network of ground stations has been an important way in which many countries have participated in space science beginning with the International Geophysical Year. Some countries have also used tracking-type observations of satellite radio transmissions to make significant findings about the earth's ionosphere. No single country extends over a sufficient range of latitude and longitude to be able to track earth satellites adequately from its own stations. Earth satellite experiments have been wholly dependent upon international co-operation. This has been accomplished within the IGY-type framework. Necessary improvements and extensions can be handled within the existing framework.
- 64. Radio transmissions from satellites and space probes are the only practical way for the scientist to get information on experiments in progress; they also are the only practical way to track the course of the vehicle, at least until the orbit or trajectory is well determined. Thus the availability of radio frequencies which will not be interfered with by terrestrial radio transmissions is a matter of life and death to the

progress of space activities. This is one of the important matters requiring international action in the field of space. The prospective number of satellites and space probes to be launched in the next few years is in the hundreds.

IV. SUPPORTING RESEARCH

- 65. Many research activities not directly connected with actual flights of sounding rockets, satellites and space probes are essential to the progress of space science and technology. A large portion of scientific research in the field of extra-terrestrial space is done on the ground either at sea level or in high mountains or with the help of balloons up to the altitude of about thirty kilometres. In addition, there are important studies to be done in the laboratory before or after the experiments using space vehicles; such studies may be theoretical or experimental. Contributions in these areas of research have been made in a large number of countries in recent years. In the future, the prospering of space science will continue to depend heavily on work done in countries and by groups of scientists that may not require direct access to space vehicles.
- 66. Examples of supporting research areas and topics would include the following:
- A. Research which may lead to new or improved equipment to be flown in space vehicles

This includes:

- (a) Instrument components: power supplies, telemetres, light sources, image intensifiers, photon counters, photomultipliers, micro-electronics;
- (b) <u>Instruments</u>: magnetometres, spectrometres, pressure gauges, ion probes;
 - (c) Materials: photosensitive, heat resistant;
- (d) <u>Environmental tests</u>: acceleration effects, radiation effects, vibrational effects;
- (e) <u>Biological</u>: life support systems, foods, removal of gases and poisons;
- (f) <u>Psychological</u>: confinement, effects of sensory deprivation.
- B. Research which may lead to more nearly optimum trajectories or knowledge of orbits

This includes:

- (a) Aerodynamics;
- (b) <u>Propulsion</u>: methods, including plasma, ions and photons;
 - (c) Guidance techniques and systems;
 - (d) Tracking methods;
- (e) Computational methods for obtaining orbits and trajectories.
- C. Ground-based physical observation and research

This includes:

- (a) <u>Planetary astronomy</u>: physical observations of planets and planetary atmospheres by optical and radio techniques;
- (b) Solar activity: optical flares, radio outbursts, corona, direct and indirect evidence of particle ejections;

- (c) Comets: photometry and spectroscopy;
- (d) Cosmic rays: study of primary or secondary cosmic ray particles accessible to ground or mountaintop stations and balloons;
- (e) <u>Meteors</u>: number, size, orbits by optical and radio techniques;
 - (f) Meteorites: composition, structure;
- (g) <u>Ionospheric studies</u>: vertical soundings, scattering, whistlers;
- (h) Geomagnetism: survey of field at surface, variations, disturbances.

D. Theoretical research and mathematical methods

This includes:

- (a) Magnethohydrodynamics;
- (b) Cosmology;
- (c) Astrophysics;
- (d) Celestial mechanics;
- (e) $\underline{\text{Information theory}}$, including data processing and reduction.
- 67. Exchange of information is needed in all phases of space research. However, in the areas which are described here, this exchange is particularly valuable because scientific groups in so many countries participate in theoretical, laboratory and ground-based research. Modern techniques could be used to solve documentation and language problems involved in such exchange, which could also be encouraged by symposia, conferences and exchanges of research staff. Mechanisms for some of this exchange of information are being carried over from the period of the International Geophysical Year.

V. INTERNATIONAL CO-OPERATION IN THE CON-DUCT OF SPACE ACTIVITIES

68. There is a wide area of activities in which international co-operation is desirable, and in some cases required, in order to realize to the fullest the potential benefits of space activities. In some cases, there is simply a requirement for mutual agreements on how to approach specific problems. Once such agreements have been arrived at for the open and orderly conduct of space activities, they can form the basis of an international routine. In other cases, there is need for active co-operative endeavours in which groups of nations assist each other in carrying out various phases of space activities. The following list is illustrative of these kinds of international co-operation.

A. International agreements

Use of radio frequencies

69. Accomplishment of most uses of space vehicles will depend heavily upon the adequate availability of communications channels. Allocation of frequencies specifically for use by space vehicles and in space activities will be necessary to assure that channels will be available as needed. There already exists in ITU and its advisory bodies the means for handling this problem. The Committee agrees that there is an urgent need for international co-ordination of radio frequencies for use in association with space vehicles

for tracking, telemetry and research purposes. Interference by space vehicles might seriously affect radio services on the earth. Similarly, radio interference from terrestrial sources could cripple the conduct of space programmes. The Committee strongly urges that ITU and the States members of the 1959 Administrative Radio Conference of ITU allocate adequate frequencies for space programmes, with adequate bandwidths for the foreseeable needs of space programmes in the next three years.

Registration of orbital elements

70. Precise orbital elements are determined by launching countries from data acquired during the launching and initial orbital phases. In addition to scientific and technical usefulness, information concerning precise orbital elements might assist in identifying individual satellites. The problem of identification will become increasingly difficult as satellite traffic overloads the ground facilities. It will, therefore, probably be useful for orbital elements to be registered at a central point.

Continuing radio transmission

71. Solar-powered transmitters as well as possible future types of equipment may continue to transmit long after the experimental or other purpose of a satellite has been fulfilled. Such continued transmission can result in interference with transmission from space vehicles still performing a useful purpose. Therefore, it will be necessary to provide for termination of transmission at the end of the satellite's useful life.

Removal of spent satellites

72. The continued orbiting of satellites beyond the period of their useful operational life imposes the necessity of continuing their observation and registration. The foreseeable increase in this space "traffic" problem is formidable. Destruction or recovery of such spent satellites, if possible, might be desirable to limit the "traffic" problem to those satellites actually performing useful functions. This is feasible in larger satellites, which are capable of carrying the necessary braking rockets required to cause the satellites to descend at the end of their useful lives. The "traffic" problem is, of course, not in space itself, but in the capacity of ground tracking networks.

Re-entry and recovery of space vehicles

73. Among the space vehicle operational techniques yet to be perfected are those related to the planned reentry and recovery of space vehicles. International co-operation may greatly aid the successful accomplishment of such operations while minimizing the possibility of accident. International arrangements will probably be especially important in the case of re-entry of manned vehicles.

Return of equipment

74. Where space vehicles re-enter the earth's atmosphere either through design or misadventure and any equipment or instrumentation is recovered by countries other than the launching country, arrangements are needed for restoring such instrumentation and equipment to the launching country.

Identification of origin

75. Provision can be made in all space vehicles for identification of the launching country. Such identifi-

cation would be useful where equipment is recovered from space vehicles which have re-entered the earth's atmosphere or where a question of liability arises in connexion with possible damage caused upon re-entry.

Contamination

76. Scientific studies indicate that certain activities related to lunar and planetary impacts might result in biological, chemical, and radiation contamination jeopardizing subsequent physical and chemical studies and endangering possible living organisms. Release of chemical markers, radio-activity resulting from nuclear explosions, generation of gases in connexion with "soft" landings and the spreading of terrestrial micro-organisms carried within space vehicles represent possible sources of contamination to the moon and planets. The re-entry of space vehicles which have effected landings on the moon and planets might contaminate the earth on their return. It will probably be desirable to continue such studies of this problem as are already under way, for example, in COSPAR, with a view to arriving at appropriate agreements to minimize the adverse effects of possible biological, radiological, and chemical contamination.

B. International co-operation in joint projects Simultaneous sounding rocket launchings

77. In the use of sounding rockets to investigate the upper atmosphere and to conduct rocket astronomy experiments, there are several fields of investigation which would be promoted more effectively if simultaneous launchings were made in many countries, as happened during the International Rocket Week in 1958 during the International Geophysical Year, and as is planned for the autumn of 1959 by COSPAR. Organizations such as the ICSU and the International Astronautical Federation are available to plan the scientific and technological programmes respectively, but some encouragement by the United Nations may be worthwhile.

International use of launching ranges

- 78. Thought should be given to means of making available launching ranges for vertical sounding rockets on an international scale for the conduct of experiments for scientific purposes. This has already been done in several cases by mutual agreement between nations or research institutions. This procedure is suitable at the present stage and will continue to be valuable during coming years.
- 79. In the more distant future, however, these thoughts might be elaborated towards considering the creation of an international rocket range. This step is much more ambitious than earlier arrangements, but its impact on truly international space research would be substantial. Much advice on the selection of programmes for international launching of vertical sounding rockets can be given through the organizations associated with the international scientific unions; possibilities also exist in the United Nations family for the exchange of personnel and for negotiations relating to agreement between Governments on scientific matters. But undoubtedly government negotiation initiated, for instance, through the United Nations, would be a necessary step to take before it would be possible to establish one or more international ranges for sounding rocket research.

Instrumentation of satellites and deep space probes

- 80. In some cases it may be desirable to arrange international co-operative projects to provide instruments and scientific payloads in space vehicles. There are several ways in which this may be done.
- 81. First, one or more scientists from various countries may be invited to become part of the team that is preparing the payload for launching into space. These scientists would work on their part of the instrument equipment in appropriate laboratories in the launching nations, participating as required in all phases of the work. This method seems quite workable and can confidently be expected to be effective.
- 82. Secondly, a scientist in the launching nation can be designated to prepare an experiment devised by a scientist of another country. He would then work in close co-operation with the originator, and represent him as necessary during all phases of the project. This method, too, is workable and can be effective.
- 83. Thirdly, one might envisage a scientist in one country preparing an experiment, sending the instrumentation as a box, or a group of boxes, to the launching nation for installation in the payload of the space vehicle. From experience, it can be said that this method will succeed only in exceptional cases, and should not be encouraged during the foreseeable future to the detriment of other approaches.
- 84. It appears that a strong element in the preparation of such joint instrumentation of space vehicles is the direct negotiation between the responsible scientific administrations. Similar conditions apply to the ground network of observatories at which the measurements must be made by scientists who may be trusted to organize their own co-operation in the most efficient manner.
- 85. It is worth noting that the international scientific organizations, such as the international scientific unions or UNESCO, can contribute substantially to the organization and planning of such forms of cooperation. In this field, however, it may well prove advantageous to have the supporting authority and goodwill of the United Nations, particularly to assist in the resolving of international problems confronting the scientists.

Tracking and telemetering

- 86. As discussed in paragraphs 59 to 64 of this part, the tracking of a space vehicle and the reception of telemetered signals from it are an essential part of obtaining the scientific or technical data for which the space vehicle is launched. In many cases it will be desirable to have several nations co-operate in the tracking of a space vehicle. Particularly in the case of earth satellites it may be desirable to continue such co-operative tracking for long periods of the satellite's operating life. In the case of space probes, on the other hand, co-operative tracking may well be required only during the first one or two days of the flight, after which only periodic tracking will be required which can probably be handled by the launching nation with its own facilities and tracking stations.
- 87. With regard to the telemetering of scientific information from space vehicles, similar remarks apply. It will be usual for the telemetering system to be an integral part of the tracking system. It will frequently be desirable to take continuous records for

periods of from hours to days. In such cases, international co-operative reception and recording of the signals will be needed.

Data processing

88. The processing of tracking and telemetering data to useful form can be a formidable task, particularly in the case of earth satellites from which tremendous amounts of data may be received. It may be desirable to organize an international co-operative programme for such data processing.

Interpretation of data

89. The theoretical analysis and interpretation of experimental data from space vehicles comprise an area in which international co-operation is highly desirable. The most effective use can be made of experimental results by the participation of scientists throughout the world in interpreting those results and applying them to a further understanding of the universe and to the development of practical applications.

international exchange of data

90. Strong international support of existing organizations in the collection, cataloguing and dissemination of data and results obtained from space activities, including supporting research, is necessary if the world is to benefit fully from and to contribute to the advancement of the space era. Such support includes not only the financial assistance and management provided by the nations operating the already existing world data centres, but also an extension of the number and scope of such centres in view of the bigger role assigned to them by the channelling of data and results from all branches of space research and activities.

91. It appears also that some centralized advice and co-ordination in this area will be required, and this might well be continued within the UNESCO-ICSU framework.

Education

92. There will be a continuing need to inform, not only the scientific and engineering communities, but also Governments and the public about space activities. Since UNESCO has had much experience in the preparation and dissemination of texts, manuals, lectures, television programmes, etc., it might be a suitable organization to assume the responsibility for this in the areas of space activities.

Meteorological satellites

93. It is to be foreseen that a meteorological satellite system of world-wide usefulness will be in operation some years from now. Some international arrangement will be necessary to insure maximum effectiveness of this system in benefiting commerce, industry, agriculture, etc., and WMO is an appropriate organization to undertake such co-ordination, having in fact already begun to consider this question.

Communications satellites

94. In the foreseeable future a system of communications satellites may be placed in operation. As in the case of a meteorological system, the communications system will require international co-operation for maximum effectiveness. Problems of frequency allocations, the handling of message traffic, etc., will

have to be solved. It would be well for ITU to begin a study of these problems at once.

International launchings

95. Launchings of satellites and space probes by an international team would be an extremely complex and organizationally difficult operation, which probably should not be attempted in the immediate future. On the other hand, it may be desirable on occasion for a single nation to undertake to launch a scientific satellite or space probe under the auspices of the ICSU or the United Nations. In such an international project the scientific payload would be instrumented as a cooperative endeavour by some group of nations. In this manner scientists who would not otherwise have the opportunity of performing experiments in space vehicles may be brought more deeply into space research and engineering.

Advice on space activities

96. Much advice on an international scale on the selection of programmes, on the types of data that should be interchanged and placed in the world data centres, can be given through the organizations associated with the international scientific unions. Possibilities also exist in UNESCO for the exchange of personnel and for negotiations relating to agreements between Governments on scientific matters.

97. In support of these organizations and activities on the international scene, it would also be desirable to have national committees concerned with space activities in the individual countries; appropriate steps to encourage this should be taken.

VI. AREAS OF SPACE ACTIVITY IN WHICH INTER-NATIONAL CO-OPERATION SHOULD BE STRENGTHENED

A. Conduct of space science

98. Advances in scientific knowledge are usually made by individual specialists or small groups who have reached the frontiers of knowledge in quite a narrow field. By way of example, if one considers such a frontier as the source and nature of the ionization of the upper atmosphere, the number of leading research workers in such a field is by no means too large for the personal exchange of views at meetings or by correspondence. A century ago it would have been only a few individuals who corresponded or met occasionally for a philosophical exchange of ideas or results. As the numbers grew, scientific organizations became desirable and since their aim was the advancement of knowledge which knows no national boundaries, scientific organization necessarily was cosmopolitan and soon became international in character. Many such organizations now exist and form the group of international scientific unions represented in the ICSU. It must be emphasized that these unions matured only when the demand for them had grown. Thus, though their organization had been carefully worked out, the need was very apparent before the plan matured.

99. Even with these organizations, actual cooperative projects are often and very effectively carried out between interested and enthusiastic individuals or groups who have studied each other's publications, and, after meeting occasionally to exchange views, have decided to undertake a joint project. Where a national boundary exists between two such groups and an expenditure of money is involved, government approval or support may often be necessary. Such joint scientific activities, however, are by no means bilateral in the sense of excluding others. Their existence and nature is often known to interested colleagues elsewhere and the results are reported at scientific meetings. It may be expected that in the field of space research joint activities of this kind among specialized groups will continue to be an important means of advance. As long as these activities are carried on in an orderly and open manner, they should be fostered and supported since they represent the normal methods of co-operation among colleagues.

100. It is against this background of scientific cooperation that the impact of space science and its possible application must be examined. It is evident that co-operation in space activities will require international organizations of several kinds, but it is necessary to determine these requirements area by area, examining to what extent present organizations are adequate and establishing what need there may be for extensions or additions.

101. The crucial question is thus how international co-operation in the peaceful uses of outer space should be fostered. For example, international co-operation in programmes employing sounding rockets for basic research should probably be carried out by an organization dealing with space research under the aegis of the ICSU or a specific international scientific union, but an active interest on the part of the United Nations would probably be necessary to extend such a programme in due course from the experimental stage into common practical application. Such interest by the United Nations might be expressed by a recommendation that Member States encourage their national scientific centres to expand their international relations in the field of space science generally. Another way might be to ask the Secretary-General to keep the development of international co-operation in this specific field under review and report to the next session of the General Assembly on the progress made. Encouragement of this kind might be effected through the establishment of a special United Nations body charged with keeping under review the co-operative arrangements of international scientific organizations, specialized agencies and States, in order to be able to report on the development in breadth and depth of programmes for the exchange of scientists and experts. Alternatively, this body might be advisory to the Secretary-General in this and other matters relating to outer space, leaving to him to report to the General Assembly with recommendations.

102. The General Assembly, in paragraph 1 (b) of resolution 1348 (XIII), asked for something more than a review of these areas where international cooperation is feasible. It referred expressly to the consideration of programmes of co-operation in the field of outer space under the auspices of the United Nations and did not envisage the limitation of programmes of international co-operation to non-governmental organizations.

103. While the Committee is of the belief that world does not yet need an international agency for outer space, there is an evident need for efforts of coordination and encouragement by the United Nations

in some areas by way of support for international cooperation in this field.

Promotion of scientific activities in this field

- 104. Where the objective is scientific, whether academic or applied, regulatory provisions requiring agreements among Governments are necessary only peripherally to promote scientific co-operation. Most needs are cared for successfully by the international scientific unions.
- 105. Exploration into the unknown, such as those symbolized by space probes, are well covered by the activities of the international scientific unions and their affiliated bodies. Through their services, the scientific community exchanges views and ideas, circulates reasonable amounts of information, or establishes co-operation at various levels of formality. The administration of the international scientific unions is largely based on voluntary work by active scientists, supported by a minimum of professional staff. For example, the cost of the entire international administration of the IGY for the administrative period 1952-1959 is estimated at less than \$250,000.
- 106. The international scientific unions devote themselves to progress and consolidation in the advancing parts of science; they are less concerned with technical applications of established knowledge, or programmes of broader education and information. Their administrative structure of periodic assemblies and committee meetings, and to a lesser extent of permanent, large agencies, constitutes an inherent limitation on the consideration of problems of a longer range as distinct from day-to-day actions.
- 107. The expansion of activities into outer space was initiated during the IGY and the first steps towards co-operation were part of that programme. It must be realized, however, that activities in outer space now expand at such a rate and into so many fields that the international scientific unions must share the load of international organizations in this whole field with a number of other and different international organizations, such as those dealing with engineering and telecommunications.
- 108. Among typical topics falling well within the scope of the international scientific unions can be cited: (a) to plan and co-ordinate general programmes for earth satellites and space probes; (b) to stimulate research supporting space science; and (c) to plan and co-ordinate simultaneous launchings of rockets in many parts of the world. The possibility of directing the attention of scientists from many different specialities to common problems in space exploration is a particularly valuable feature of the international scientific unions.

Development of national scientific capabilities in this field

109. It was mentioned earlier that scientific work in outer space involves no new scientific disciplines in the present epoch. Space vehicles are vehicles designed purely to carry instruments or living organisms into parts of the earth's environment which could not previously be reached. Previous knowledge of such regions had to be deduced from indirect measurements. The present objective is to use space vehicles to advance knowledge in the fields of physics, geophysics, astronomy, chemistry and biology related

to the environment in which the earth moves. A number of applications have been discussed, those nearest achievement being in meteorology and communications. When these have crystallized out of the research stage, a technology will develop and their application spread into common use.

- 110. In such applications, particularly in meteorology, both sounding rockets and satellites may be used. The development and use of the sounding rocket by several countries, large and small, shows that the use of this vehicle is not limited to countries having the greatest technological facilities. As they are used they will become cheaper and available to even more countries. The need for world-wide coverage of atmospheric studies at altitudes between about 30 kilometres and 200 kilometres will make international co-operation among many countries a necessity as soon as these applications have reached an appropriate phase.
- 111. There can be no monopoly of the research activities that are a part of space science. It is perhaps useful to point out also that no country could possibly have a monopoly on the production of scientists capable of making contributions in the specialized branches of science that are involved. These include atmospheric physics, ionospheric physics, aurora studies, meteor studies, many branches of astrophysics, and the physics, psycholgy and biology of unsual environments.
- 112. Earlier sections of this report have emphasized that the majority of the problems involved in these disciplines are still in the research stage; that there is need for work in them all over the world; and that laboratory work and theoretical work done on the ground on a small scale at no great cost can make important contributions which are required in the scientific utilization of satellites and space probes, although it is true that the launching of these is likely to remain for some time to come a preserve of the countries with the greatest technical facilities.
- 113. In any scientific endeavour the most effective way to learn is by experience, particularly in cooperation with those active in the field. Some of the countries active in space science offer fellowships and visiting professorships which may be held in Government-supported laboratories or unversities where research in space is undertaken. Since no new basic science is involved, the requirements for any country to start research in space science are to assist its trained scientists in the fields of physics, geophysics, astronomy or biology, in visiting centres of active space research in these fields, and to give them some facilities and time in their home institutions to undertake original work.
- 114. It is quite possible that the opportunities for visits and exchange of personnel are now adequate. In spreading information about opportunities for participation in space activities to many States not now taking part, and in the provision of material for wide-spread education, UNESCO occupies a key position.
- 115. Discussions indicate that there is need for a greater and more up-to-date exchange of scientific information, preferably through existing channels, which, however, require clearing and broadening. The arrangment of symposia on certain aspects of space science is also an important activity, to which

UNESCO's attention might be drawn. These are projects best undertaken by organizations of the type of the international scientific unions which co-operate with UNESCO. Because the effects of space developments concern all mankind, it is essential that opportunities for co-operation and extensive distribution of information be made available to all countries, irrespective of the state of their scientific and economic development.

- 116. States with capabilities for launching satellites should be supported in including in them scientific experiments devised by other countries. The international scientific unions could properly play an important role in this kind of co-operation.
- 117. National contact with non-governmental international scientific organizations is normally made through academies or research councils recognized as the appropriate bodies to advise their Governments. More efficient contact between scientists in different countries can be furthered through the formation of national committees on space science. Such bodies could build on the experience of IGY national committees.

B. Application of the results of space science

- 118. As discussed in paragraphs 22 to 40 above, foreseeable applications in the field of outer space include the following: meteorological satellites, communications satellites, television and broadcasting satellites, geodetic satellites, and navigation satellites.
- 119. The foregoing activities will need an everincreasing degree of inter-governmental agreement.
- 120. Such inter-governmental scientific and technical agencies as WMO, ITU and its affiliated committees, ICAO and others, are the important channels for international co-operation in this field. Their attention is partly directed towards maintaining order in the conduct of many kinds of international activities, such as radio communication, the enormous data exchanged between weather services and others; in part it is also directed towards planning and preparation when new techniques are maturing to the stage where they can be put into practical application. Their experience in these fields should be brought to bear urgently on space activities.

C. The open and orderly conduct of space activities

- 121. From the description and analysis of the various aspects of peaceful uses of outer space, certain common lines emerge, and one can discern the outlines of a pattern, still sketchy and incomplete, but worth elaborating.
- 12?. In all projects there is an emphasis placed on the need for systematic and regular description of progress, exchange of information stage by stage, and adherence to certain agreed rules. It is necessary to improve the means for the distribution and assimilation of knowledge about space activities throughout the world, so that there can be no doubt of the orderly character of such activities, and so that all countries may have the opportunity to take part in them irrespective of the state of their scientific and economic development.
- 123. Reviewing the wealth of present projects from this angle, some typical examples can be quoted.

- 124. A regular census of satellites which are circling the earth must be maintained. Their number will become considerable in the near future and they will ultimately be useful to many countries (see paras. 22-40 and 93-94). The register should contain data about orbits and radio transmission (see paras. 69-70); it will soon be useful to make periodic reviews of the position in order to agree when an individual satellite's useful life is ended and on the action to be taken to terminate its radio transmission or to remove the satellite (see paras. 71-72). Tracking of space vehicles and radio recording ofdata depend entirely on orderly procedures (see paras. 59-64).
- 125. International plans for the wide-spread use of sounding rockets to moderate heights have already been carried out (see para. 77). Their scope is widening (see paras. 15-17 and 24-30), spreading into further applications and to many countries. Looking into the future, thought might be given to the creation of international launching centres for sounding rockets (see paras. 78-79).
- 126. Re-entry and recovery of space vehicles returning to the earth are techniques in the course of perfection and calling for co-operation (see paras. 73-75). Such re-entry may also involve the execution of international agreements, based on legal considerations, about procedures for dealing with information relating to the territories of may countries and of common benefit (see paras. 39-40).
- 127. Channels of information must be maintained and broadened to serve scientists already working on problems of outer space (see paras. 80-85, 89 and 104-108) to bring in new groups of scientists and students (see paras. 92 and 109-117) and to inform the general public reliably and effectively.
- 128. This set of examples, which is not exhaustive, shows that a principle of open and orderly conduct lies at the root of international co-operation directed towards the peaceful use of outer space. Adherence to this principle would further the progress of space science and technology, both in the narrow sense as activities in themselves, and in their relation to human progress. Such experience is not new, but is common to co-operation in any branch of science; as one example, it guided the success of the recent IGY.
- 129. Another feature is also apparent. Space activities have wide implications, spreading beyond pure science into technical applications, international cooperation, and effects on the world at large. These implications involve many international organizations covering a wide range of interests, such as scientific societies, government organizations, international news services, etc.
- 130. This wide dispersion calls for a rallying point related to the United Nations, small in size and well informed. There exists already a variety of organizations to carry heavy loads of work in different areas of space activity, but there is a need for a centre, to which inquiries can be directed at any time, and by which information can be communicated effectively to the appropriate body in much the same way as the ICSU meets a similar need for the existing international scientific unions.
- 131. Such a small central body, with expert technical knowledge, would have to act in intimate contact with

existing technical agencies and international organizations. Starting modestly, its work would be directed to assisting and correlating the many efforts towards open and orderly conduct of space activities. As a corollary, it would naturally serve as a means for current summary of the position in this rapidly expanding field. Thereby it would provide a most useful continuing service for any panel of experts which from time to time might meet for more extensive reviews.

VII. GENERAL CONCLUSIONS

- 132. As the first technical area in which immediate international action is required, the Committee calls attention to the conclusion regarding allocation of radio frequencies for space activities.
- 133. On the basis of the specific conclusions reached in previous sections of this report and listed in paragraphs 13 and 14, the following general conclusions have emerged:
- (1) There is a need for a suitable centre related to the United Nations that can act as a focal point for international co-operation in the peaceful uses of outer space.
- (2) Progress, plans and needs in connexion with the peaceful uses of outer space should be reviewed again by the United Nations in about one year.

Part III

Paragraph 1 (d) of General Assembly resolution 1348 (XIII)

I. INTRODUCTION

A. Mandate of the Committee

- 1. The task of the <u>Ad Hoc</u> Committee on the Peaceful Uses of Outer Space under paragraph 1 (d) of General Assembly resolution 1348 (XIII) is to report on:
 - "The nature of legal problems which may arise in the carrying out of programmes to explore outer space."
- 2. The scope of the mandate thus given the Committee was the subject of discussion. It was recognized that the terms of reference of the Committee referred exclusively to the peaceful uses of outer space. One view expressed was that the task of the Committee related only to the identification and listing of legal problems which might arise in the carrying out of programmes to explore outer space and that the Committee was not called upon to formulate either general or particular solutions of those problems. Another view was that the Committee, in identifying and listing the problems, should give some indication of the significance and implications of each problem and the priority which might be given to its solution. Others stressed the importance of giving attention to certain relevant general principles, such as those contained in the preamble and operative paragraph 1 (b) of resolution 1348 (XIII). It was also pointed out that, while paragraph 1 (d) of resolution 1348 (XIII) referred only to problems which might arise in the exploration of outer space, it was not always possible in relation to certain activities to differentiate between exploration and exploitation of outer space and that both the exploration and the exploitation of outer space were expressly mentioned in the preamble to the resolution.

3. The Committee recognized that it would be impossible at this stage to identify and define, exhaustively, all the juridical problems which might arise in the exploration of outer space. Recognizing the multiplicity of these juridical problems, the Committee considered that it could most usefully fulfil its mandate from the General Assembly, in view of the complex character of these problems, by: (1) selecting and defining problems that have arisen, or are likely to arise in the near future, in the carrying out of space programmes; (2) dividing the problems into two groups, those which may be amenable to early treatment and those which do not yet appear to be ripe for solution; and (3) indicating, without definite recommendation, various means by which answers to such problems might be pursued. The identification of legal problems entails, of necessity, some consideration of possible approaches to their solution, particularly with a view to presenting the best informed comment that can be made on the matter of priorities.

B. General observations

- 4. The Committee considered the relevance to space activities of the provisions of the United Nations Charter and of the Statute of the International Court of Justice, which synthesized the idea of co-operation between men and the joint achievement of great projects for the benefit of all mankind; it observed that as a matter of principle those instruments were not limited in their operation to the confines of the earth. It considered as a worthy standard for international cooperation and programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices, to the benefit of States irrespective of the state of their economic or scientific development, the principles set forth in the operative paragraph 1 (b) and the preamble of resolution 1348 (XIII), in which the General Assembly called attention to Article 2, paragraph 1, of the Charter, which states that the Organization is based on the principle of the sovereign equality of all its Members, recognized the common interest of mankind in outer space and the common aim that it should be used for peaceful purposes only, and expressed the desire of promoting energetically the fullest exploration and exploitation of outer space for the benefit of mankind.
- 5. It was unanimously recognized that the principles and procedures developed in the past to govern the use of such areas as the air space and the sea deserved attentive study for possibly fruitful analogies that might be adaptable to the treatment of legal problems arising out of the exploration and use of outer space. On the other hand, it was acknowledged that outer space activities were distinguished by many specific factual conditions, not all of which were now known, that would render many of its legal problems unique.
- 6. The Committee agreed that some of the legal problems of outer space activities were more urgent and more nearly ripe for positive international agreement than others. It was felt that the progress of activities in outer space and of advances in science and technology would continually pose new problems relevant to the international legal order and modify both the character and the relative importance of existing problems. For example, future arrangements among Governments or private groups of scientists for co-operation in space research or the dissemination of space data may entail legal problems ranging

from administrative or procedural arrangements to regulation or control. The Committee noted the indispensable usefulness of close and continuous cooperation between jurists and scientists to take these and other developments into account.

- 7. The Committee considered that a comprehensive code was not practicable or desirable at the present stage of knowledge and development. Despite the progress already made, it was emphasized that relatively little is so far known about the actual and prospective uses of outer space in all their possible varieties of technical significance, political context, and economic utility. It was pointed out that the rule of law is neither dependent upon, nor assured by, comprehensive codification and that premature codification might prejudice subsequent efforts to develop the law based on a more complete understanding of the practical problems involved. Although an attempt at comprehensive codification of space law was thought to be premature, the Committee also recognized the need both to take timely, constructive action and to make the law of space responsive to the facts of space.
- 8. For these reasons it was agreed that the rough grouping of legal problems according to the priority hereafter suggested should itself be kept under regular review by whatever means the General Assembly should deem fitting.

II. LEGAL PROBLEMS SUSCEPTIBLE OF PRIORITY TREATMENT

A. Question of freedom of outer space for exploration and use

9. During the IGY 1957-1958 and subsequently, countries throughout the world proceeded on the premise of the permissibility of the launching and flight of the space vehicles which were launched, regardless of what territory they passed "over" during the course of their flight through outer space. The Committee, bearing in mind that its terms of reference refer exclusively to the peaceful uses of outer space, believes that, with this practice, there may have been initiated the recognition or establishment of a generally accepted rule to the effect that, in principle, outer space is, on conditions of equality, freely available for exploration and use by all in accordance with existing or future international law or agreements.

B. Liability for injury or damage caused by space vehicles

10. Since injury or damage might result from the launching, flight and return to earth of various kinds of space vehicles or parts thereof, a number of problems exist with respect to defining and delimiting liability of the launching State and other States associated with it in the space activity causing injury or damage. First of all there is the question of the type of interest protected: that is, the kind of injury for which recovery may be had. Second, there is the question of the type of conduct giving rise to liability: should liability be without regard to fault for some or all activities, or should it be based upon fault? Third, should a different principle govern, depending on whether the place of injury is on the surface of the earth, in the air space or in outer space? Fourth, should liability of the launching State be unlimited in amount? Finally, where more than one State participates in a particular activity, is the liability joint or several?

- 11. What machinery should be utilized for determining liability and ensuring the payment of compensation if due? The Committee considered that early consideration should be given to agreement on submission to the compulsory jurisdiction of the International Court of Justice in disputes between States as to the liability of States for injury or damage caused by space vehicles.
- 12. When it considered the foregoing questions, the Committee noted that, in so far as concerns liability for surface damage caused by aircraft, there was formulated at Rome in 1952, under the aegis of ICAO, the Convention on damage caused by foreign aircraft to third parties on the surface. In the opinion of the Committee, that Convention and ICAO experience in relation thereto could be taken into account, inter alia, in any study that might be carried out in the future concerning liability for injury or damage caused by space vehicles. It was pointed out, however, that no international standards regarding safety and precautionary measures governing the launching and control of space vehicles had yet been formulated, and this fact also could be taken into account in studying analogies based on existing conventions.

C. Allocation of radio frequencies

- 13. It was recognized that there are stringent technical limits on the availability of radio frequencies for communications. The development of space vehicles will pose new and increasing demands on the radio spectrum. It was emphasized that rational allocation of frequencies for communications with and among space vehicles would be imperative. In this way, what might otherwise come to constitute paralysing interference among radio transmissions could be avoided.
- 14. Attention was drawn to the fact that there is already in existence and operation an international organization suited to the consideration of problems of radio frequency allocation for outer space uses, namely, the ITU. A technical committee of this organization has already issued a recommendation and a report which bear the following titles: "Selection of Frequencies Used in Telecommunication with and between Artificial Earth Satellites and other Space Vehicles" and "Factors Affecting the Selection of Frequencies for Telecommunication with and between Space Vehicles". The findings contained in these two documents will be presented to the Administrative Radio Conference of the ITU which will open in Geneva on 17 August 1959.
- 15. Attention should also be given to the desirability of terminating transmissions from space vehicles once these transmissions have outlived their usefulness. Such a measure would help conserve and make optimum use of the frequencies which are assigned for outer space communications. In considering this problem, it would be necessary to balance this factor against the interest in conserving a means for continuous identification of space vehicles.

D. Avoidance of interference between space vehicles and aircraft

16. As the launchings of space vehicles become more numerous and wide-spread throughout the world,

practical problems will clearly arise in regard to the prevention of physical interference between space vehicles, particularly rockets, and conventional aircraft. The latter are already employed in great numbers across the earth and in many areas air traffic is already congested. It was considered that Governments could give early attention to the problem of interference between aircraft and space vehicles and that technical studies could usefully be undertaken, if necessary with the assistance of competent specialized agencies.

E. Identification and registration of space vehicles and co-ordination of launchings

- 17. It is expected that the number of space vehicles will progressively increase. In the course of time, their numbers may become very large. This indicates the necessity of providing suitable means for identifying individual space vehicles. Such identification of space vehicles could be obtained by agreement on an allocation of individual call-signs to these vehicles; the call-signs could be emitted at stipulated regular intervals, at least until identification by other means had been established. Another means of identification is by orbital or transit characteristics of space vehicles.
- 18. As part of the problem of identification, there arises the question of placing suitable markings on space vehicles so that, particularly in the event of their return to earth, they may be readily identified.
- 19. Identification would be facilitated by a system of registration of the launchings of space vehicles, their call-signs, markings and current orbital and transit characteristics. Registration would also serve a number of other useful purposes. For one example, one serious problem is the potential overloading of tracking facilities. Registration of launchings would help to avoid this. Registration might also afford a convenient means for the notification of launchings to other States, thus enabling them to make appropriate distinctions between the space vehicles so notified and other objects, and to take appropriate measures to protect their interests if necessary.
- 20. A further measure, beyond registration, would be agreement on the co-ordination of launchings.

F. Re-entry and landing of space vehicles

21. Problems of re-entry and landing of space vehicles will exist both with respect to unmanned space vehicles and later with respect to manned vehicles of exploration. Where space vehicles are designed for re-entry and return, it will be appropriate for the launching State to enter into suitable arrangements with the State on whose territory the space vehicle is intended to land and other States whose air space may be entered during descent. Recognizing, moreover, that such landings may occur through accident, mistake or distress, members of the Committee called attention to the desirability of the conclusion of multilateral agreements concerning re-entry and landing, such agreements to contain suitable undertakings on co-operation and appropriate provisions on procedures. Among the subjects that might be covered by such agreements would be the return to the launching State of the vehicle itself and—in the case of a manned vehicle-provision for the speedy return of personnel.

22. It was also considered that certain substantive rules of international law already exist concerning rights and duties with respect to aircraft and airmen landing on foreign territory through accident, mistake or distress. The opinion was expressed that such rules might be applied in the event of similar landings of space vehicles.

III. OTHER PROBLEMS

A. Question of determining where outer space begins

- 23. Under the terms of existing international conventions and customary international law, States have complete and exclusive sovereignty in the air space above their territories and territorial waters. The concurrent existence of a region in space which is not subject to the same régime raises such questions as where air space ends and where outer space begins. It was noted that these limits do not necessarily coincide. While they have been much discussed in scholarly writing, there is no consensus among publicists concerning the location of these limits.
- 24. A view was expressed that it might enventually prove essential to determine these limits. The Committee reviewed a number of possibilities in this connexion, including those based upon the physical characteristics of air and of aircraft. The difficulties involved were agreed to be great. An authoritative answer to the problem at this time would require an international agreement, and the opinion was expressed that such an agreement now, based on current knowledge and experience, would be premature. It was considered that, in the absence of an express agreement, further experience might lead to the acceptance of precise limits through a rule of customary law.
- 25. In the absence of a precise demarcation, another possible approach would be to set tentatively, on the basis of present experience and knowledge, a range within which the limits of air space and outer space would be assumed to lie. It was suggested that an approach of this kind should avoid a boundary so low as to interfere with existing aviation regimes or so high as unreasonably to fetter activities connected with the use and exploration of outer space.
- 26. There was also discussion as to whether or not further experience might suggest a different approach, namely, the desirability of basing the legal régime governing outer space activities primarily on the nature and type of particular space activities.
- 27. One development might be the conclusion of inter-governmental agreements, as necessary, to govern activities sufficiently close to the earth's surface and bearing such a special relationship to particular States as to call for their consent. Each such agreement could contain appropriate provisions as to the permissibility of a given activity by reference not only to altitude and "vertical" position but also to trajectory, flight mission, known or referred instrumentation, and other functional characteristics of the vehicle or object in question.
- 28. It was generally believed that the determination of precise limits for air space and outer space did not present a legal problem calling for priority consideration at this moment. The Committee noted that the solution of the problems which it had identified as susceptible of priority treatment was not dependent upon the establishment of such limits.

- B. Protection of public health and safety: safeguards against contamination of or from outer space
- 29. The Committee took note of the apprehensions that have been expressed that activities in outer space might bring to those regions, by inadvertence, living or other matter from the earth capable of interfering with orderly scientific research. It was agreed that further study should be encouraged under appropriate auspices to specify the types of risks, the gravity of dangers, and the technical possibility, as well as the cost, of preventive measures. Such a study should also cover safeguards against similar contamination of the earth as a result of space activities as well as protection against other hazards to health and safety that might be created by the carrying out of programmes to explore outer space. These studies could be undertaken with a view to the possible formulation of appropriate international standards.

C. Questions relating to exploration of celestial bodies

- 30. The Committee was of the view that serious problems could arise if States claimed, on one ground or another, exclusive rights over all or part of a celestial body. One suggestion was that celestial bodies are incapable of appropriation to national sovereignty. Another suggestion was that the exploration and exploitation of celestial bodies should be carried out exclusively for the benefit of all mankind. It was also suggested that some form of international administration over celestial bodies might be adopted.
- 31. The Committee noted that, while scientific programmes envisaged relatively early exploration of celestial bodies, human settlement and extensive exploitation of resources were not likely in the near future. For this reason the Committee believed that problems relating to the settlement and exploitation of celestial bodies did not require priority treatment.

D. Avoidance of interference among space vehicles

- 32. It was agreed that, apart from problems of communications and overloading of tracking facilities, there was for the present little danger of interference of space vehicles with each other. It was pointed out that this situation might change in time, particularly if vehicles in space are used extensively for either global or interplanetary travel. There was discussion about the possible relevance to space travel of rules and experience developed in relation to air traffic. It was decided that more scientific information would be needed before rules could be drafted.
 - E. Additional questions raising legal problems
- 33. The Committee recognized that various other technical developments would probably call for legal arrangements and regulation. Particular reference was made in this connexion to meteorological activities in outer space which may require international measures to insure maximum effectiveness.

Part IV

Paragraph 1 (c) of General Assembly resolution 1348 (XIII)

- I. MANDATE OF THE COMMITTEE UNDER PARA-GRAPH 1 (c) OF RESOLUTION 1348 (XIII)
- 1. The task of the Ad Hoc Committee on the Peaceful Uses of Outer Space under paragraph 1 (c) of General Assembly resolution 1348 (XIII) is to report on:

"The future organizational arrangements to facilitate international co-operation in this field within the framework of the United Nations".

2. The Ad Hoc Committee felt that its report under this paragraph should briefly survey the types of organizational arrangements which were possible within the framework of the United Nations, and relate these to studies made by the Committee in connexion with paragraphs 1 (a), 1 (b) and 1 (d) of resolution 1348 (XIII). In performing this task the Committee was cognizant of the fact that these studies pointed to the need for continued study and review in this rapidly advancing field.

II. ORGANIZATIONAL POSSIBILITIES

3. There are a number of possible organizational arrangements within the framework of the United Nations.

A. United Nations agencies

- 4. The most elaborate and comprehensive organizational arrangement for facilitating international cooperation is the creation of a specialized agency. A specialized agency is an autonomous inter-governmental organization whose constitution is the product of international convention appropriately ratified by Member States. The entity thus created is brought into relationship with the United Nations, under Articles 57 and 63 of the Charter, through an agreement negotiated between the Economic and Social Council and the agency which is approved by the General Assembly. Such an organization reports annually on its activities to the Economic and Social Council.
- 5. Specialized agencies are contemplated in the Charter and are accorded certain privileges; they may, for example, be given the right by the General Assembly to refer questions to the International Court of Justice, and they automatically become members of inter-secretariat bodies such as the Joint Pension Fund and the Administrative Committee on Coordination. They maintain, however, their status as autonomous inter-governmental organizations, and they have responsibility for such activities as budgetary arrangements, staff rules and regulations, and rules of procedure.
- 6. Examples of specialized agencies now in existence which have some interest in outer space are UNESCO, ITU, WHO, WMO, and ICAO. Those, as well as other agencies not so clearly interested in space activities, differ widely one from another in character of functions and in relationship to the United Nations.
- 7. The scope and nature of the functions of these agencies suggest the possibility of a comparable United Nations agency to deal with space activities. However, the tasks recommended in accompanying sections of this report would not appear to require the present establishment of a United Nations agency, with a professional staff, to co-ordinate and supplement other efforts, public and private, in international space co-operation.

B. Semi-autonomous bodies within the United Nations

8. The General Assembly may, by resolution, establish semi-autonomous operating bodies within the United Nations with mandate or terms of reference established by the General Assembly. The chief executive officer of such a body has broad authority under

his mandate but is administratively responsible to the Secretary-General. Three such bodies, with somewhat differing structure, are in existence: the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund (UNICEF), and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

- 9. In the case of UNICEF, the Director was appointed by the Secretary-General for an indefinite term, without reference to or approval of the General Assembly or the Economic and Social Council. His salary and those of his staff are paid for out of the UNICEF budget, which is based on voluntary contributions of Member States. For administrative purposes, however, the staff generally operates as any other office of the United Nations Secretariat. The Executive Board of UNICEF is elected by the Economic and Social Council for definite terms.
- 10. In the case of the Office of the United Nations High Commissioner for Refugees, the High Commissioner is appointed by the Secretary-General, with the approval of the General Assembly, for a limited term. The Director of UNRWA is appointed by the Secretary-General in consultation with an advisory commission but without reference to or approval of the General Assembly or the Economic and Social Council. In each case, there is an executive committee or advisory group. Financial arrangements also vary somewhat, the programme of the High Commissioner being financed partly from the regular United Nations budget and partly from voluntary contributions, whereas the UNRWA and UNICEF programmes are financed entirely by voluntary contributions.
- 11. If, at some future time, it was believed that an international agency with a small professional staff would be a useful addition to other co-operative efforts in space, a semi-autonomous body within the United Nations might be appropriate.

C. Performance of functions by existing specialized agencies

12. As is apparent from other parts of the report of this Committee, existing United Nations specialized agencies can perform various useful functions with regard to space activities. Thus, UNESCO, ITU, ICAO, WMO and WHO can all play a role in carrying out technical studies. It does not, however, seem that any of these agencies should be asked to undertake over-all responsibility for future arrangements to facilitate international co-operation in the field of outer space activities, although each can undoubtedly continue to play an important part within the area of its special competence and interest. Their functional interests should of course be welcomed and encouraged.

D. Other arrangements within the United Nations

13. The General Assembly may, by resolution, establish a permanent committee, outline the work to be accomplished, and authorize the Secretary-General to employ appropriate personnel. This was done in the case of the Scientific Committee on the Effects of Atomic Radiation and in the case of the Secretary-General's Advisory Committee on the peaceful uses of atomic energy. In the case of the former, the Committee itself is responsible for reporting to the General Assembly. In the case of the latter, the General Assembly resolution places this responsibility

- on the Secretary-General. Personnel of the United Nations supporting these two committees are members of the United Nations Secretariat and are covered by all of its administrative orders. The activities of experts and any outside assistance by them is covered by the regular United Nations budget.
- 14. Another possibility would be for the General Assembly to ask the Secretary-General to establish a small technical unit within the Secretariat to carry out certain limited functions. Arrangements could also be made for the establishment of an expert advisory committee composed of representatives of interested specialized agencies and key scientists to assist the Secretary-General in the execution of any functions that might be assigned to the Secretariat.

III. CONCLUSIONS

- 15. The Ad Hoc Committee has felt that its report under paragraph 1 (c) should briefly survey the types of long-term organizational arrangements which are possible within the framework of the United Nations, and relate these to the reports made in connexion with paragraphs 1 (a), 1 (b) and 1 (d) of resolution 1348 (XIII). The findings in the reports on those paragraphs underline the importance already attached by the General Assembly to the common interest of mankind in outer space. While its studies fortify the belief expressed in General Assembly resolution 1348 (XIII), which stressed the need for vigour in the development of programmes of international co-operation in the peaceful uses of outer space, the Committee recognizes that continued study and review of the problem is necessary. Accordingly, the Committee has limited its conclusions to the steps toward such development to be taken at the present stage without taking a position on the longer-range measures.
- 16. The Committee believes that it would not be appropriate at the present time to establish any autonomous inter-governmental organization for international co-operation in the field of outer space. Likewise, the Committee considers that it would not be suitable to ask any existing autonomous inter-governmental organization to undertake over-all responsibility in the field of outer space.
- 17. The sections of this report dealing with legal and scientific aspects of the question of the peaceful uses of outer space suggest certain general functions and tasks that might appropriately be undertaken within the framework of the United Nations at the present time. These include:
- (a) To provide a focal point for facilitating international co-operation with respect to outer space activities undertaken by Governments, specialized agencies and international scientific organizations;

- (b) To study practical and feasible measures for facilitating international co-operation, including those indicated by the <u>Ad Hoc</u> Committee in its report under paragraph 1 (b) of the resolution;
- (c) To consider means, as appropriate, for studying and resolving legal problems which may arise in the carrying out of programmes for the exploration of outer space:
- (d) To review, as appropriate, the subject matter entrusted by the General Assembly to the Ad Hoc Committee in resolution 1348 (XIII).
- 18. The Committee believes that, for the most part, the questions involved under (b), (c) and (d) above may be such as to require consideration at the governmental level. The General Assembly, if it agrees with this conclusion, may wish to consider the establishment of an Assembly committee, composed of representatives of Member States and having such membership as the Assembly may decide, to perform these functions, to report to the General Assembly and to make recommendations as appropriate.
- 19. The Committee considers that the functions suggested in paragraph 17 (a) above, which primarily is intented to implement the conclusion of the Technical Committee that "there is a need for a suitable centre related to the United Nations that can act as a focal point for international co-operation in the peaceful uses of outer space", are of a different character. These are functions of the type frequently entrusted to an international secretariat. The General Assembly may therefore wish to consider, among other possibilities, that of requesting the Secretary-General to organize a small expert unit within the Secretariat for this purpose. Because the precise character of such a Secretariat unit can be developed only in the light of experience and after consultation with the various bodies involved, it may be desirable to provide a means whereby the Secretary-General can avail himself of the advice and assistance of those directly concerned in this field.
- 20. Consideration might therefore be given to provision for a small committee advisory to the Secretary-General, which could include representatives of the appropriate specialized agencies, scientists designated by international scientific organizations, and representatives of Member States, as necessary.
- 21. It would be possible for the General Assembly to adopt some or all of the suggestions described in paragraphs 18, 19 and 20, in any combination it deems appropriate.
- 22. The Committee believes that it would be appropriate for existing specialized agencies to continue to pursue lines of endeavour within their competence in regard to outer space activities. The Committee believes that the General Assembly might ask these agencies to include in their reports to the United Nations information on their activities in connexion with outer space.

DOCUMENT A/C.1/L.247

Brazil, Czechoslovakia, France, India, Japan, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

[Original text: English/Russian] [11 December 1959]

INTERNATIONAL CO-OPERATION IN THE PEACE-FUL USES OF OUTER SPACE

Α

The General Assembly,

Recognizing the common interest of mankind as a whole in furthering the peaceful use of outer space,

Believing that the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development,

<u>Desiring</u> to avoid the extension of present national rivalries into this new field.

Recognizing the great importance of international co-operation in the exploration and exploitation of outer space for peaceful purposes,

Noting the continuing programmes of scientific cooperation in the exploration of outer space being undertaken by the international scientific community,

Believing also that the United Nations should promote international co-operation in the peaceful uses of outer space,

- 1. Establishes a Committee on the Peaceful Uses of Outer Space, consisting of: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, France, Hungary, India, Iran, Italy, Japan, Lebanon, Mexico, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and the United States of America, whose members will serve for the years 1960 and 1961, and requests the Committee:
- (a) To review, as appropriate, the area of international co-operation, and study practical and feasible means for giving effect to programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices, including, inter alia:
- (i) Assistance for continuation on a permanent basis of the outer space research carried on within the framework of the International Geophysical Year;

- (ii) Organization of the mutual exchange and dissemination of information on outer space research;
- (iii) Encouragement of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization;
- (b) To study the nature of legal problems which may arise from exploration of outer space;
- 2. Requests the Committee to submit reports on its activities to the subsequent sessions of the General Assembly.

В

The General Assembly,

Noting with satisfaction the successes of great significance to mankind that have been attained in the exploration of outer space in the form of the recent launching of artificial earth satellites and space rockets,

Attaching great importance to a broad development of international co-operation in the peaceful uses of outer space in the interests of the development of science and the improvement of the well-being of peoples,

- 1. <u>Decides</u> to convene in 1960 or 1961, under the auspices of the United Nations, an international scientific conference for the exchange of experience in the peaceful uses of outer space;
- 2. Requests the Committee on the Peaceful Uses of Outer Space, established in part A of this resolution, in consultation with the Secretary-General and in co-operation with the appropriate specialized agencies, to work out proposals with regard to the convening of such a scientific conference;
- 3. Requests the Secretary-General, in accordance with the conclusions of the Committee, to make the necessary organizational arrangements for holding the conference.

DOCUMENT A /4351

Report of the First Committee

[Original text: English] [12 December 1959]

- 1. By resolution 1348 (XIII), of 13 December 1958, the General Assembly established an Ad Hoc Committee on the Peaceful Uses of Outer Space to report to the Assembly at its fourteenth session on the problems relating to the peaceful uses of outer space.
- 2. The Ad Hoc Committee on the Peaceful Uses of Outer Space met between 6 May and 25 June 1959. On the latter date, it adopted its report (A/4141).
- 3. At its 803rd plenary meeting, on 22 September 1959, the General Assembly, on the recommendation

of the General Committee (A/4214), without objection, included the report as item 25 in the agenda of the fourteenth session.

- 4. The First Committee considered the item at its 1079th to 1081st meetings, on 11 and 12 December 1959.
- 5. At the 1079th meeting, a draft resolution (A/C.1/L.247) was submitted by Brazil, Czechoslovakia, France, India, Japan, Poland, Romania, Sweden, the USSR, the United Arab Republic, the United Kingdom and the United States.
- 6. By part A of the draft resolution, the General Assembly, recognizing the common interest of mankind in furthering the peaceful use of outer space and the great importance of international co-operation in this field, would: (1) establish a Committee on the Peaceful Uses of Outer Space with the following members to serve during 1960 and 1961: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, France, Hungary, India, Iran, Italy, Japan, Lebanon, Mexico, Poland, Romania, Sweden, the USSR, the United Arab Republic, the United Kingdom and the United States, and request the Committee (a) to review, as appropriate, the area of international cooperation, and study practical and feasible means for giving effect to programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices, including, inter alia: (i) assistance for continuation on a permanent basis of the outer space research carried on within the framework of the International Geophysical Year; (ii) organization of the mutual exchange and dissemination of information on outer space research; and (iii) encouragement of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization; and (b) to study the nature of legal problems which may arise from exploration of outer space; (2) request the Committee to submit reports on its activities to the subsequent sessions of the General Assembly.
- 7. Under part B of the draft resolution, the General Assembly would: (1) decide to convene in 1960 or 1961, under the auspices of the United Nations, an international scientific conference for the exchange of experience in the peaceful uses of outer space; (2) request the Committee on the Peaceful Uses of Outer Space, in consultation with the Secretary-General and in co-operation with the appropriate specialized agencies, to work out proposals with regard to the

convening of such a scientific conference; (3) request the Secretary-General, in accordance with the conclusions of the Committee, to make the necessary organizational arrangements for the conference.

- 8. At the same meeting, Belgium submitted an amendment (A/C.1/L.248) to add the words "of interested Members of the United Nations and members of the specialized agencies" after the words "an international scientific conference".
- 9. At the 1081st meeting on 12 December 1959, the amendment submitted by Belgium (A/C.1/L.248) was adopted by a roll-call vote of 44 to 16, with 15 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Chile, China, Costa Rica, Denmark, Dominican Republic, Ecuador, Federation of Malaya, France, Greece, Guatemala, Haiti, Honduras, Ireland, Italy, Japan, Laos, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Indonesia, Iran, Iraq, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, Yugoslavia.

Abstaining: Cambodia, Ceylon, Cuba, Ethiopia, Finland, Ghana, Jordan, Libya, Nepal, Portugal, Saudi Arabia, Sudan, Sweden, Tunisia, Yemen.

- 10. At the same meeting, the draft resolution (A/C.1/L.247), as amended, was adopted by 74 votes to none, with 1 abstention.
- 11. Following the vote, the representative of Morocco indicated that his delegation wished to be recorded as abstaining on the Belgian amendment and as voting in favour of the amended draft resolution.

Recommendation of the First Committee

12. The first Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 856th plenary meeting, on 12 December 1959, the General Assembly adopted the draft resolution submitted by the First Committee (A/4351, para. 12). For the final text, see resolutions 1472 A (XIV) and 1472 B (XIV) below.

Resolutions adopted by the General Assembly

1472 (XIV). INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE

P

The General Assembly,

Recognizing the common interest of mankind as a whole in furthering the peaceful use of outer space,

Believing that the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development.

<u>Desiring</u> to avoid the extension of present national rivalries into this new field,

Recognizing the great importance of international co-operation in the exploration and exploitation of outer space for peaceful purposes,

Noting the continuing programmes of scientific cooperation in the exploration of outer space being undertaken by the international scientific community,

Believing also that the United Nations should promote international co-operation in the peaceful uses of outer space,

- 1. Establishes a Committee on the Peaceful Uses of Outer Space, consisting of Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, France, Hungary, India, Iran, Italy, Japan, Lebanon, Mexico, Poland, Romania, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose members will serve for the years 1960 and 1961, and requests the Committee:
- (a) To review, as appropriate, the area of international co-operation, and to study practical and feasible means for giving effect to programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices, including, inter alia:
- (i) Assistance for the continuation on a permanent basis of the research on outer space carried on within the framework of the International Geophysical Year;
- (ii) Organization of the mutual exchange and dissemination of information on outer space research;
- (iii) Encouragement of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization:
- (b) To study the nature of legal problems which may arise from the exploration of outer space;

2. Requests the Committee to submit reports on its activities to the subsequent sessions of the General Assembly.

856th plenary meeting, 12 December 1959.

В

The General Assembly,

Noting with satisfaction the successes of great significance to mankind that have been attained in the exploration of outer space in the form of the recent launching or artificial earth satellites and space rockets,

Attaching great importance to a broad development of international co-operation in the peaceful uses of outer space in the interests of the development of science and the improvement of the well-being of peoples,

- 1. <u>Decides</u> to convene in 1960 or 1961, under the auspices of the United Nations, an international scientific conference of interested Members of the United Nations and members of the specialized agencies for the exchange of experience in the peaceful uses of outer space;
- 2. Requests the Committee on the Peaceful Uses of Outer Space, established in resolution A above, in consultation with the Secretary-General and in cooperation with the appropriate specialized agencies, to work out proposals with regard to the convening of such a conference;
- 3. Requests the Secretary-General, in accordance with the conclusions of the Committee, to make the necessary organizational arrangements for holding the conference.

856th plenary meeting, 12 December 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 25 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3818	Union of Soviet Socialist Republics: request for the inclusion of an item in the provisional agenda of the thirteenth session	Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 60
A/C.1/L.224/ Rev.1	Burma, India and United Arab Republic: revised draft resolution	Ibid.
A/C.1/L.248	Belgium: amendment to document A/C.1/L.247	Incorporated in A/4351, para. 8

United Nations

GENERAL ASSEMBLY



Agenda item 26

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 26: The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea*

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A/C.1/823	Letter dated 15 October 1959 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the General Assembly and the Secretary-General, transmitting a memorandum by the Government of the Democratic People's Republic in connexion with the ninth annual report of UNCURK	2
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DOCUMENT A /C.1/822

Telegram dated 26 October 1959 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the General Assembly and the Secretary-General

[Original text: Russian] [29 October 1959]

- 1. On instructions from the Government of the Democratic People's Republic of Korea, I have the honour to transmit this letter to you and, through you, to the representatives of all States Members of the United Nations.
- 2. As a result of the actions of the United States of America, the Korean question, which must be settled by the Korean people itself, has again been illegally placed on the agenda of the present session of the General Assembly.
- 3. Since the Korean question is under discussion, it is quite natural that a representative of the Government of the Democratic People's Republic of Korea, a party directly concerned in the matter, should participate in that discussion.
- 4. For more than ten years, however, as a result of the manoeuvres of the United States, the United Nations has discussed the Korean question on a unilateral basis without participation by a representative of the Government of the Democratic People's Repub-
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1061st to 1066th meetings; and ibid., Plenary Meetings, 851st meeting.

- lic of Korea, and has mechanically adopted each time a United States "draft resolution" providing for the extension to all Korea of the reactionary Syngman Rhee régime; it is thus continuing to obstruct the peaceful unification of Korea.
- 5. The Government of the Democratic People's Republic of Korea insists that the prestige of the United Nations, whose noble mission is to defend the peace and security of peoples and the right of nations to self-determination, should no longer be undermined by United States intrigues with regard to Korea; it also demands that a representative of the Government of the Democratic People's Republic of Korea should without fail be given an opportunity to take part in the discussion of the Korean question at the present session of the United Nations General Assembly.
- 6. I hope that this letter will be communicated forthwith to the representatives of all States Members of the United Nations, and that I shall be notified of the action taken as a result.

(Signed) PAK Sung Chul Minister of Foreign Affairs of the Democratic People's Republic of Korea

DOCUMENT A/C.1/823

Letter dated 15 October 1959 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the General Assembly and the Secretary-General, transmitting a memorandum by the Government of the Democratic People's Republic in connexion with the ninth annual report of UNCURK

[Original text: English]
[3 November 1959]

I am authorized by the Government of the Democratic People's Republic of Korea and have the honour to transmit to you, and through you, to all delegations of States Members of the United Nations the memorandum of the Government of the Democratic People's Republic of Korea in connexion with the ninth annual "Report of the United Nations Commission for the Unification and Rehabilitation of Korea" submitted to the United Nations General Assembly at the fourteenth session for consideration.

I hope that the memorandum will be transmitted to the delegations of all States Members of the United Nations without delay and that I will be given a reply on the result.

(Signed) Nam Il
Minister of Foreign Affairs of the
Democratic People's Republic of Korea

MEMORANDUM OF THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA IN CONNEXION WITH THE NINTH ANNUAL "REPORT" OF UNCURK

- 1. The ninth annual "report" of the "United Nations Commission for the Unification and Rehabilitation of Korea" [A/4187] submitted to the fourteenth session of the United Nations General Assembly was published at U.N. Headquarters on 8 September 1959.
- 2. The "report" of the "Commission" is, as its previous ones submitted to the United Nations, filled with worn-out contents concealing the aggressive policy of the United States towards Korea and slandering the Democratic People's Republic of Korea.
- 3. In this connexion, the Government of the Democratic People's Republic of Korea considers it necessary to expose the falsity of the "report" submitted by "UNCURK", which was created illegally through the machinations of the United States and which covers the aggressive policy of the U.S. imperialists and continues to hamper the peaceful unification of Korea, thereby enabling the representatives to the United Nations General Assembly to understand correctly the negative nature of the "Commission" and the present situation in Korea.

I

- 4. In the first part of the "report", the "United Nations Commission for the Unification and Rehabilitation of Korea" touches upon questions relating to the unification of Korea.
- 5. Speaking of the so-called United Nations resolution on the Korean question which the U.S. imperialists manufactured by giving pressure to the United Nations in an attempt to expand the Syngman Rhee puppet régime to North Korea, the "Commission" tries to shift onto the Democratic People's Republic of Korea the responsibility for to date failing to materialize the unification of Korea.

- 6. But this is a practice which only those who fear or do not want a proper appraisal of things can resort to.
- 7. The responsibility for the continuation to this day, when fourteen years have elapsed since Korea was liberated from the colonial rule of Japanese imperialism, of the abnormal situation of territorial division and national split lies precisely upon the U.S. imperialists continuing to occupy South Korea and their stooge, the Syngman Rhee clique.
- 8. This is clearly proved by the historical facts of the past.
- 9. The realistic measures for settlement of the Korean question, one of the questions of postwar settlement, were envisaged in the decision of the Conference of Foreign Ministers held at Moscow in December 1945, on the basis of which the Korean question should have been settled long ago.
- 10. But the U.S. imperialists frustrated the work of the joint Soviet-United States commission established to implement this decision, which was consistent with the interests of the Korean people, and unilaterally laid the Korean question before the second session of the United Nations General Assembly.
- 11. The placing of the Korean question on the agenda of the United Nations constituted a gross violation of Article 107 of the United Nations Charter and was illegal from the outset.
- 12. Under the pressure of the U.S. imperialists the United Nations discussed the Korean question without the participation of the representative of the Korean people, adopted a resolution entirely running counter to the interests of the Korean people and illegally sent to Korea the "United Nations Temporary Commission on Korea", thus flagrantly encroaching upon the national rights of the Korean people.
- 13. The U.S. imperialists carried out separate elections in South Korea on 10 May 1948 under the wings of the said "Commission" and with cruel police pressure, manufactured the Syngman Rhee puppet government and further aggravated the danger of territorial division and national split.
- 14. Under these circumstances the entire Korean people rose in the national salvation struggle for tiding over the crisis created in the fatherland. The conference of the leaders of North and South Korean political parties and social organizations which was convened to realize the burning aspiration of the entire people for the unification and independence of the country, decided to reject resolutely the South Korean "National Assembly" manufactured illegally and the South Korean puppet government to be established by the "National Assembly" and to found the Supreme People's Assembly of the Democratic People's Republic of Korea through democratic elections and establish the Government of the Democratic Peo-

- ple's Republic of Korea with North and South Korean representatives participating.
- 15. On the basis of the decision of the conference, democratic general elections were held throughout North and South Korea on 25 August 1948. In these elections 99.97 per cent of the total electorate went to the polls in North Korea and 77.52 per cent of the total electorate in South Korea went to the polls, despite rude suppression and open terror.
- 16. As a result, there were established the Supreme People's Assembly of the Democratic People's Republic of Korea, the supreme organ of sovereign power representing the genuine will of the Korean people, and the Government of the Democratic People's Republic of Korea, which is a legal government.
- 17. The Government of the Democratic People's Republic of Korea has, since the day of its founding, maintained the position that the Korean question is a matter concerning the Korean people themselves and that it must be settled peacefully by the Korean people themselves on a democratic basis without any interference from outside, and taken numerous reasonable and practical measures for its realization.
- 18. The Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea, in particular, proposed on 19 June 1950 to actualize the peaceful unification by means of uniting the Supreme People's Assembly of the Democratic People's Republic of Korea and the South Korean "National Assembly" into a single, all-Korea legislative organ.
- 19. In reply to this reasonable and peaceful proposal, the U.S. imperialists instigated the Syngman Rhee clique to provoke an aggressive war.
- 20. They had prepared this war long before. Numerous documents and materials found in the secret archives of the Syngman Rhee puppet government clearly testify to this.
- 21. In a letter of 30 September 1949, addressed to Robert T. Oliver, his American adviser, Syngman Rhee pointed out: "I feel strongly that now is the most psychological moment when we should take an aggressive measure. . . . Our line of defense must be strengthened along the Tumen and Yalu rivers."
- 22. On 17 June 1950, immediately prior to the outbreak of war, John Foster Dulles visited South Korea as a special envoy of Truman, the then U.S. President and inspected the 38th parallel. He said to the officers and soldiers of the South Korean puppet army: "The time is not far off when you will be able to display your strength." And he told Syngman Rhee and Shin Sung Mo, his then Minister of National Defense: "Start the aggression against the North accompanied by a counter-propaganda on the grounds that the North has invaded the South first. If you can but hold out for one week, everything will go on smoothly, for during this period the United States... will compel the United Nations to take action in whose name land, naval and air forces would be mobilized."
- 23. The situation developed according to the evil design of the U.S. imperialists. No sooner had they instigated Syngman Rhee to provoke the war than they hurriedly convened the United Nations Security Council and manufactured, without the participation of the representatives of the Soviet Union and the People's

- Republic of China—permanent members of the Security Council—the "resolution" on dispatching the "U.N. forces" to Korea.
- 24. In the war against the Korean people the U.S. imperialists, making fraudulent use of the U.N. flag and unscrupulous about the ways and means, committed brutal atrocities unprecedented in war history, including the use of bacterial and chemical weapons.
- 25. But they met with shameful defeat at the hands of the Korean people, who had risen for the freedom of their fatherland and national independence, and were compelled in the end to sign the Armistice Agreement.
- 26. The armistice opened up a new possibility for the peaceful settlement of the Korean question.
- 27. Paragraph 60 (article IV) of the Armistice Agreement 1/2 provides that, in order to insure the peaceful settlement of the Korean question, a political conference of a higher level shall be held within three months after the Armistice Agreement becomes effective to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.
- 28. But, due to the destructive action of the U.S. side, the convocation of the political conference was frustrated at the preliminary talks.
- 29. The Geneva Foreign Ministers Conference held in April 1954 [Korean Political Conference], was a good opportunity for the peaceful settlement of the Korean question.
- 30. Proceeding from the basic position of the Government of our Republic on the peaceful unification of the country, the delegation of the Government of the Democratic People's Republic of Korea advanced reasonable proposals.
- 31. In its proposals, the delegation envisaged the holding of general elections to a legislative organ which would establish a united government of Korea on the basis of the free will of the entire Korean population and, for this end, to organize an all-Korea committee composed of North and South Korean representatives. It was also proposed that all foreign forces withdraw from the entire territory of Korea within a definite period of time and that the countries concerned, which are most interested in preserving peace in the Far East, reach an agreement on ensuring the peaceful development of Korea and creating conditions which would be conducive to speedily settling the task of materializing the unification.
- 32. These proposals were the most constructive ones capable of settling the Korean question peacefully at an early date, eliminating new military adventures and ensuring peace in Korea.
- 33. The delegations of the Soviet Union and the People's Republic of China, which sincerely desire the peaceful unification of Korea, gave full support to the proposals of our delegation.
- 34. But the U.S. delegation and its supporters rejected all the constructive proposals of our delegation, thereby exposing once again their evil intention

^{1/} Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953, document S/3079, appendix A.

- to prevent the Koreans from materializing the peaceful unification of Korea by themselves. Hence, the Geneva Conference failed to bring about any positive result on the Korean question.
- 35. Since then, despite the continued obstructionist machinations of the U.S. imperialists, the Government of the Democratic People's Republic of Korea has consistently made sincere efforts to materialize the peaceful unification of the country at an early date.
- 36. The Supreme People's Assembly and the Government of the Democratic People's Republic of Korea advanced numerous reasonable proposals and measures for convocation of a joint conference of the representatives of various political parties and social organizations and personages of all walks of life in North and South Korea, or a joint session of the supreme legislative organs of North and South Korea, with a view to discussing the question of the peaceful unification of the country; for convocation of an international conference for the peaceful settlement of the Korean question; for free contacts and visits between North and South Korean political parties and social organizations and their leading figures; for the reduction of the numerical strength of the armed forces of North and South Korea to 100,000 or less for each side; for declaration by North and South not to resort to the use of force against each other; and for economic and cultural intercourse, trade, travel and correspondence between North and South Korea.
- 37. The Government of the Democratic People's Republic of Korea has also taken a series of compatriotic measures of relief for the unemployed, foodless peasants and war orphans swarming in the streets and villages of South Korea, as well as for the typhoon and flood sufferers.
- 38. But the U.S. imperialists and the Syngman Rhee clique have rejected and are still rejecting all these proposals and measures of the Government of the Democratic People's Republic of Korea.
- 39. Particularly, proceeding from the created situation, the Government of the Democratic People's Republic of Korea issued an important statement on 5 February last year in an endeavour to open a new phase for accelerating the peaceful unification of the country. In the statement, the Government of our Republic urged the simultaneous withdrawal of the U.S. forces and all other foreign troops including the Chinese People's Volunteers from North and South Korea and at the same time, proposed that all-Korea free elections be held within a definite period after the withdrawal of foreign troops and that negotiations be conducted between North and South on matters pertaining to economic and cultural intercourse between the two parts and the all-Korea elections.
- 40. The statement was supported, not only by the Korean people, but by the countries of the socialist camp headed by the Soviet Union and the wide public opinion of the whole world.
- 41. Especially, the Government of the People's Republic of China fully supported the statement and took the initiative in withdrawing the Chinese People's Volunteers. Thus the Chinese People's Volunteers completed their withdrawal already in October last year.

- 42. The United States should have also withdrawn its forces from South Korea following the example of the Chinese People's Volunteers.
- 43. But, instead of so doing, the United States rejected the withdrawal of its forces and is continuing to occupy South Korea under pretext of the "United Nations resolution" which was largely condemned by the world public opinion.
- 44. The drafters of the "report" of "UNCURK", while protecting that absured pretext, charge the Democratic People's Republic of Korea with unwillingness "to respond to the call by the General Assembly" of the United Nations, alleging that "so long as this unwillingness persists, the prospects of unification...remain remote" [A/4187, para.6].
- 45. The drafters of the "report" attempt to preach that general elections should be held in Korea under the supervision of the United Nations and that the U.S. forces can withdraw only after they have "achieved" their aggressive plan on the whole of Korea.
- 46. As has been substantiated on a number of occasions, however, the United Nations has from the beginning taken its one-sided position on the Korean question under the pressure of the United States and has become totally impotent and even lost its moral authority as far as the peaceful settlement of the Korean question is concerned. Under the cover of the United Nations emblem, the U.S. aggressors brought to the Korean people calamities of war without precedent in their history. Under the name of the United Nations, they have brought the Korean people intolerable misfortunes and pains.
- 47. The United Nations signed the Armistice Agreement as one of the belligerents in the Korean War.
- 48. All these facts confirm that the United Nations cannot take an impartial stand on the Korean question.
- 49. It is therefore entirely justified that we reject the United Nations "resolution on Korea".
- 50. Affecting ignorance of the tension now created in South Korea by the U.S. imperialists and the Syngman Rhee clique, the drafters of the "report" of the "Commission" distort the truth, as if they were "abiding by" the Armistice Agreement.
- 51. In fact, before the ink with which they had signed the Armistice Agreement dried, the U.S. imperialists ignored it and concluded the "Republic of Korea-U.S. Defense Treaty" with the Syngman Rhee clique, thereby entering the road of "justifying" the occupation of South Korea by their aggressive forces and further strengthening their colonial rule over South Korea.
- 52. The U.S. imperialists and the Syngman Rhee clique continue to violate the provisions of the Armistice Agreement which prohibit each side from engaging in hostile acts against the other. Of the hostile acts committed by the U.S. side during the period immediately after the conclusion of the Armistice Agreement on 27 July 1953 up to 14 October 1959, those formally protested by the Korean-Chinese side alone amounted to 863 cases.
- 53. The U.S. imperialists expanded the South Korean puppet army from sixteen divisions at the time of the armistice to thirty-one divisions already in 1956, thereby making Syngman Rhee boast that his army is the "fourth" strongest army in the world.

- 54. The U.S. side, which systematically violates the Armistice Agreement, committed all kinds of provocative acts to undermine the Neutral Nations Supervisory Commission, which stood in the way of its violations and, in the end, unilaterally expelled in June 1956 the inspection teams of the Commission from the territory of South Korea. In June 1957, the U.S. side declared its unilateral abrogation of Paragraph 13 (d) of the Armistice Agreement prohibiting the introduction into Korea of reinforcing combat materials. The U.S. side introduced into South Korea a large quantity of new-type weapons, including 280 mm. atomic cannons, "Honest John" rockets and "Matador" guided missiles. Staging large-scale "atomic attack" manoeuvres near the military demarcation line, the U.S. side is running madly about converting South Korea into an atomic war base, thereby continuing to obstruct the peaceful unification of Korea and creating a grave danger to peace in Korea, Asia and the whole world.
- 55. As is seen above, the responsibility for the failure of materializing the peaceful unification of Korea lies, not upon the Government of the Democratic People's Republic of Korea, but entirely upon the U.S. imperialists and the Syngman Rhee clique.

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- 56. The "United Nations Commission for the Unification and Rehabilitation of Korea", in the next part of its "report", tries to draw the false picture that democracy is fully displayed under the "representative government" in South Korea.
- 57. But diametrically opposite is the case.
- 58. The Syngman Rhee "régime" set up with the support of the bayonets of the U.S. imperialists, is an anti-popular, fascist, terrorist group which serves for the colonial and war policies pursued by the U.S. imperialists.
- 59. It is ridiculous to talk about the so-called democratic representative government in today's South Korea, where the Syngman Rhee clique, completely isolated from the people is barely surviving propped up by the bayonets of the U.S. imperialists.
- 60. The anti-popular and undemocratic nature of the Syngman Rhee rule finds vivid expression in the composition of South Korean "National Assembly".
- 61. Of 233 members of the fourth session of the "House of Representatives", manufactured under conditions of terror, intimidation and extortion, there is not a single representative of the working people, who are the absolute majority of the South Korean inhabitants.
- 62. The Syngman Rhee clique, panic-stricken at the anti-U.S. and anti-Syngman Rhee sentiments mounting beyond control among the people, are attempting to find a way out by unprecedented suppression, massacre and terror against them.
- 63. Whoever utters the words "peaceful unification" is persecuted in South Korea today.
- 64. The Syngman Rhee clique arrested and imprisoned more than 240,000 innocent people last year alone.
- 65. Even according to the data made public by the "Supreme Court" of South Korea, "during the period

- from January to the end of June this year, all district courts received a total of 55,800 cases of penal offence, which means that 300 criminal cases are put on trial every day on an average" (Radio Seoul, 20 September this year).
- 66. The Syngman Rhee clique has now put into effect more than 360 laws and ordinances applied under the Japanese imperialist rule and the U.S. military government which were used in severely suppressing the Korean people. (Chosun Ilbo, a South Korean newspaper, dated 26 June 1959).
- 67. The "rules on demonstration and assembly", included in the "ordinances" of the U.S. military government strictly prohibit any "unauthorized gathering". A gathering of more than three persons is still defined as illegal and the persons involved are arrested and detained.
- 68. Towards the end of last year, the Syngman Rhee clique forced through the "National Assembly" such unprecedentedly malicious laws as the new "National Security Law", "Local Self-Government Law" and over ten other amendments to the "Taxation Law" for the purpose of infringing the freedoms of individuals and further intensifying the fascist police oppression of the wide strata of the people. Suppressing the freedom of speech and press, it closed seventy-five periodicals during the last year alone, and this year another score of periodicals including Kyunghyang Shinmun, a leading newspaper of the opponents.
- 69. Nevertheless, pointing to "the closure of one of the newspapers, again avowedly for security reasons", the drafters of the "report" said: "This action has been challenged in the courts... These and various other official acts have been freely and vigorously debated by supporters and opponents alike in the Press and the National Assembly, as well as having been argued in the courts" [A/4187, para. 22]. With these ambiguous terms, they attempt to cover up the already exposed oppression of speech by the Syngman Rhee clique.
- 70. Today the Syngman Rhee clique has been isolated from the people more than ever before.
- 71. Confronted with such a situation, the Syngman Rhee clique, in an attempt to keep itself in power, is bent on intensifying the colonial rule of the U.S. imperialists and further expanding the fascist police machine, while making frantic efforts to eliminate from state politics all those parties and personages not belonging to their side.
- 72. For instance in August this year, taking advantage of the revised "Local Self-Government Law" which replaced the "election system" of local officials with the "appointment system", the Syngman Rhee clique replaced with its loyal servants 559 "mayors of cities, heads of townships and myuns" and police chiefs before the expiration of their terms of office. What is more, on the ground that the "National Assembly" hampers their arbitrary administrative actions, Syngman Rhee and his clique paralyze its functions and suppress the opposition members still more severely. This is fully proved by the fact alone that on 24 December last year, the Syngman Rhee clique passed a number of bills including the new "National Security Law" immediately after having detained the opposition members in the basement of the "National Assembly" hall. Even the drafters of

the "report" could not help admitting this by pointing out that "the past year has seen a number of internal political controversies" in South Korea [A/4187, para. 22].

73. Thus in today's South Korea, antagonism and feud are engendered among the ruling circles themselves and the so-called officials abuse their authority to squeeze the people by means of fraud and extortion, threat and intimidation. Even Kim Su Sun, a "National Assembly" member, went so far as to make the following figurative criticism:

"Big fishes eat middle fishes, middle fishes eat small fishes, small fishes eat pious people and pious people eat skeletons. The law of survival of the fittest that had prevailed in the society of barbarians before Christ is being applied openly" (Dong-A Ilbo, a South Korean newspaper, dated 2 September 1954).

- 74. Today the anti-popular, fascist, terrorist rule of the Syngman Rhee clique is arousing legitimate condemnation from South Korean public opinion and the wide public opinion of the world.
- 75. Cho Byung Ok, former Minister of Home Affairs of the puppet government and the supreme member of the Democratic Party, deplored it by saying:

"In this country where fair elections, which are the rudiments and basis of democratic politics, do not exist there can be no peaceful change-over of power and democratic politics are about to be eliminated" (a dispatch of the press service Dongyang Tongshin from Seoul, dated 13 September this year).

- 76. Referring to the "Government of the Republic of Korea", the December issue last year of the Chuo-Koron, an influential Japanese monthly magazine, said in an article that "with common sense it is entirely impossible to imagine that such a régime could possibly exist on earth today", and added that South Korea is "a sort of huge prison".
- 77. After his visit to South Korea, a correspondent of the London <u>Times</u> commented to the effect that to expect democracy in South Korea was just like waiting for a rose to blossom in a garbage bin.
- 78. Such is the reality of South Korea under the "representative government" praised by the drafters of the "report".
- 79. The last part of the "report" of the "Commission for the Unification and Rehabilitation of Korea" touches upon the question of South Korean "economic situation and prospects".
- 80. It is stated in the "report" that at present the economy of South Korea "has, in general, continued to improve during the period under review" [A/4187, para. 25], and the "aid" given by the United States and the United Nations is highly praised. Such appraisal and praise, however, do not tally with the present objective realities of South Korea. They could not but confirm once again the true colour of the "Commission", whose mission it is to cover up the colonial plunder and militarization policy of the United States towards South Korea, and the nature of its activities.
- 81. Seeking, from the first days of their occupation of South Korea, to make it their military base for aggression and to convert it into a colonial market

under their monopoly, the U.S. imperialists have systematically destroyed and plundered the national industry and rural economy of South Korea through the so-called "aid" and have completely seized and controlled South Korea politically, economically and militarily.

- 82. Not only have the U.S. imperialists shipped various surplus goods into South Korea under the name of "defence aid" and make an enormous amount of colonial super profit by selling them to the South Korean people at high prices, but they also allot most of the proceeds from the sale of these goods to the "national defence expenses" of the puppet government. Of the total amount of "economic aid", including the amount "earmarked" as of June 1959, 75.4 per cent was for direct military expenses (South Korean Economic Year Book, 1959). The remaining "economic aid" was also for military purpose in nature.
- 83. Even William E. Warne, economic co-ordinator of the "United Nations Command" said that "most of the U.S. aid is appropriated for supporting the South Korean army but not for producing production equipment", and admitted that "such kind of aid is ineffective in helping the Republic of Korea, which has far-reaching prospects" (Seoul Shinmun, a South Korean newspaper, 26 March 1958).
- 84. Furthermore, under the name of "aid" the U.S. monopoly capitalists are committing extortions in South Korea. The prices of such important commodities as coal, petroleum, fertilizer, etc., which are supplied to South Korea as goods under U.S. "aid", are far higher than those in international markets. The construction expenses for such establishments as the Choongju Fertilizer Factory under the "ICA 2/aid" were twice as high as the generally recognized construction cost for similar establishments (Economic Year Book, 1959). Such open, fraudulent acts being committed in South Korea are by no means a secret today.
- 85. Even Chang Taek-Sang, former Prime Minister of the puppet government and now a pro-American member of the "National Assembly", said that "the more U.S. dollars flow in, the deeper the Republic of Korea goes into bankruptcy" (South Korean journal Jayoo Segye, May 1958 issue).
- 86. The economic situation of South Korea under the colonial subordination of the United States shows that South Korea is being plunged into a more acute economic crisis and is losing even the last vestige of the possibility of developing an independent economy.
- 87. Today, the national industry in South Korea has totally gone bankrupt and ruined. The number of factories in South Korea has decreased by 56 per cent as compared with 1943, a year under Japanese imperialism, and that in manufacturing industry, in particular, reduced by 36 per cent in 1958 as compared with 1955. According to the survey made by the "Daihan Chamber of Commerce", of 2,757 enterprises inspected in the first half of 1958, 64.6 per cent suspended operation or were at a standstill (Kyunghyang Shinmun, 18 December 1958), and at the beginning of November of the same year enterprises at a standstill and out of operation were 75 per cent of the entire enterprises (a Dongyang Tongshin dispatch from Seoul, 12 November 1958).

^{2/} International Co-operation Administration.

- 88. As to the textile industry, too, which occupies the most important place in the manufacturing industry of South Korea, those factories which continued operating as of the end of last year were only 31 per cent of the medium and small enterprises in this field (South Korean magazine Industry and Economy, September 1958).
- 89. As a result, the total volume of the industrial output of South Korea has been reduced to half as compared with the last years of Japanese imperialism. Even this presents a sharp colonial lopsidedness due to the lack of foundation of an independent national industry. In 1958, textiles, foodstuffs and other industries accounted for 75 per cent of the total volume of industrial output, whereas metal and machine industries held only 5 to 6 per cent (Economic Year Book, 1959).
- 90. The "United Nations Commission for the Unification and Rehabilitation of Korea" itself could not entirely ignore in its "report" the grave economic situation of South Korea.
- 91. The "Commission", while trying hard to describe the situation favourably to the United States or, at least, to picture it in mild terms, admitted the dependent nature of the South Korean economy, by saying in vague terms that despite certain "improvements, imbalances in the economy remain" and that "the financial state and operation of the factories themselves are not always satisfactory" [A/4187, paras. 28 and 29].
- 92. With the South Korean industry totally devastated, the South Korean rural villages have been the main object of exploitation by the U.S. imperialists. Keeping the feudal land ownership intact in South Korea, the U.S. imperialists are amplifying the highly lucrative colonial exploitation.
- 93. Nevertheless, the "report" of the "United Nations Commission for the Unification and Rehabilitation of Korea" does not touch upon any of the essential matters on the situation of the South Korean rural economy. Though it may accord with the stand of the "Commission", which tries to close its eyes to the evil consequences of the U.S. policy of colonial enslavement towards South Korea, it could never help clarifying the truth as it stands.
- 94. The total area under cultivation is on a steady decline in South Korea. Compared with the time of the Japanese imperialist rule, it has dwindled by 600,000 chungbo 3/ and the total grain yield by 40 per cent (Economic Year Book, 1958 issue, and South Korean Monthly Survey of the Bank of Korea, January 1958 issue), and in particular, the total cotton crop is only one-fifth.
- 95. Even in 1958, which "UNCURK" has described in its "report" as the year of "the largest" rice crop "in the history of the Republic" [A/4187, para. 26], nearly 5,290,000 suk 4 of food were imported (a dispatch of the Segye Tongshin press service, dated 28 July 1958 from Seoul). No substantial change has taken place in the agricultural equipment. Conventional, backward farm implements and manual labour prevail.

- 96. The U.S. imperialists and the Syngman Rhee puppets have not taken any measures for forest and water conservation and irrigation, which are rudimentary for maintaining agricultural production.
- 97. The damage brought every year to the rural economy by drought, storm and flood is enormous. As a result, the amount of property damaged by flood increases yearly. It was 10,500 million hwan in 1956, 24,300 million hwan in 1957 and 27,400 million hwan in 1958 respectively (a Dongyang Tongshin dispatch of 16 July 1958 from Seoul). According to data released by the special relief committee for typhoon-disaster victims under the South Korean "National Assembly", the damages caused by typhoon and flood in September this year alone amount to 105,417,456,000 hwan (a Dongyang Tongshin dispatch of 8 October 1959 from Seoul) and the number of the calamity-stricken people has now exceeded one million.
- 98. Consequently, South Korea, once known as a granary, has today been turned into an area of chronic famine.
- 99. Such extreme bankruptcy and ruin of industry and agriculture have been reflected directly in the foreign trade of South Korea. This finds expression in the "large deficits" in the balance of trade, which even the drafters of the "report" admit. In 1958, the volume of imports of South Korea increased about 23 times compared with that of exports (Economic Year Book, 1959), and the volume of exports decreased by 26 per cent as compared with the previous year (Monthly Survey of the Bank of Korea, June 1959 issue).
- 100. The over-all ruin of the productive forces and the expenditure for maintaining and strengthening the machinery of fascist rule of the puppet Syngman Rhee clique, including the huge military expenses for supporting the puppet army, plus the predatory policy of the U.S. imperialists in South Korea, have brought about extreme confusion in the financial situation of South Korea. In the financial budget of the puppet government for 1959, military and police expenses account for more than 70 per cent of the total budgetary amount of the "general account" (a dispatch of the Haptong Tongshin press service dated 26 December 1958 from Seoul). In orden to secure this huge amount of military and police expenses, the U.S. imperialists and the Syngman Rhee clique are increasing to the utmost the taxes levied upon the South Korean population. During the period from 1949 to 1959 the amount of taxes increased 143 times. In the total amount of budgetary revenue for 1959 revenue from taxation amounts to 62 per cent.
- 101. Not satiated with this, however, the U.S. imperialists and the Syngman Rhee clique are making up for the prodigiously swollen financial disbursement by issuing "State bonds" and obtaining loans from banks.
- 102. As of the end of 1958, the amount of "State bonds" issued by the puppet government and loans obtained from banks came to over 360,000 million hwan. The issue of notes jumped from 23,132,000,000 hwan in 1953 to 116,319,000,000 hwan in 1958 (Monthly Survey of the Bank of Korea, April 1959 issue).
- 103. The "report" of the "Commission" stated that prices were, "on an average lower than they were in

^{3/1} chungbo = 2.406 acres.

 $[\]frac{4}{1}$ suk = 150 kg.

the previous period" [A/4187, para. 27]. But, quite contrary to this, prices are skyrocketing in South Korea.

- 104. Taking 1947 as the base year, the price index rose from 100 to 21,143 by the end of 1958 (Monthly Survey of the Bank of Korea, June 1959 issue). "As of September 25, 1959, wholesale prices in Seoul rose by 11.6 per cent in comparison with the corresponding period of the previous year and 4.2 per cent compared with the previous month" (a Dongyang Tongshin dispatch of 26 September 1959).
- 105. "The highest prices in 5,000 years", the words which are frequently on the lips of the South Korean people now, are one of the main factors which ruin their lives in the extreme.
- 106. In South Korea unemployed and semi-employed now total 6,600,000 (Industry and Economy, 5 March 1959), who are wandering about the streets in search of employment and food.
- 107. On the pretext of the so-called "rationalization of management", the U.S. imperialists and the treacherous Syngman Rhee clique are discharging workers "en masse", while prolonging the working hours to 12-20 hours in enterprises (Industry and Economy, 20 November 1958).
- 108. The wages of South Korean workers are merely one-third of their minimum living cost and those of the workers in manufacturing industry correspond to 31.8 to 36.8 per cent (Monthly Survey of the Bank of Korea, January 1959 issue). It is a common phenomenon that even such starvation wages are kept in arrears for several months.
- 109. Labour accidents are yearly increasing in South Korea because labour protection and security measures are almost lacking. Even according to the figures released by the puppet "Ministry of Health and Social Affairs", in 1958 the number of workers who suffered from labour accidents increased by 66 per cent compared with 1957 (Economic Year Book, 1959).
- 110. Because of usury, exploitation of rent, heavy tax collection and the sharp disparity in the exchange of industrial goods for agricultural produce, the peasants' living is also steadily deteriorating.
- 111. The number of foodless peasant households reaches 700,000 to one million every year in South Korea (South Korean journal Jaijung, April 1957 issue; Kyunghyang Shinmun of 17 April 1958).
- 112. In the one year from September 1957 to September 1958 the amount of debts of the South Korean peasant households grew from 88,500 million hwan to 120,000 million hwan, a 35 per cent increase (South Korean newspaper Pusan Ilbo of 30 November 1958). During the period from 1953 to the end of 1957, 400,000 peasant households left their farm lands (a Segye Tongshin dispatch, 10 September 1958).
- 113. The living of the South Korean craftsmen, intellectuals, medium and small traders and industrialists is also in a wretched plight. Only the U.S. imperialists and the traitorous Syngman Rhee clique are enriching themselves at the expense of the sufferings of the South Korean people.
- 114. All the facts mentioned above testify that the economic situation of South Korea under the U.S.

imperialist occupation does not show any improvement or stability as described in the "report" of the "Commission".

IV

- 115. The situation in the northern half, where the people are the masters of the country, is quite different from that in the southern half under the U.S. occupation.
- 116. Today people are leading a happy life in the northern half.
- 117. The national economy has been completely destroyed during the war forced upon it by the U.S. imperialists. But the people are well off now. This is solely because the policy of the Government of our Republic is thoroughly popular, wise and just.
- 118. Commencing the post-war rehabilitation and construction, the Government of the Democratic People's Republic of Korea was confronted with the far-reaching task of doing away with the colonial lopsidedness left over by the protracted, pernicious, colonial rule of the Japanese imperialists and laying foundations for the future socialist industrialization of the country instead of simply rehabilitating the war-devastated economy. It thus set forth the general line of giving priority to the development of heavy industry, simultaneously developing light industry and agriculture in order to stabilize the ruined living of the people.
- 119. The three-year plan for the post-war rehabilitation and development of the national economy (1954-1956), drafted in conformity with the above line, was successfully carried out. The first five-year plan (1957-1961) was fulfilled in respect of the gross value of industrial production at the end of June of this year, two years and a half ahead of the set time.
- 120. In 1958, the total value of industrial production was twice that of 1956, four times that of the pre-war year of 1949 and 4.3 times that of the pre-liberation year of 1944; while the output of the machine-building and metal-working industries was 40 times that of 1946, and of light industry 80 times that of the days of the Japanese imperialist rule.
- 121. The tempo of the industrial production increased by more than 42 per cent each year throughout the post-war period of five years, and during the first half of this year, it increased by as much as 75 per cent compared to the corresponding period of last year. Specifically, pig iron increased 2.3 times, structural steel 132 per cent, metal-cutting machines 5.4 times, cement 182 per cent and fabrics 136 per cent.
- 122. Thus, the industrial production this year is expected to be seven times that of the pre-war year 1949.
- 123. With the powerful base of heavy industry and the reliable base of light industry established thanks to rapid industrial development, the northern half, formerly a backward agricultural country, has today been turned into an advanced industrial-agricultural country.
- 124. Hence we are making on our own various kinds of machines and equipment required by all fields of the national economy, while producing a large amount of tractors, lorries, ships and heavy machines.

- 125. The rural economy has also developed, incessantly scoring fresh successes. The total grain crop last year exceeded by 1.4 times that of the pre-war period and was twice that of 1946, just after liberation.
- 126. This year an unusual bumper crop is expected thanks to the great success attained in expanding the irrigated acreage by 377,000 chungbo in only six months following September last year, to the carrying out of forest and water conservation to prevent flood and drought damage and to the large-scale introduction of intensive farming methods. The irrigation of paddy and dry fields as well as the electrification and mechanization of the rural areas will be completed in the very near future.
- 127. The rapid development of industry and agriculture resulted in raising the people's living standard to a considerable extent. In 1958 the real income of the factory and office workers was 1.6 times more than in 1949.
- 128. After the war, price cuts were carried out on a number of occasions, with the result that the index of State retail prices in 1958 was reduced by 45 per cent compared with that in 1953 and the price index of foodstuffs by 28 per cent.
- 129. The poor peasants who had occupied approximately 40 per cent of the total peasant households immediately after the war changed their status, with the living standard of the peasantry in general enhanced to the level of middle peasants.
- 130. The people's cultural life, too, underwent a great change. In 1958 alone the working people were given modern houses with the floor space of 2,240,000 square meters and 244 million won was appropriated for their social insurance, rest, health and education, etc.
- 131. Effective 1 November 1958, the compulsory middle-school education system was put into practice. A universal compulsory technical education system will be enforced in the near future. A free education system has been already put into effect at schools of all levels throughout the country.
- 132. In addition, a wide network of schools for the working people has been established in all enterprises, thereby ensuring everybody the right to and the possibility of studying.
- 133. A system of free treatment was also established in the medical institutions, the network of which is expanding year after year. In the previous year, the number of institutions for medical treatment and the prevention of diseases increased by 155 times compared with that of the period of the Japanese imperialist rule.
- 134. On the basis of such achievements, the people in the northern half are now able to lead a happy and prosperous life.

- 135. The situations of North and South Korea, which were liberated on the same day and at the same time, are in sharp contrast.
- 136. The cause of the sufferings of the South Korean inhabitants and of the national misfortunes of the entire Korean people emanating from the division of the country lies in the occupation of South Korea by the U.S. imperialists.
- 137. While occupying South Korea under the pretext of implementing the so-called "U.N. resolution", they are trying to conceal their aggressive intention and evade the responsibility for hindering the peaceful unification of Korea.
- 138. Every year, as is their customary practice, the U.S. imperialists place the Korean question on the agenda of the United Nations General Assembly, to make it discuss the question illegally without the participation of the representative of the Democratic People's Republic of Korea, the party concerned.
- 139. Thus, the U.S. imperialists have continued to hinder the peaceful solution of the Korean question by forcing the General Assembly to adopt repeatedly and mechanically the worn-out "resolution" manufactured for the purpose of expanding the reactionary rule of the Syngman Rhee clique to North Korea.
- 140. The Government of the Democratic People's Republic of Korea considers that the United Nations, as the organ of peace, must not be utilized any longer by the U.S. imperialists for their aggressive policy against Korea and must not take action derogatory to its prestige, but must take measures for the immediate withdrawal from South Korea of the U.S. imperialist aggressive troops disguised as the "U.N. forces" and for the immediate dissolution of "UNCURK".
- 141. The Korean question concerns the Korean people themselves. It should be settled by the Korean people themselves on a democratic basis with no foreign interference whatsoever. It should be solved speedily and peacefully by means of establishing a united organ of sovereign power through general elections in North and South Korea.
- 142. To this end, the U.S. imperialist troops should withdraw from South Korea at the earliest date; representatives of North and South Korea should sit together at one place to conduct negotiations on the peaceful unification of their fatherland; the free activities of political parties and social organizations should be ensured throughout North and South Korea; and contacts between North and South, including economic and cultural intercourse, should materialize.
- 143. The Government of the Democratic People's Republic of Korea is convinced that the States Members of the United Nations and their representatives will pay their due attention to its righteous stand on, and its consistent efforts for, the peaceful unification of the country.

DOCUMENT A/C.1/L.243

Union of Soviet Socialist Republics: draft resolution

[Original text: Russian] [20 November 1959]

The First Committee,

Recognizing that, in the absence of representatives of the Democratic People's Republic of Korea and of the Republic of Korea, discussion of the Korean question cannot be productive,

<u>Decides</u> to invite the representatives of the Democratic People's Republic of Korea and of the Republic of Korea to participate, without the right to vote, in the discussion of the Korean question.

DOCUMENT A/C.1/L.244

United States of America: draft resolution

[Original text: English] [20 November 1959]

The First Committee

<u>Decides</u> to invite a representative of the Republic of Korea to participate, without the right to vote, in the discussion of the Korean question.

DOCUMENT A /4307

Report of the First Committee

[Original text: English] [30 November 1959]

- 1. At its 294th plenary meeting, on 7 October 1950, the General Assembly adopted resolution 376 (V) on the problem of the independence of Korea, and established the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK).
- 2. On 11 August 1959, in accordance with its terms of reference, UNCURK submitted a report (A/4187 and Corr.1) covering the period from 31 July 1958 to 11 August 1959.
- 3. At its 803rd plenary meeting, on 22 September 1959, the General Assembly included in the agenda of the fourteenth session the item entitled "The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea", and referred it to the First Committee.
- 4. By a telegram dated 26 October 1959 (A/C.1/822), the Minister of Foreign Affairs of the Democratic People's Republic of Korea requested the participation of a representative of that Government in the discussion of the Korean question at the fourteenth session.
- 5. The First Committee also had before it a letter dated 15 October 1959 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the General Assembly and the Secretary-General (A/C.1/823).
- 6. The First Committee considered the item at its 1061st to 1066th meetings from 23 to 27 November 1959.

- 7. At the 1061st meeting, the Committee had before it two draft resolutions:
- (a) A draft resolution submitted by the Soviet Union (A/C.1/L.243), which provided that the Committee, recognizing that, in the absence of representatives of the Democratic People's Republic of Korea and of the Republic of Korea, discussion of the Korean question could not be productive, should decide to invite representatives of the Democratic People's Republic of Korea and the Republic of Korea to participate, without the right to vote, in the discussion of the Korean question;
- (b) A draft resolution submitted by the United States (A/C.1/L.244), which provided that the Committee should decide to invite a representative of the Republic of Korea to participate, without the right to vote, in the discussion of the Korean question.
- 8. At the same meeting, a motion by the United States of America for priority for its draft resolution was adopted by 38 votes to 18, with 15 abstentions. The United States draft resolution (A/C.1/L.244) was adopted by 49 votes to 10, with 15 abstentions, while the USSR draft resolution (A/C.1/L.243) was rejected by 40 votes to 22, with 11 abstentions.
- 9. On 24 November 1959, Australia, Belgium, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, the Philippines, Thailand, Turkey, the Union of South Africa, the United Kingdom and the United States submitted a draft resolution (A/C.1/L.245). The preamble provided that the General Assembly would: (a) reaffirm its resolutions 112 (II), 195 (III), 293 (IV), 376 (V), 811 (IX), 910 A (X),

1010 (XI), 1180 (XII) and 1264 (XIII); (b) note that, despite the exchange of correspondence between the communist authorities concerned and the United Kingdom on behalf of the Governments of countries which had contributed forces to the United Nations Command in Korea, in which those Governments expressed their sincere desire to see a lasting settlement of the Korean question in accordance with United Nations resolutions and their willingness to explore any measures designed to bring about reunification on this basis, the communist authorities continued to refuse to cooperate with the United Nations in bringing about the peaceful and democratic resolution of the Korean problem; (c) regret that the communist authorities continued to deny the competence and authority of the United Nations to deal with the Korean question, claiming that any resolution on that question adopted by the United Nations was null and void; and (d) note further that the United Nations forces, which had been sent to Korea in accordance with resolutions of the United Nations, had in greater part already been withdrawn and that the Governments concerned were prepared to withdraw their remaining forces from Korea when the conditions for a lasting settlement laid down by the General Assembly had been fulfilled. The operative part provided that the Assembly should: (1) reaffirm that the objectives of the United Nations in Korea were to bring about by peaceful means the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area; (2) call upon the communist authorities concerned to accept those established United Nations objectives in order to achieve a settlement in Korea based on the fundamental principles for unification set forth by the nations participating on behalf of the United Nations in the Korean Political Conference held at Geneva in 1954, and reaffirmed by the Assembly, and to agree at an early date on the holding of genuinely free elections

in accordance with the principles endorsed by the Assembly; (3) request UNCURK to continue its work in accordance with the relevant resolutions of the Assembly; and (4) request the Secretary-General to place the Korean question on the provisional agenda of the fifteenth session.

10. At its 1066th meeting, on 27 November 1959, the First Committee adopted the fourteen-Power draft resolution (A/C.1/L.245) by a roll-call vote of 49 to 9, with 19 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Jordan, Laos, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Philippines, Portugal, Spain, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Burma, Cambodia, Ceylon, Finland, Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Morocco, Nepal, Saudi Arabia, Sudan, United Arab Republic, Yemen, Yugoslavia.

Recommendation of the First Committee

11. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 851st plenary meeting, on 9 December 1959, the General Assembly adopted the draft resolution submitted by the First Committee (A/4307, para. 11). For the final text, see resolution 1455 (XIV) below.

Resolution adopted by the General Assembly

1455 (XIV). THE KOREAN QUESTION

The General Assembly,

<u>Having received</u> the report of the United Nations Commission for the Unification and Rehabilitation of Korea (A/4187 and Corr.1),

Reaffirming its resolutions 112 (II) of 14 November 1947, 195 (III) of 12 December 1948, 293 (IV) of 21 October 1949, 376 (V) of 7 October 1950, 811 (IX) of 11 December 1954, 910 A (X) of 29 November 1955, 1010 (XI) of 11 January 1957, 1180 (XII) of 29 November 1957 and 1264 (XIII) of 14 November 1958,

Noting that, despite the exchange of correspondence between the communist authorities concerned and the United Kingdom of Great Britain and Northern Ireland on behalf of the Governments of countries which have contributed forces to the United Nations Command in Korea, in which these Governments expressed their sincere desire to see a lasting settlement of the Korean question in accordance with United Nations resolutions and their willingness to explore any measures designed to bring about reunification on this basis, the communist authorities continue to refuse to co-operate with the United Nations in bringing about a peaceful and democratic solution of the Korean problem,

Regretting that the communist authorities continue to deny the competence and authority of the United Nations to deal with the Korean question, claiming that any resolution on this question adopted by the United Nations is null and void,

Noting further that the United Nations forces which were sent to Korea in accordance with resolutions of the United Nations have for the greater part already been withdrawn, and that the Governments concerned

are prepared to withdraw their remaining forces from Korea when the conditions for a lasting settlement laid down by the General Assembly have been fulfilled,

- 1. Reaffirms that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;
- 2. <u>Calls upon</u> the communist authorities concerned to accept these established United Nations objectives in order to achieve a settlement in Korea based on the fundamental principles for unification set forth by the nations participating on behalf of the United Nations in the Korean Political Conference held at Geneva in 1954, and reaffirmed by the General Assembly, and to agree
- at an early date on the holding of genuinely free elections in accordance with the principles endorsed by the Assembly;
- 3. <u>Requests</u> the United Nations Commission for the Unification and Rehabilitation of Korea to continue its work in accordance with the relevant resolutions of the General Assembly;
- 4. Requests the Secretary-General to place the Korean question on the provisional agenda of the fifteenth session of the General Assembly.

851st plenary meeting, 9 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 26 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
. A/2786	Report to the United Nations on the Korean Political Conference at Geneva	Official Records of the General Assembly, Ninth Session, An- nexes, agenda item 17
• A/3631	Communication dated 9 August 1957 from the Representative of the United States of America to the United Nations addressed to the Secretary-General, transmitting a Unified Command report of the United Nations Command statement in the Military Armistice Commission on 21 June 1957	Ibid., Twelfth Session, Annexes, agenda item 23
~ A/3865	Report of the United Nations Commission for the Unification and Rehabilitation of Korea	Ibid., Thirteenth Session, Supplement No. 13
\ A/4077 and Rev.1	Communication dated 22 December 1958 from the Permanent Representative of the United States of America on behalf of his Government in its capacity as the Unified Command addressed to the Secretary-General, transmitting a note dated 5 December 1958 from the United Kingdom Government to the Chinese Communist authorities	Mimeographed
A/4187 and Corr.1	Report of the United Nations Commission for the Unification and Rehabilitation of Korea	Official Records of the General Assembly, Fourteenth Session, Supplement No. 13
A/4338	Note verbale dated 5 December 1959 from the delegation of the Union of Soviet Socialist Republics to the Secretary-General, transmitting the text of a letter from the Supreme National Assembly of the Democratic People's Republic of Korea addressed to the parliaments of all countries of the world on 27 October 1959	Mimeographed -
A/C.1/807	Telegram dated 24 September 1958 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the General Assembly and the Secretary-General	Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 24
A/C.1/810 and Add.1	Telegram dated 28 October 1958 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the General Assembly and the Secretary-General	<u>Ibid</u> .
√A/C.1/813	Letter dated 12 November 1958 from the Permanent Representative of the Union of Soviet Socialist Republics to the Secretary-General, transmitting the text of a note from the Ministry of Foreign Affairs of the People's Republic of China to the Office of the Chargé d'affaires of the United Kingdom of Great Britain and Northern Ireland in the People's Republic of China	<u>Ibid</u> .
A/C.1/L.245	Australia, Belgium, Colombia, Ethiopia, France, Greece, Luxembourg, Netherlands, Philippines, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change. See A/4307, para. 11

GENERAL

ASSEMBLY

ANNEXES

FOURTEENTH SESSION

Official Records



NEW YORK, 1959

Agenda item 27: United Nations Relief and Works Agency for Palestine Refugees in the Near East:*

- (a) Report of the Director of the Agency;
- (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General

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A/4225 and Add.1	Seventeenth progress report of the United Nations Conciliation Commission for Pales-	
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DOCUMENT A/4121**

Proposals for the continuation of United Nations assistance to Palestine refugees Document submitted by the Secretary-General

[Original text: English] [15 June 1959]

INTRODUCTION

At the thirteenth session of the General Assembly, in the course of its consideration of the annual report of the Director of the United Nations Relief and Works Agency (UNRWA), I undertook to make such proposals for the continuation of United Nations assistance to Palestine refugees as I might consider helpful or necessary to put forward to the General Assembly. It was understood that in the preparation of such proposals I would look into the technical operation of UNRWA, whose present mandate is due to expire on 30 June 1960. 1/

After a careful examination of the problem of the Palestine refugees in its various aspects, I recommend the continuation of UNRWA pending, as expressed by the General Assembly (resolution 393 (V)), the "reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement...". At present, this is envisaged in the other relevant General Assembly resolution (resolution 194 (III)), as resulting from the choice of the refugees themselves.

I base my recommendation on an analysis of the three predominant factors in the refugee problem—

the psychological, political and economic—an analysis which is given in part I of this document. Part II contains recommendations for certain arrangements which would constitute improvements in the continued work of UNRWA. In keeping with my undertaking to the General Assembly, this report is limited to the question of United Nations assistance to the refugees; thus, no proposals for a solution of the Palestine problem as a whole, or for the refugee problem as such, are set out in this paper. However, a development along the lines herein discussed might facilitate steps towards a resolution of such problems with justice and equity for all concerned.

Part I

GENERAL ANALYSIS

- 1. Previous resolutions of the General Assembly on the subject of the Palestine refugees, the recent annual reports of the Director of UNRWA and relevant debates in the General Assembly reflect the predominant factors in the refugee problem. As generally recognized, these are psychological, political and economic in nature. An understanding of the problem is easier if the different aspects are considered separately first. I shall begin with a consideration of the economic aspect because this establishes a framework within which the political and psychological aspects can be viewed more constructively.
- 2. Viewed from the economic angle, the reintegration of close to one million Palestine refugees into the

^{*}For the discussion of this item, see <u>Official Records of</u> the General Assembly, Fourteenth Session, Special Political <u>Committee</u>, 148th to 162nd, 169th and 171st meetings; and <u>ibid.</u>, <u>Plenary Meetings</u>, 851st meeting.

^{**}Incorporating document A/4121/Corr.1.

^{1/} See Official Records of the General Assembly, Thirteenth Session, Special Political Committee, 125th meeting, para. 5.

productive life of the Near East presents problems similar to those faced in all cases of reintegration into the economic life of a largely unemployed population. This will be true wherever and however the reintegration takes place in the Near East. We can, therefore, concentrate our attention for the moment on an economic analysis, dealing with the area as a whole.

- 3. As complete an analysis as available information permits, together with the supporting statistical data, is annexed hereto. It gives a survey of the key economic indicators and projections with regard to all of the countries concerned in the Near East and for the area as an economic unit, primarily for the ten-year period 1960-1970.
- 4. As it appears from these statistics, the national income per caput in all the Arab countries remains very low, although the rate of increase of the national income is now fairly high in some cases. At income levels like these, it is not to be anticipated that reintegration of a refugee population, over and above the absorption of the natural population increase, could be brought about if it had to be accompanied by a lowering of the income per caput. If this did happen, the result might well be a fall in the rate of capital formation, which would hamper still further an increase of income.
- 5. In these circumstances, it is realistic to assume that the reintegration of the refugees in the Near East would have to run parallel to an increase in the national income at least proportional to the number reintegrated. That, in turn, would require that the added population be productively employed with at least capital equipment equivalent to that available to those already in productive life. The conclusion is that the reintegration must go hand in hand with such a new capital formation. If the reintegration, in practice, would have to be co-ordinated with some increase of the per caput income-which seems to be, if not necessary, at least highly desirable—the increase in national income and in capital formation would, of course, have to be more than equivalent to the addition to the population.
- 6. Given the present economic situation in the area, we can, in general terms, state that the reintegration of the refugees through normal economic processes into the productive life will, for the immediate future at least, require capital imports sufficient to render possible an increase in national income and capital formation preferably more than proportional, but at least proportional, to the increase in population. From an economic viewpoint, such capital imports would represent sound investment in an area with great potentialities and great needs for a more diversified production. In the long run, with increasing revenues from oil in some parts of the region, the emphasis would switch from capital imports to investment of surpluses in the areas where reintegration takes place.
- 7. The capital formation will to a large extent have to take the form of agricultural and industrial investments. The agricultural investments would have to take place in semi-arid areas of low natural productivity, which would probably require fairly great amounts in order to be put into satisfactory production. In this context, the Israel experience of the capital needed per head of the population for such a development of investments is of interest. I refer to the annex regarding these and other relevant data.

- 8. An additional factor that has to be taken into account is that agriculture, in order to remain competitive, will probably have to be highly mechanized, which, in turn, will render necessary the opening up of new areas of production, with ensuing investment, in order to absorb the agricultural population set free in the process of mechanization.
- 9. The population increases foreseen in the area are considerable. On the other hand, the natural resources of part of the region may in the years ahead yield considerably increased income in foreign exchange. Thus, and quite apart from the refugee problem, a significant degree of general economic development for the area as a whole will be required and possible. In general, the region can be seen as economically viable in the long run provided there is a fair degree of mobility of capital or labour, or both, among at least some of its parts. This will be encouraged if the area can begin soon economic development of appropriate scope, thereby providing attractive investment opportunities for a significant portion of such surplus capital as may become available from its natural resources.
- 10. Viewed from an economic angle, the reintegration of the Palestine refugees into productive life, although it must be considered as a fairly long process, is perfectly within reach provided that the area can be developed through sufficient capital formation; the recent acceleration in the rate of progress and the great natural resources are encouraging elements. However, capital imports would probably have to be considerable, if it is found desirable that reintegration be furthered without considerable delays.
- 11. Viewed in the perspective of what has been said, the unemployed population represented by the Palestine refugees should be regarded not as a liability but, more justly, as an asset for the future; it is a reservoir of manpower which in the desirable general economic development will assist in the creation of higher standards for the whole population of the area. It follows that, irrespective of the fact that humanitarian reasons would urgently call for continued assistance to the refugees, such assistance is strongly indicated as a sound part of any programme of economic development for the area.
- 12. In the light of these considerations, and disregarding for the moment both political and psychological factors as well as the humanitarian aspects of the problem, I strongly and unreservedly recommend the continuance of the United Nations activities in support of the refugees, for all the time and to all the extent necessary, pending the reintegration of the refugee population into the productive life of the area, for which there are economic reasons to hope in connexion with its general development. This will require the prior, or at least concurrent, resolution of political and psychological problems, to which the discussion can now turn.
- 13. The question arises where the integration of the refugee population can or should come about. Short of further and intense studies it is impossible to say where that could best be achieved from an economic viewpoint. The absence of these studies, however, should not delay the general development to which reference has just been made. This can and should proceed on the basis of information already available. There is no immediate danger of over-development in any particular part of the area.

14. The question where integration should be sought has, as is well known, an important political aspect. In paragraph 11 of resolution 194 (III) the General Assembly:

"Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible".

The stand thus taken by the General Assembly would involve integration of refugees into the productive life of Israel as well as of the Arab countries in accordance with the choice of the refugees themselves. This stand has been consistently maintained by the Arab Governments concerned. However, Israel, stressing that the resolution relates to "refugees wishing ... to live at peace with their neighbours...", has limited itself to offering, with conditions, a form of compensation to former landowners in the country and does not exclude an extension of the uniting-of-families scheme under which former Arab residents have already come back to Israel territory.

15. The economic development which has been presented here as necessary to an integration of the refugees requires that we overcome various political difficulties which now hamper progress in the desirable direction. One of them is the Palestine problem in its various aspects; another one the problem of inter-Arab relationships; a third one the problem of an Arab economic co-operation so framed as to render possible the exploitation of the natural resources of the area to the full benefit of all the countries in the area. In the two last aspects mentioned, important progress has been registered. Attention may be drawn especially to the decision of the Economic Council of the Arab League to implement a previous decision regarding an Arab development fund and to establish a preparatory council for Arab economic unity. However, fairly complete mobility of capital within the area can only be regarded as a long-range objectivenot an immediate possibility. Regarding the Palestine problem no progress towards a solution is now in view.

16. While, under prevailing conditions, there is nothing to prevent internal economic development in each of the countries from proceeding to the extent possible, at least a gradual approach to the solution of the political problems mentioned above is a condition for that degree of development, on a regional or on a national basis, which is attainable and highly desirable in view of the unsatisfactory level of income in the area. In these circumstances, it is not adequate to direct attention primarily to the relationship which exists between these political problems and the question of the refugees. In fact, a solution of those political problems should be sought, inter alia. in order to create conditions for a sound general economic development in the area, irrespective of its significance for the reintegration of the refugees. If the problems are solved sufficiently well to provide for such conditions, the proper political setting would

probably <u>ipso facto</u> be created also for a solution of the refugee problem in its political aspects.

17. Although the refugee problem may, usefully, in the first instance be studied in economic and political terms, it is basically a human problem. No reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into their new positions against their will. It must be freely accepted, if it is to yield lasting results in the form of economic and political stability. The views now voiced by spokesmen of refugees would seem to indicate that the refugees would not voluntarily accept integration into the productive life unless they have been given freedom of choice in accordance with the United Nations decision-or in some other acceptable way—as they now regard such freedom as the means through which the wrong that they consider themselves to have suffered could be put right and their individual self-respect safeguarded. However, it should be noted that a de facto economic integration—that is, an integration which does not result from a choice in accordance with the resolution-would not prejudice any rights established by the resolution. In view of this serious psychological problem it is to be hoped that in the course of the lengthy process which must be anticipated in the economic sphere, ways will be found to bring about a mutually satisfactory adjustment of stands and reactions on all sides which would resolve these psychological difficulties by the time the integration of most of the refugees becomes an economic possibility.

18. It follows from the preceding argument that my previous recommendation for the continuance of the work of UNRWA is not conditioned by political considerations although such considerations may lend added strength to the economic reasons on which I base my recommendation. The perspective is not a discouraging one, provided that the world is willing to assist the region in its economic development and provided, further, that step by step and as economic conditions permit, progress regarding the political and psychological obstacles is sought in a constructive spirit and with a sense of justice and realism.

19. Just as I support the continuance of UNRWA pending progress in the economic field, I recommend, after a careful study of the technical operation of UNRWA, certain arrangements which seem to me to be indicated as essential improvements in the continued work of the Agency. In part II of this paper, I will turn to those improvements, the main significance of which is that the UNRWA operation should be so conducted as to be in harmony with the general view of the refugee problem which I have set out above.

Part II

TECHNICAL CONSIDERATIONS

1. The technical matters to which I would invite the General Assembly's attention fall under four main headings: (a) who is to receive assistance; (b) how this assistance should be administered; (c) of what it should consist; and (d) the status of the administering authority, UNRWA.

(a) Recipients of assistance

- 2. The annual reports of the Directors of UNRWA 2 / have made frequent references to a problem under this heading which has given serious and continuing concern. I refer to the facts that (a) there are at present a considerable number of persons who receive assistance from UNRWA to which they are not now entitled, and (b) there is an approximately equivalent number of persons who are entitled to assistance but who cannot be given it because of limited funds. In the first category are mainly those who receive assistance on behalf of the unreported dead, those who are fraudulently registered as refugees, and those who are now earning incomes sufficient for their own support; in the latter category are mainly certain children and some persons who have lost a previous source of income and are now in need. According to the best estimates available, the numbers in the two categories are, as indicated, approximately equal and there is therefore no question, for the present at least, of misuse of internationally contributed funds. Moreover, from a purely economic point of view, the only relevant question is need, and on this basis, it is clear that most of those who receive assistance, with the exception of those with steady incomes, do need it.
- 3. What must be of concern to an agency of the United Nations, however, is the equity with which available assistance is distributed. If UNRWA were to be terminated at the end of its present mandate in 1960, matters could be allowed to stand as they are; but the indefinite continuation of UNRWA makes it necessary and desirable, particularly from the point of view of the refugees themselves, that the position be regularized.
- 4. This should consist in the application in full of what UNRWA has in fact endeavoured to do over the past several years, but with only partial success. It should be recalled at this point that UNRWA's working definition of a person eligible for its services is someone who, at the time of the outbreak of the conflict in 1948, had lived for two years in that part of the former Palestine which has become the State of Israel. and who lost both his home and his means of livelihood as a result of that conflict and is in need of assistance. This definition is not contained in any resolution of the General Assembly but has been stated in annual reports of the Director and tacitly approved by the Assembly. It has in fact two parts: the first concerns the status of a person as a bona fide refugee, and this of course does not change; the second has to do with a refugee's economic position or need for assistance, which can change from day to day. This distinction provides the key to a system of administration satisfactory to all concerned.
- 5. What is specifically required is a rectification of the present rolls on the basis of the first part of the

2/ The reports of the Director of UNRWA and special reports of the Director and Advisory Commission to the General Assembly were issued in the following documents: Official Records of the General Assembly, Fifth Session, Supplement No. 19;

Ibid., Sixth Session, Supplements Nos. 16 and 16A;

Ibid., Seventh Session, Supplements Nos. 13 and 13A;

Ibid., Eighth Session, Supplements Nos. 12 and 12A; Ibid., Ninth Session, Supplements Nos. 17 and 17A; Ibid., Tenth Session, Supplements Nos. 15, 15A and 15B;

Ibid., Eleventh Session, Supplements Nos. 14 and 14A; Ibid., Twelfth Session, Supplement No. 14; Ibid., Thirteenth Session, Supplement No. 14.

definition, that is, the deletion from the rolls of those who are ineligible or those who are no longer eligible (the fraudulently registered and the unreported dead) and the addition thereto of those who are eligible (mainly the children and adults not previously registered). Since births have exceeded deaths over the past several years, this process cannot help but result in an increase in the ration rolls. Thereafter, arrangements must be in effect for keeping the rolls current. It will be essential to have the full co-operation of the host Governments and the refugees on the one hand and, on the other, assurances by the contributing countries that UNRWA has sufficient funds.

- 6. The application of the second part of the definition -the determination of need-is and ought to remain an entirely distinct process administratively. The fact that this is a problem at all, that is, that there is a fairly significant number or refugees receiving assistance which they do not need, is ample evidence of the willingness and the desire of the refugee to work and become self-supporting whenever he can. What is important, particularly in terms of the analysis in part I, is that the refugee be encouraged to take advantage of economic opportunity when it occurs, and for this purpose he must have the assurance that he can again claim assistance if and when he needs it within a reasonable period. It must be recalled at this juncture that in the present state of economic development throughout most of the Near East, the kind of economic opportunity that is available to any unemployed population is to a very large extent casual or seasonal or, if of a longer term nature, often subject to sudden change. Moreover, wages offered to a refugee are usually based on the assumption that he will continue to receive assistance from UNRWA. All of this means that income is often precarious, and considerable flexibility of administration is consequently essential.
- 7. The Agency has developed the technical means for handling this matter through what it calls the graduated income scale. Such scales have been worked out in relation to the level of income and cost of living in each of the host countries. They are so designed that assistance is withdrawn progressively as income rises and, as an incentive, the amount of additional income which brings with it a reduction in the particular service is always greater than the value to the refugee of that particular service on the open market. Again, the full co-operation of the host Governments and the refugees will be required and sufficient funds must be assured so that UNRWA can employ the scales with the necessary flexibility.
- 8. Although this matter is not, strictly speaking, within the terms of reference of the present study, I cannot let this occasion pass without referring to certain groups of persons who are excluded by a technicality from receiving assistance from UNRWA, i.e., those who have lost their means of livelihood but not their homes, under the UNRWA definition. They have been variously called "economic refugees" or, in the more technical language of UNRWA, "other claimants for relief". A full report was prepared by the Director of UNRWA and submitted to the General Assembly in 1955. 3/ These persons include particularly the frontier villagers in Jordan, certain of the Bedouin and the Gaza poor, that is, mainly persons

^{3/} Ibid., Tenth Session, Supplement No. 15A.

who still have their homes, but whose means of livelihood have been lost or greatly affected. The stand of the General Assembly is understood to be that UNRWA should not give these people assistance. There is, however, no doubt that many of them are in greater need now than some of the refugees in UNRWA's care. In simple humanity, something should be done for them.

(b) Administration of assistance

- 9. There are, in logic, two ways whereby assistance from the United Nations can be administered: by the Governments of the countries in which the refugees live (on the basis of a financial subsidy), or by an organ of the United Nations itself. The latter alternative also offers two choices, at least theoretically: to continue UNRWA or to create a new organization to take its place. The Agency has the experienced personnel, has demonstrated its efficiency and has gained the confidence of the refugees and the host Governments in its integrity. There would seem to be no reason to change and every reason to retain the organization as such. There are, therefore and in fact, only two alternatives: administration by the host Governments or by UNRWA.
- 10. Heretofore, because of the underlying philosophy of short-term assistance, the question whether UNRWA should administer all or any part of the assistance was hopelessly entangled in political considerations. The establishment of the principle of long-term assistance to the refugees removes all grounds for consideration of the matter from a political angle; the way is clear for an examination of the question on purely technical grounds but in the broadest sense, i.e., what is the most efficient and effective way of providing assistance, taking into account the interests of all concerned. It is also possible to see the problem as not entirely one of hard and fast distinctions between administration by UNRWA or by host Governments, but to envisage an acceleration of a trend towards methods-already followed-whereby UNRWA and the host Governments would share in the administration.
- 11. From this point of view, it seems clear that, for the present, UNRWA should continue to have at least primary administrative responsibility for the food programme, the construction, maintenance and sanitation of camps, and the health programme. This is because of the technical skills and/or the degree of administrative centralization required for efficient operation. The Agency should also continue for the present to have primary administrative responsibility in that part of the self-support programmes which require special technical skills not yet available in sufficient quantity in the area, for example, vocational training, and in the economic analysis which provides the basis for installation grants and the like.
- 12. Primary administrative responsibility for the programme of general education, however, could, with advantage to all concerned, be assumed by the host Governments. There is relatively little in the way of centralized management required since the present programme has been carefully geared to the curricula and standards of host countries. The transfer and subsequent integration of staff (to the extent the host countries, as the new employers, wished), as well as buildings and equipment, into the host countries' present systems would be a relatively simple matter

administratively since a considerable amount of integration has already taken place, and the host countries are already making a substantial financial contribution, which has never been adequately acknowledged. Arrangements would, of course, have to be made whereby UNRWA contributed an annual subsidy on the basis of appropriate assurances as to the accountability of funds. The United Nations Educational, Scientific and Cultural Organization could be counted on to continue its present practice of providing technical guidance.

(c) Types of assistance-programmes of self-support

- 13. It is customary to describe the programmes of UNRWA under two headings: relief, including general education; and rehabilitation or self-support, including especially vocational training and individual grants.
- 14. In recommending the indefinite continuation of assistance by the United Nations, I had in mind the continuation of the relief programme at the same standards at least, as those that now prevail. If these could be raised there would be a net gain for all concerned. The efficiency of UNRWA in the use of funds provided is already well known; less fully appreciated perhaps is the extent to which many refugees augment assistance by their own efforts but still live at the edge of subsistence. Nor, I believe, is it at all appreciated to what extent the UNRWA type of relief operation can in fact be regarded as a form of much needed technical assistance for the area as a whole. For example, the health programme not only cares for the individual refugee, it also introduces new standards and concepts of such care for the refugee population as a whole; hut construction meets a current and obvious need; it also provides training in construction and in community development; even the administration, involving some 10,000 refugees in all, including doctors, nurses and teachers, can be regarded as a training programme for persons in the skills just mentioned as well as in civil administration. I do not wish to push this point too far, but it is worth mentioning in relation to an operation which is all too often viewed pessimistically because it is called relief. More correctly, it finds its place in the broader context of general economic assistance discussed in part I.
- 15. The second part of the Agency's programme has, of course, an even more direct role to play in this economic development. In paragraph 11 of part I, it was indicated that the Palestine refugees can and should be regarded as an asset for the future. This will be true in proportion to the extent that the refugees have been adequately trained and equipped to take advantage of the economic opportunities that emerge.
- 16. The Agency's specific experience is in harmony with the foregoing generalization. Because there has not been a satisfaction of the political and psychological aspects of the problem, the refugees have refused to participate as a group in large-scale projects designed specifically for them since they feel this would mean giving up rights. Nor was it ever realistic to have assumed that they could or should be the exclusive beneficiaries of such projects at the expense of the indigenous population. The refugees do, however, welcome opportunities to become self-supporting as individuals. To this end, they can be helped by UNRWA, through its programmes of vocational and agricultural training for young people and

individual financial grants for adults, to take advantage of economic opportunities they have found on their own initiative. The Agency has already developed the skill for carrying out and expanding these programmes. It is to be hoped that similar but more varied programmes may also become feasible in the future. Thus far the obstacle to the expansion of the training and grants programmes has been mainly financial: UNRWA has been barely able in the past two years to collect enough money to maintain its relief and education programmes. It is accordingly absolutely essential that it receive sufficient funds over and above these in order to implement a self-support programme of appropriate scope.

(<u>d</u>) Agreements with host Governments

17. It will be appropriate-if UNRWA is to be maintained as recommended here-for all of the present agreements with the host Governments to be reviewed and revised or renegotiated to the extent necessary. UNRWA, which is a subsidiary organ of the United Nations and an agent of the General Assembly, in accordance with the stand of the General Assembly, must have an appropriate status and be provided with the facilities, including non-interference in matters of internal administration, to ensure maximum efficiency in operation and in the use of internationally contributed funds. It is my conviction that this can be achieved in such a way that the scale of the Agency's operations will not pose any problems for the host countries as regards their national sovereignty. In this context, the United Nations Charter and the Convention on the Privileges and Immunities of the United Nations will, of course, be the basic instruments.

ANNEX

ECONOMIC DIMENSIONS OF THE PROBLEM OF THE PALESTINE REFUGEES

- 1. A first essential step in a broad consideration of the problem of the Palestine refugees is to determine its economic dimensions. This can only be done against the background of the recent rate of economic growth of the area and of the potentialities for further growth. If, for the purpose of this first step, we were to regard the refugees as representing a largely unemployed population not integrated into the surrounding economy, we could determine what, in purely economic terms, the reintegration of an unemployed population of this magnitude would involve. More specifically, what is attempted here is to obtain an approximate measure of the amount of capital investment which this process would require and, in particular, the amount of external capital needed, under the general condition that present rates of economic growth of the area should at least be maintained and if possible be accelerated. The analysis does not go beyond this stage and therefore does not enter into any discussion of lines of action. Nor does it take any account of the political and psychological aspects of the problem, which must, of course, be given their due weight in any final analysis. It merely attempts to establish what, in any given circumstances, would be minimum economic requirements for a solution of the problem.
- 2. Per caput incomes in the area remain low and therefore, if we are to be realistic in appraising these minimum requirements, we must take it as a condition that the reintegration should be accomplished without any lowering of per caput income. This means that national incomes in the area would have to grow at least fast enough to compensate both for the natural increase in the population and for the reintegration of the refugees. If this result were to be achieved only at the expense of a fall in per caput income, the rate of capital formation would also be expected to decline, and thus hamper still further the increase in income.

- 3. Accordingly, the reintegration of the refugees into the economic life of the Middle East requires an increase in national income at least proportional to the number reintegrated. Actually, it is highly desirable that national income should grow at a greater rate than this in order that the relatively low per caput incomes should also be able to grow. To achieve such a result, any addition to the labour force must be supplied the necessary means of production in the form of capital equipment and land, over and above what is necessary to maintain the existing stock, so that national income would grow at a more rapid rate than the population.
- 4. In recent years, some economic growth has been experienced throughout the area. Statistics indicating the extent and nature of this growth are available. It will be sufficient here to recapitulate the salient points. Since 1950, there has been a marked increase in the gross national product in all countries of the area for which data are available—the increases being greatest in Iraq, Israel and Syria. On a per caput basis, income has risen less rapidly because of population growth.
- 5. The two major factors influencing the rate of economic growth are the level of capital formation and the increase in the population. Population has been growing throughout the area by natural increase at a rapid rate of from 2 to 3 per cent per annum, and in Israel also by large-scale immigration. Gross capital formation has also been increasing throughout the area and has been at a high level in some parts of it. Expressed as a percentage of gross national product, gross capital formation has varied considerably in different countries of the area. It has been lowest in Egypt, varying from 10 to 16 per cent, and highest in Iraq, where in 1956 it had risen to nearly 27 per cent, and in Israel where it has fluctuated around 26 per cent in the years 1953-1956, after having reached the exceptionally high level of nearly 42 per cent in 1950. Since in all the countries of the area for which data are available there has, in recent years, been an increase in per caput incomes (slight in the case of Egypt, but significant in Lebanon, Iraq, Israel and Syria), gross capital formation has been large enough both to provide for the maintenance of the existing stock of capital and to add sufficient new equipment to employ a growing labour force productively.
- 6. The capital which has been necessary to bring about the results described above has been derived from a variety of sources and no single generalization applicable to all countries in the area can be made on this subject. Taken as a whole, the area has been a net importer of capital. However, only Israel and Jordan are dependent on foreign sources for a major part of their capital, and in both countries direct foreign aid represents a major part of the capital inflow. Between 1950 and 1958 Israel received about \$2,400 million in this way, \$1,000 million being accounted for by official United States financing and by German operations, and the remainder by donations and loans provided largely through Jewish organizations in the United States and elsewhere. During the same period, Jordan received some \$200 million in official United States and United Kingdom aid. Lebanon also depends on external sources of capital, largely in the form of a sustained flow of immigrant remittances, without which domestic saving would fall considerably short of investment. Capital imports into the United Arab Republic have been relatively small; thus, Syria has financed most of its investment from domestic savings, and Egypt has been able to live very largely on its own means with the help of previously accumulated sterling balances. With the possible exception of Saudi Arabia, the major oil-producing countries have had a surplus of capital over and above their own needs and opportunities for investment; Iraq, though involved in considerable development plans, has not until recently been able to invest the whole of its income in productive projects; because of lack of local investment opportunities, the oilproducing sheikdoms of the Persian Gulf, foremost among which is Kuwait, have been accumulating substantial capital surpluses.
- 7. In the light of the facts described above, it is possible to assess more precisely the economic dimensions of the problem of the reintegration into the economic life of the

area of approximately one million additional persons. To do this it is necessary to make some fairly simple projections into the immediate future of trends in population growth, national income and other significant economic magnitudes. It should be emphasized that his appraisal is not a forecast of what will happen, but a projection, on what appear to be the most reasonable assumptions, of certain significant trends. By this means the economic order of magnitude of the problem, and therefore of the steps needed to overcome it, are established in as rational a manner as is possible.

- 8. The essential conclusions of this study can be stated in fairly simple terms, though the calculations and procedures by which they have been reached have been complicated and laborious. However, a brief account may be given here of the procedures employed in arriving at the conclusions set out in the following paragraphs.
- 9. Using the year 1955 as a base year, the growth of the population and labour force was projected for each country to 1970. On the basis of the estimated results for the years 1950-1956 and other considerations, gross national product was then projected for each country. Gross and net domestic savings were projected for the same period. Estimates were made for each country of the amount of new investment needed to employ an additional worker, and this figure, together with the estimated increase in the labour force, provided the basis for an estimate of total investment needed to employ the additional labour force and achieve a modest increase of per caput income. Taking into account both domestic savings and the expected inflow of private foreign capital and outstanding foreign official financial commitments, and comparing the results with the total investment required to absorb the labour force at an accelerated rate of development, an estimate was reached of the additional foreign investment needed. The Palestine refugees were then taken into account, those among them who were of working age being considered as an additional labour force to be reintegrated into the economy, necessitating an additional investment the size of which could be simply calculated on this established basis. In order to arrive at more realistic quantities, the figures were also broken down into five-year periods.
- 10. Put in the simplest and most general terms, the analysis indicates that for the area as a whole the labour force, exclusive of the Palestine refugees, may be expected to increase by 5.6 million between 1960 and 1970. In order for this increase in the labour force to be absorbed into productive employment so that per caput incomes will continue to increase at a modest rate, new net investment from all sources of approximately \$12,000 million will be required over the period.
- 11. The funds necessary to finance such investment may be considered as coming from two major sources: domestic savings and various flows to the area from outside. Total availability of capital, however, varies substantially from country to country. Some countries of the area are capitaldeficit countries quite apart from any investment for the reintegration of refugees; others, the major oil-producing countries, are capital-surplus countries because of the revenues arising from an expected increase in oil production. The capital-deficit countries are those of greatest population concentration and include those in which the refugees are situated. Their dependence on outside capital to finance part of their development, in order to achieve a modest rate of increase in per caput income, is likely to increase. Both provinces of the United Arab Republic, which in recent years have been able very largely to finance their own development, will no longer be able to do so and will have to rely increasingly on outside capital to finance the employment of their growing labour force. Lebanon may also be expected to look to outside sources for some of its development. As in the past, Jordan will have to rely on foreign aid for almost the full amount of its investment. Israel will, as in the past, stand in need of capital imports on a large scale especially in view of its officially estimated further inflow of immigra-
- 12. In contrast, oil income in the oil-producing countries is expected to increase substantially during the period under

- consideration. This is especially true in regard to the latter period of the 1960-1970 decade. Iraq, which since 1952 has been self-sufficient as regards capital needs, will probably become a capital-surplus country; so will Saudi Arabia, though to a lesser extent; Kuwait, along with the other oil-producing sheikdoms of the Persian Gulf, will experience a vast increase in the size of its capital surplus. Depending on whether the lower or the higher oil-revenue estimates are utilized, the total surplus is expected to be in the order of magnitude of \$5,300 million or \$8,200 million, respectively, in the period 1960-1970.
- 13. Considering the area as a whole, and assuming perfect intra-regional mobility of capital, total availability of investment resources in the area would depend on the selection of oil-revenue estimates. If the lower estimates are used, gross savings of the area would be \$17,600 million. Of this quantity some \$5,400 million would be required to make good the depreciation of capital so that about \$12,200 million would be available for new net investment. Adding to this the flow of foreign capital estimated at \$1,850 million, we have a total net availability of capital in the area as a whole of approximately \$14,000 million. This leaves a net surplus of \$2,000 million. If, however, the higher oil-revenue estimates are used, the net surplus of capital in the area becomes \$5,000 million. It is to be noted, however, that the availability of capital surpluses shown above represents a highly favourable and therefore an extreme view. The other extreme is that oil-revenue surpluses do not become available for investment in the capital-deficit countries of the area. Under this alternative assumption, and in order to achieve modest increases in per caput incomes, the capital-deficit countries of the area will need approximately \$3,000 million in the period 1960-1970.
- 14. It is useful to remember that the Middle Eastern countries included in this study fall, mainly from an economic point of view, into three groups: the oil-producing Arab countries, the non-oil-producing Arab countries, and Israel. Our analysis shows that, in order to be able to provide employment opportunities for the increase in the labour force (inclusive of official estimates for immigration) in the period 1960-1970, Israel will need a total capital investment of approximately \$2,000 million. Of this amount, a foreign capital inflow already assured is expected to meet about one-half, leaving a deficit of close to \$1000 million which, for the purposes of this analysis, it is assumed would be obtained by Israel, as in the past, from sources outside the area. Thus, the \$3,000 million capital deficit referred to in paragraph 13 above, exclusive of Israel, would become \$2,100 million.
- 15. If, for the sake of clarification, we now consider the non-oil-producing Arab countries (United Arab Republic, Lebanon and Jordan), we discover that in the period 1960-1970 they are expected to save close to \$6,800 million, \$3,100 million of which would be needed to maintain the capital stock. This means a total net savings of approximately \$3,700 million. To this we should add about \$700 million, representing expected receipts from foreign sources, which would give a total of investment funds of approximately \$4,400 million. In order to be able to create employment opportunities for all the natural increase in the labour force and to ensure slightly better living conditions for the people, these countries will need additional investment resources in the magnitude of \$2,100 million.
- 16. The sum of \$2,100 million should be regarded as a minimum in that it is based on the assumption of modest increases in income. In all these countries per caput incomes are low and in some of them there is considerable underemployment of labour. Therefore, an acceleration in the rate of development over that envisaged is much to be desired, and it may be anticipated that, with better prospects for a steady capital inflow, some of the development plans which Governments may draw up within the next decade will aim at higher rates of growth than their present plans imply. In particular, in certain countries a more rapid rate of industrialization might be necessary in order to overcome the problem of under-employment and to make it possible to realize the maximum benefits of improved agricultural techniques. Given a will on the part of the non-oil-producing Arab countries to take the necessary measures to promote

economic development, the limit to the possible rate of growth is more likely to be set by the availability of capital than by other factors. It is, however, important to note that, strategic as capital is in the process of development, the rate of economic growth is also seriously affected by such factors as the preparation and execution of specific projects, the supply of skilled labour, and the possibilities of social adaptation to technological changes, not to mention the political factors.

17. In the light of the considerations set out above, it may be stated that an increase in the volume of capital for the non-oil-producing Arab countries, of the order of 20 per cent above the modest rate used as a basis for estimating minimum capital requirements between 1960 and 1970, would significantly increase the rate of economic development. This proposed 20 per cent increase represents a sum equal to \$1,300 million, and is derived from a total capital of \$6,500 million estimated to be the minimum capital requirements of the non-oil-producing Arab countries. Following this approach, the total capital needs of the non-oil-producing Arab countries, at an accelerated rate of growth, would become \$7,800 million, \$4,400 million of which is expected to become available from domestic savings and, to a much lesser extent, from other sources, leaving a deficit of \$3,400 million.

18. It is not necessary for our present purposes to attempt a measurement of the favourable consequences of an enhanced rate of economic development. Suffice it to say that both income and domestic savings are likely to increase significantly, thus reducing the capital needs of these countries in subsequent stages of development. Moreover, such an accelerated rate of growth would greatly assist in the establishment of a larger and more stable economic base at higher levels of income, and create better employment opportunities and a more attractive climate for investment.

19. Turning again to the region as a whole, if we now consider the approximately one million refugees as an additional population to be reintegrated with the region, an additional investment will be needed. We shall assume that such a reintegration takes place under conditions which would at least maintain the level of per caput incomes resulting from the expanded volume of investment discussed in paragraph 17 above. We may then suppose that the capital cost of providing one job for the refugees, within the context of such improved conditions, is \$3,300. This figure, which represents the simple capital-labour ratio for the area, is very close to other estimates. Now, as the present refugee population represents a labour force of approximately 380,000 which will increase to 500,000 by 1970, the total capital investment required to reintegrate the refugees by that date would be approximately \$1,700 million. It will be recalled that in paragraph 17 above it was estimated that the non-oilproducing Arab countries would have a capital deficit of \$3,400 million by 1970. Taking this amount together with the \$1,700 million estimated as necessary to reintegrate the refugees, wherever this may be within the area, a total capital shortfall of \$5,100 million, exclusive of the capital surpluses of the oil-producing countries. It is to be expected, however, that a significant part of this capital will come from the capital surplus derived from oil production which will find increasing opportunities in the non-oil-producing countries.

20. The picture which emerges then is one of a region with great development potentialities, ultimately capable of meeting a large part, if not all, of its capital requirements. To bring the picture more sharply into focus, however, we must take into account two other circumstances. On the one hand, we must distinguish clearly between the capital-surplus and the capital-deficit Arab countries. On the other hand, we must recognize that, if an accelerated rate of development is to be initiated and sustained, there will be a considerable gap in investment funds in the immediate and early stages which will have to be filled by funds from outside the area. In the longer run, the extent to which these capital-deficit Arab countries will attract investment funds from the capital-surplus Arab countries of the area will depend largely upon their success in starting and sustaining their economic

development on a scale sufficient to create an adequate demand for the employment of their available resources.

21. The foregoing analysis concerns the entire period from 1960-1970, with a view to establish orders of magnitude in regard to the total capital requirements and availabilities of the Arab Middle East and to providing a background for an assessment of the potential economic growth of the area. To gain insight into the immediate, and therefore more urgent, problems, however, it is necessary to focus attention on a shorter period, extending to 1965. Thus, the crucial question which remains to be answered is, What scale of investment is required to achieve this more immediate objective? Our estimates show that by 1965 the non-oil-producing Arab countries will need to provide for an additional labour force of approximately 1.8 million which will require, at an accelerated rate of growth, a net investment of \$3,900 million for their employment. Out of this amount, net domestic savings will supply approximately \$1,900 million and expected foreign capital inflow \$500 million, adding to a total of \$2,400 million. This would leave a shortfall of capital of approximately \$1,500 million. Over the same period, the oil-producing Arab countries of the area may be expected to have a capital surplus of over \$2,000 million and it may reasonably be supposed that a substantial part of this surplus will be invested in the capital-deficit Arab countries.

22. To provide the means for productive employment to the Palestine refugees—irrespective of where in the area they may be integrated—would require by 1965 an additional investment of \$1,500 million. The total shortfall of capital by 1965 would then be of the order of \$3,000 million. If we consider this amount together with the shortfall of the non-oil-producing Arab countries and the expected flow of capital into these countries from the oil-producing countries of the area, we may obtain an indication of the scale on which capital from outside the area would be needed during the next five years or so. The shortfall thus to be made good will be of the order of \$1,500 million to \$2,000 million.

23. If within the next five years foreign capital of this order of magnitude is actually invested, it would—together with capital likely to become available from within the areacreate a demand for labour sufficient to absorb, with rising per caput income, the increase in the labour force arising from the growth of population in the United Arab Republic, Lebanon and Jordan. It would also give productive employment to the Palestine refugees, irrespective of where in the area such employment might be created. After this initial period, the need for capital from outside the area might be expected to diminish considerably. This decline in the need for outside capital would be an expected consequence of the increase in the pace of economic development and the rise in the domestic supply of capital as a result of the general process of economic development, and of the growth of oil production.

24. The reintegration of the Palestine refugees into the surrounding economic life of the area is possible only within the context of general economic development. This condition sets certain economic dimensions to the problem. What those economic dimensions are, in terms of capital investment, has been approximately indicated. No attempt to deal with the problem on a scale considerably smaller than this analysis suggests can be expected to be more than partially successful. There are, however, two critical aspects: the scale on which investment needs are conceived, and the timing of the investment. An immediate investment from outside the area in the order of magnitude indicated in paragraph 22 is a necessary condition for the initiation of the process of economic development on a sufficient scale.

25. Not only are the rate of economic development of the area in recent years and the fact that there are still undeveloped natural resources encouraging factors in themselves, but they should lead us to regard the refugee population not as a liability but as an asset for the future. The more rapidly the refugees can be productively employed, the greater the contribution they will be able to make to national income and thus also to the availability of domestic capital.

TABLE 1

Middle East: projected rates of growth in non-oil-producing countries, 1960-1970

(values in millions of US dollars and population in thousands, unless otherwise indicated)

	Egypt	Syria	Lebanon	Jordan	Israel	Tota1
Population				·		
1960	25 941	4 560	1 601	1 056	2 126	35 284
1965	29 465	5 179	1 818	1 200	2 568	40 230
1970	33 706	5 924	2 080	1 372	2 995	46 077
Net cumulative increase	7 765	1 364	479	316	869	10 793
	7 7 0 5	2001	7//	010	007	10793
Labour force	0.044	1 740	61.4	405	741	10.450
1960	9 944	1 748	614	405	741	13 452
1965	11 192	1 967	691	456	871	15 177
1970	12 704	2 233	784	517	990	17 228
Net cumulative increase	2 760	485	170	112	249	3 77 6
Gross national product						
1960	3 315	679	583	166	1 681	6 424
1965	3 842	866	744	188	2 031	7 671
1970	4 418	1 117	961	215	2 369	9 080
Annual percentage increase			,			, 000
1950-1956	5.0	10.0	7.0	5.0	13,0	
1960-1970	3.3	6,5	6.5	3.0	4.1	_
Gross per caput income	3.3	0,3	0.3	3.0	7.1	
1	120	140	261	157	701	
1960 .	128	149	364	157	791	_
1965 1970	130	167	409	157	791	
	131	189	462	157	7 91	_
Gross investment, annual average						
1950-1956	342	70	70	11	308	801
Gross investment as per cent of						001
gross national product, annual						
average 1950–1956	13.0	15.0	10 0	0.0	20.0	
Total gross domestic savings	13.0	15.0	18.0	9.0	30.0	
8	265	00	50			
1960	365	88	58	9	59	579
Less depreciation	(166)	(34)	(29)	(6)	(59)	(294)
1961-1965	1 994	512	338	48	323	3 215
Less depreciation	(906)	(197)	(169)	(33)	(323)	(1 628)
1966-1970	2 307	654	433	55	390	3 839
Less depreciation	(1 049)	(252)	(216)	(39)	(390)	(1 946)
1960-1970	4 666	1 254	`829	Ì12	772	7 633
Less depreciation	(2 121)	(483)	(414)	(78)	(772)	(3 868)
Gross savings as per cent of gross	(=/	(,	(/	(, 0)	(**=)	(0 000)
national product 1960-1970	11.0	13.0	10.0	5.0	3.5	
Depreciation as per cent of gross	11.0	15.0	10.0	3.0	3.3	_
national product 1960–1970	5.0	5.0	5.0	3.5	2 5	
	5.0	5.0	5,0	3.3	3,5	_
Total net domestic savings	100	r.,	20	•	•	20.4
1960	199	54	29	3	0	284
1961-1965	1 088	315	169	15	0	1 587
1966-1970	1 258	402	217	16	0	1 899
1960-1970	2 545	<i>7</i> 71	415	34	0	3 765
Total consumption						
1960	2 950	591	525	157	1 622	5 845
1965	3 419	753	670	179	1 960	6 981
1970	3 932	972	865	204	2 286	8 259
Per caput consumption				-		
1960	114	130	328	149	763	
1965	116	145	369	149	763	
1970	117	164	416	149		_
Net investment necessary to create	117	104	410	149	763	_
one job (US dollars)	1 400	1.050	F 000			
	1 400	1 950	5 000	4 000	8 000	_
Number of jobs that can be provided						
with the expected net domestic						
savings			_			
1960	142	28	6	0.750	0	176.75
1961-1965	<i>777</i>	162	34	3.750	0	976.75
1966-1970	899	206	43	4.000	0	1 152.00
1960-1970	1 818	396	83	8.500	0	2 305,50
Surplus of labour					:	_ 5551 0 0
1960	77	11	7	9.250	25	129,25
1961-1965	471	57	43	47,250	130	748,25
1966-1970	613	60	50	57.000	119	
1960-1970	1 161	128	100	113.500	274	899.00 1 776.50
	1 101	140	11707	11.5 500	//4	1 776 50

TABLE 1 (continued)

	Egypt	Syria	Lebanon	Jordan	Israe1	Total
Capital necessary to employ sur-						
plus labour force				۵		
1960	108	21	35	37	200	401
1961-1965	659	111	215	189	1 040	2 214
1966-1970	858	117	250	228	952	2 405
1960-1970	1 625	249	500	454	2 192	5 020
Expected inflow of foreign private						
capital						
1960	0	0	35	0	86	121
1961-1965	0	0	215	0	430	645
1966-1970	0	0	215	0	430	645
1960-1970	0	0	465	0	946	1 411
Outstanding official financial com-						
mitments						
1960	<i>7</i> 8	12	0	0	100	190
1961-1965	60	81	0	0	58	199
1966-1970	0	51	0	0	0	51
1960-1970	138	144	0	0	158	440
Required foreign official financing						
1960	30	9	0	37	14	90
1961-1965	599	30	0	189	552	1 370
1966-1970	858	66	35	228	552	1 709
1960-1970	1 487	105	35	454	1 088	3 169
		-00	• • • • • • • • • • • • • • • • • • • •			

The following exchange rates were used for the dollar:

Egypt: LE = 0.36; Syria: SL = 3.58; Lebanon: LL = 3.20; Jordan: JD = 0.36; Israel: IL = 1.80; Iraq: ID = 0.36.

Other oil-producing countries: original figures in dollars.

TABLE 2

Middle East: projected rates of growth in oil-producing countries, 1960-1970

(values in millions of US dollars and population in thousands, unless otherwise indicated)

		Saudi	Kuwait, Bahrain	
	Iraq	Arabia	and Qatar	Tota1
Population				
1960	6 515	6 650	403	13 568
1965	7 400	7 554	459	15 413
1970	8 465	8 641	524	17 630
Net cumulative increase	1 950	1 991	121	4 062
Labour force				
1960	2 498	2 549	155	5 202
1965	2 811	2 869	174	5 854
1970	3 191	3 257	197	6 645
Net cumulative increase	693	708	42	1 443
Gross national product				
1960	1 188	669	574	2 431
1965	1 515	854	739	3 108
1970	1 935	1 090	953	3 978
Annual percentage increase				
1950-1956	13.0	40.0		
1960-1970	6.3	6.3	6.6	
Gross per caput income				
1960	182	101	142	
1965	205	113	161	
1970	229	126	182	
Fross investment, annual average				
1950-1956	132	45		177
Fross investment as per cent of gross national product, annual				
average 1950-1956	17	13		

TABLE 2 (continued)

		C*!	Kuwait,	
	Iraq	Saudi Arabia	Bahrain and Qatar	Tota1
		711 abla	and Gatai	10141
Total gross domestic savings 1960	249	153	287	689
Less depreciation	(59)	(27)	(20)	(106)
1961-1965	1 442	897	1 721	4 060
Less depreciation	(344)	(159)	(121)	(624)
1966-1970	1 854	1 157	2 210	5 221
Less depreciation	(440)	(205)	(155)	(800)
1960-1970	3 545	2 207	4 218	9 970
Less depreciation	(843)	(391)	(296)	(1 530)
Gross savings as per cent of gross				
national product 1960-1970	21,0	20.0	50.0	
Depreciation as per cent of gross				
national product 1960-1970	5.0	3.5	3.5	
•	5.0	5.5	0.5	
Total net domestic savings	100	120	267	583
1960	190	126	1 600	3 436
1961-1965	1 098	738 952	2 055	4 421
1966-1970	1 414			8 440
1960-1970	2 702	1 816	3 922	0 440
Total consumption	000	***	207	1 742
1960	939	516	287	1 742
1965	1 197	663	369	2 229
1970	1 529	872	476	2 877
Per caput consumption				
1960	144	7 8	710	
1965	162	88	800	_
1970	181	101	910	
et investment necessary to create				
one job (US dollars).	2 240	1 790	1 800	_
Number of jobs that can be provided				
with the expected net domestic				
savings				
1960	85	70	148	303
1961-1965	490	412	889	1 791
1966-1970	631	532	1 142	2.305
1960-1970	1 206	1 014	2 179	4 399
urplus (deficit) of labour				
1960	-29	—14	-143	186
1961-1965	—177	-92	870	-1 139
1966-1970	-251	—144	—1 117	-1 512
1960-1970	—457	-250	-2 130	-2837
Surplus capital available for in-				
vestment				
1960	65	25	257	347
1961-1965	396	165	1 566	2 127
1966-1970	562	258	2 010	2 830
1960-1970	1 923	448	3 833	5 304

The estimates of income, domestic savings and surplus capital available for investment reflect estimates of oil production and income based largely on a 1958 unpublished study by the Organisation for European Economic Co-operation. The conclusions of this study are more conservative than other estimates such as the projections of Middle East oil production published in 1958 by the Chase Manhattan Bank. According to the Chase Manhattan projections of oil production, the 1960-1970 surplus capital available for investment would be over \$8,000 million instead of \$5,300 million. For more details, see technical appendix.

Middle East: regional totals and Palestine refugees, 1960-1970 (values in millions of US dollars and population in thousands, unless otherwise indicated)

	Middle	Delegiis -		Middle East	Palestine
	East Total	Palestine Refugees		East Total	Palestine Refugees
Population	1000		Depreciation as per cent of gross		
1960	48 852	1 021	national product 1960-1970		
1065	55 643	1 160	national product 1300-1370	_	
1965					
1970	63 707	1 327	Total net domestic savings		
Net cumulative increase	14 855	306	1960	867	
Labour force			1961-1965	5 023	
	10.654	201	1966-1970	6 320	
1960	18 654	391	1960-1970	12 205	
1965	21 031	440			
1970	23 873	500	Total consumption		
Net cumulative increase	5 219	109	1960	7 587	
			1965	9 210	
Guara matter all min. It at			1970	11 136	
Gross national product	00			11 100	
1960	8 855				
1965	10 <i>7</i> 79		Net investment necessary to create		
1970	13 058		one job (US dollars)	2 113	
Annual percentage increase					
1950-1956					
1960-1970	_		Number of jobs that can be provided with the expected net domestic		
Gross per caput income			savings	480	
1960			1960		
1965			1961-1965	2 768	
11.11			1966-1970	3 457	
1970	_		1960-1970	6 703	
Gross investment, annual average			Surplus of labour		
1950-1956	978		1960	129	391
,				748	49
			1961-1965	748 899	
cross investment as per cent of			1966-1970	0,,,	60
gross national product, annual			1960-1970	1 777	500
average 1950-1956	_				
			Total capital deficit (non-oil-pro-		
Total gross domestic savings			ducing countries)		
1960	1 268		1960	- 90	
Less depreciation	(400)		1961-1965	- 1 370	
1961-1965	7 275			- 1 709	
Less depreciation	(2 252)			- 3 169	
1966-1970	9 060				
Less depreciation	(2746)				
	17 603		Total capital surplus (oil-producing		
1960-1970			countries)		
Less depreciation	(5 398)		1960	⊢ 347	
				2 127	
Gross savings as per cent of gross			1966-1970	2 830	
			10/0 1070		
national product 1960-1970			1960-1970	- 5 304	

TABLE 4

Capital requirements and capital availabilities of the Arab Middle East, including Palestine refugees, 1960-1965 (millions of US dollars)

	Non-oil Arab countries ª/	Non-oil Arab countries <u>b</u> /	, Palestine refugees ^C /	Total deficit	Oil-re surp OEEC d	lus	Total si or de OEEC	-
Total capital deficit 1960 1961-1965 1960-1965 Total capital surplus (oil- producing Arab coun- tries) 1960 1961-1965 1960-1965 Net capital position of the Arab Middle East 1960 1961-1965 1960-1965	76	— 108	- 1 280	— 1 464	+ 347	+ 295	- 1 117	- 1 169
	818	— 541	- 172	— 1 531	+ 2127	+ 2612	+ 596	+ 1 081
	894	— 649	- 1 452	— 2 995	+ 2474	+ 2907	- 521	- 88

^{3/} Minimum capital required from outside in order to employ the natural increase in the labour force under conditions of a modest rise in income.

simple average for the area.

DOCUMENT A/4225 AND ADD.1

Seventeenth progress report of the United Nations Conciliation Commission for Palestine (1 June 1958 — 31 August 1959)

Document A /4225

[Original text: English]
[22 September 1959]

Note by the Secretary-General: The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 6 of General Assembly resolution 512 (VI) of 26 January 1952, the seventeenth progress report of the United Nations Conciliation Commission for Palestine.

INTRODUCTION

- 1. As indicated in its previous reports, the Conciliation Commission, during the last few years, has directed its efforts principally to the programme of identification and valuation of Arab refugee immovable property holdings in Israel and the release of Arab refugee bank accounts and safe deposits blocked in Israel. The release operation in regard to Arab refugee bank accounts and safe deposits has proceeded satisfactorily while the technical work of identification of immovable property is virtually completed and the work of valuation has already begun. The Commission deems it appropriate at this stage to submit a report reviewing the progress made to date.
- 2. In its resolution 512 (VI) of 26 January 1952 on Palestine, the General Assembly expressed the view

that the Governments concerned had the primary responsibility for reaching a settlement and that the Conciliation Commission for Palestine should be available to assist the parties to that end. In urging the Governments concerned to seek agreement, the General Assembly recommended that they make full use of United Nations facilities.

- 3. Following the adoption of that resolution, the Commission, while remaining at the disposal of the Governments concerned for any assistance it could render, concluded that in the existing circumstances it could best lend its assistance to the parties by seeking the release of Arab refugee bank accounts and safe deposits blocked in Israel and by compiling all available data for identification and valuation of Arab refugee property. The Commission's decision was encouraged by the fact that at the Conference held in Paris from 13 September to 19 November 1951 a certain area of agreement had emerged from the general negotiations and further progress seemed possible on these two specific questions.
- 4. The Commission thus took note of the reaffirmation by the delegation of Israel at the Paris Conference on 14 November 1951 that Israel was ready to contribute to the settlement of the question of compensation for Arab property abandoned in Israel and of its suggestion that concrete discussions on the question of valuation should be held immediately with the Commission or with any other United Nations body

b/Additional capital needed to accelerate the rate of economic development.

^{⊆/} Based on a capital-labour ratio of \$3,300, which is the

d Based largely on a projection of Middle East oil production by the Organisation for European Economic Cooperation.

e/ Based on the Chase Manhattan Bank projection of Middle East oil production.

designated for the purpose. 4/At its meeting on 28 April 1952, the Commission decided to ask the Land Specialist of its refugee office to proceed to Jerusalem to undertake discussions on a technical level with the competent Israel authorities with a view to reaching agreement on the procedure and substance of the proposed discussions. No progress was, however, made towards initiating these discussions.

- 5. During his trip the Land Specialist was also instructed to sound out the possibilities of undertaking an examination of the extent, location and value of individual Arab refugee property holdings. He held discussions both with Israel authorities and with interested Arab circles. The results of these discussions led the Commission to decide that this technical work should be started without delay. He was therefore instructed to set up the necessary machinery for the task. In accordance with the suggestions made by the Land Specialist, the Commission in late 1952 set up an office at the United Nations Headquarters in New York for the identification and valuation of Arab immovable property. Since then, the office has been engaged in the tasks of identification and, currently, of valuation, of the immovable property.
- I. DESCRIPTION OF THE TECHNICAL WORK ON THE IMMOVABLE PROPERTY OF ARAB REFU-GEES

A. Identification

- 6. As mentioned in the Commission's last report (A/3835), the essence of the identification work consists in preparing a separate record form for each parcel of land owned by Arab individuals including partnerships, companies and co-operative societies, giving its most important particulars. Somewhat similar forms of a different colour were prepared for parcels of land which were owned by religious bodies. Lists were also prepared of State Domain, Jewish and other parcels not owned by Arab individuals, giving their areas.
- 7. Record forms have also been prepared for parcels falling under the categories mentioned below, the form making the exact status clear in each case:
- (a) Parcels which were recorded as State Domain but which were subject to transfer to Arabs on the payment by them of the unimproved value of the land (badl mithl);
- (b) Parcels which were recorded as State Domain but which had been occupied by Arabs for many years and which the Mandatory Government regarded as let to the occupiers under implied leases;
- (c) Parcels which were recorded as State Domain and which were let to Arabs under long-term leases;
- (d) Parcels which were owned by non-Arabs but which were let to Arabs on long-term leases.
- 8. The identification was extended to embrace the areas of "no man's land" in the Jerusalem-Ramle area and the "demilitarized zones" in the northern region. The border villages, that is, those whose lands were cut by the armistice lines, presented a special problem. Where the Land (Settlement of Title) Ordinance had been applied to a village, it was possible to

- draw the armistice line approximately on a largescale map and to include only those parcels which fell on the Israel side. In villages to which the Ordinance had not been applied, however, there are no maps showing the location of parcels within the village boundaries, and therefore it was thought best to include all Arab-owned parcels in fiscal blocks cut by the line.
- 9. No attempt has been made to distinguish between properties belonging to Arabs who are refugees and properties belonging to Arabs who are not. To make such a distinction would have been outside the resources of the office; and throughout the whole process the principle was adopted of including rather than excluding, on the grounds that it would be comparatively easy to exclude certain properties later on (if, for example, they were found to belong to Arabs residing in Israel, or to be on the Arab side of the armistice line in "non-settled" border villages), but difficult to include later on properties which should have been included but were omitted.
- 10. The purpose of the identification was to bring into existence a compact record of individual Arab landholdings in Israel, which could be used, if the parties so desired, as a basis for verifying individual claims to ownership, and which would contain the material necessary to value each holding.

B. Valuation

- 11. Valuation is a natural corollary of identification. Land differs from most commodities in that the unit (hectare, acre or dunum) can vary so enormously in value that any description would not be complete without a valuation. For instance, figures from 2 to 100,000 Palestine pounds per dunum were quoted in official Palestine Government correspondence in 1946.
- 12. The valuations will be based on the information contained in the record forms mentioned above, and the value at which the office will seek to arrive is the market value of each individual property as at 29 November 1957. That date, on which the General Assembly adopted resolution 181 (II) on the future government of Palestine, was chosen because it was the last date before the exodus of refugees when land values in Palestine were reasonably stable. The evidence on which the valuations will be based is the official record of prices realized in sales which took place between 1 January 1946 and 29 November 1947. Obviously, only a small proportion of properties were sold during the period of approximately two years mentioned above, and it was necessary to devise some means for relating the values established for properties which were sold to similar properties in the same location which were not. For this purpose it was considered that the tax categories of land in rural areas and net annual values as assessed for urban property tax in urban areas were the most reliable guide, and they are therefore being used in conjunction with the effective sale prices mentioned above.

C. Documents

- 13. The documents examined by the office were all official records of the former Mandatory Government of Palestine. They included:
- (a) Microphotographs of registers of title supplemented by the original registers when the microfilm was missing or defective;

^{4/} See Official Records of the General Assembly, Sixth Session, Supplement No. 18, annex C, appendix I, p. 18.

- (b) Registers of deeds;
- (c) Tax distribution lists and, failing these, tax-payers' registers;
- (d) Field valuation sheets and, failing these, valuation lists and taxpayers' registers;
- (e) Schedules of rights (only in respect of blocks for which no registers of title had been prepared);
 - (f) Parcel classification schedules;
 - (g) Land registrars' returns of dispositions;
 - (h) Village maps and block plans.

To the above must be added some other related records of relatively minor importance which were examined when necessary.

14. The microfilm was photocopied in London from the original set then in the possession of the United Kingdom authorities, and was taken to New York and from there to Jerusalem. It was not always possible to have the other documents brought to the Commission's office in Jerusalem, and they were therefore examined in places such as Damascus, Gaza, Amman and Tel Aviv.

D. Information extracted

- 15. The information which the office sought to complete on the record form for each Arab-owned parcel was as follows:
- (a) Location (sub-district, town or village, locality, registration or fiscal block number, parcel number);
 - (b) Area (in metric dunums and square metres);
- (c) Description (nature of the land, e.g., arable, plantation, building; description of buildings with number of rooms etc.);
 - (d) Name(s) of owner or owners;
- (e) Shares (where there was more than one owner the share of each partner is given in the form of a fraction);
- (f) Rural property tax category (under the Rural Property Tax Ordinance, rural land was divided for taxation purposes into seventeen categories, ranging from the most valuable, i.e., citrus plantations, to the least valuable, i.e., uncultivable land);
- (g) Urban property tax assessment (under the Urban Property Tax Ordinance, urban property was assessed for taxation on the basis of its net annual value; where the land was not built upon, its net annual value was a prescribed percentage of its capital value as building land);
- (h) Encumbrances (including charges such as mortgages, leases and attachments);
- (i) Particulars of any sale which took place between 1 January 1946 and 29 November 1947, whether of the property as a whole or of shares in it, including the financial consideration as declared by the parties and as assessed by the registrar of lands.
- 16. The following table shows from what sources the different items of information were extracted for various classes of property. (By "settled land" is meant land to which the title had been settled under the Land (Settlement of Title) Ordinance; by "nonsettled land" is meant land to which the above-

mentioned Ordinance had not been applied—by "rural" and "urban" is meant the areas to which the Rural Property Tax Ordinance and the Urban Property Tax Ordinance had been applied respectively.) The letters in the table below relate to the documents listed under section C above.

	"Settled" land	1.01-	settled" ind
		Rural	Urban
1. Location	a, d, e	С	b, d
2. Area	a, d, e	c	b, d, h
3. Description	a, d, e, f		b, d
4. Names of owners	a, d, e	c	b, d
5. Shares	a, d, e	c	b, d
6. Rural property tax	c, f	c	
7. Urban property tax assessment	d		d
8. Encumbrances	a, e	_	b
9. Sale particulars	g	b, g	g

E. Present status of the technical work

- 17. The work of identification is virtually complete as far as it can be carried out on the information contained in the documents mentioned in section C above. About 450,000 record forms of properties owned by Arab individuals have been prepared and this must represent an overwhelming proportion of the total number of such properties. Nevertheless, it is hardly to be expected that an investigation of this kind can be complete in all respects. The principal deficiencies are mentioned below.
- 18. The taxation records, which were used as the basis of identification of rural lands to which the Land (Settlement of Title) Ordinance had not been applied, gave the name of the "reputed owner" of each parcel. Unfortunately, the name or names were not always given in full and often a partnership was described in such form as "A... and others" with no indication of the shares held by the respective partners. The areas of parcels were also approximate, and no mention was made of any encumbrances which might have existed. The same is true, to a lesser degree, of the taxation records which applied to urban areas. In regard to these latter areas, it has been found possible to make use of the registers of deeds to remedy this defect, and work on these lines is being continued.
- 19. Uncultivable and some marginal land in rural areas was placed in category 16 under the Rural Property Tax Ordinance, and because such land was not liable to tax, the authorities did not always make a distinction in their records of villages to which the Land (Settlement of Title) Ordinance had not been applied, between land of that kind which was used in common by all the inhabitants of a village and that which was privately owned. In villages of this kind the office was obliged to use the taxation records as the basis of its identification, and was therefore unable to make the distinction.
- 20. The Beersheba sub-district contained about 12.5 million dunums, most of which was desert. About 2 million dunums, however, were regarded as cultivable and were liable to payment of tithe (the Rural Property Tax Ordinance did not apply to this sub-district). The office was unable to discover the tithe records, which might possibly have been used for identification purposes. The registers of deeds were examined and registration therein was found to account

for only about 200,000 dunums, of which some 300 parcels, totalling about 64,000 dunums, were registered in the names of Arabs. It is a reasonable inference that any non-Bedouin, whether Arab or Jew, acquiring land in the Beersheba sub-district would have taken steps to register it, so as to be in a position to resist possible encroachments. If this is so, the remainder of the 2 million dunums of cultivable land might be regarded as having been cultivated by the Bedouin. Further inquiries are being made about land ownership in the Beersheba sub-district generally.

21. As regards valuation, analyses have been made of the sale prices realized for rural land in two subdistricts and for urban property in three towns. This work will now be continued at an accelerated pace, and it is proposed to complete it for all the remaining sub-districts, including their urban areas, before beginning to apply the results to the valuation of individual properties. A certain number of experimental valuations have already been made by arithmetical application of the results of the analyses and the figures have been compared with the known values of the parcels concerned. The correspondence between the figures has been close enough to encourage confidence in the practicability of the method. Even better results are expected when the analysis has been extended over a wider area and further study has improved the techniques used in applying it.

F. General observations on the work of identification and valuation

22. The Commission has taken into account the fact that the General Assembly has always been concerned with the property rights of Arab refugees within the terms of paragraph 11 of resolution 194 (III) of 11 December 1948. It is obvious that in carrying out this work the Commission is not attempting to lay down a basis for an over-all settlement of the refugee problem. The work of identification and valuation is technical in nature and is a prerequisite of any settlement with regard to the rights of individuals to their immovable property. One of the considerations which prompted the Commission to begin the programme was that the understanding of a project such as this would become increasingly difficult as time went on.

23. As indicated in paragraph 13 above, the material for the preparation of this work has been collected from many sources, all official records of the Mandatory Government of Palestine. A few of these records have not been located as yet, while some others, by their very nature, were deficient in that they did not give precise information on the names of owners, their shares and the areas of parcels. However, the Commission is confident that with records already found and made available to its staff, the validity of the work as a whole would be unimpaired even if some of the difficulties were not overcome. Each identification and valuation of a parcel is justifiable in itself.

II. RELEASE OF ARAB REFUGEE BANK ACCOUNTS BLOCKED IN ISRAEL AND TRANSFER OF SAFE-DEPOSIT AND SAFE-CUSTODY ITEMS

24. An agreement was reached in 1952 between the Conciliation Commission for Palestine and the Government of Israel for the complete release of Arab refugee accounts blocked in Israel. After certain technical difficulties had been overcome, the final release

operation went into effect at the beginning of 1955. As of 30 June 1959, a total of £2,781,164 of the accounts have been released.

25. In this connexion, it should be noted that a considerable number of Arab refugee account holders have not yet withdrawn the balances of their accounts in Palestine branches of Barclay's Bank (Dominion, Colonial and Overseas) and of the Ottoman Bank. Moreover, none of the Arab refugee accounts held by other banks in Israel have been released since the Government of Israel has not as yet made available the foreign exchange necessary for the release of those accounts.

26. During his trip to the Middle East early this year, the Acting Principal Secretary of the Commission consulted with the Manager of Barclay's Bank in Israel and the Deputy Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on efforts to be made to locate and inform various remaining account holders. As a result of these consultations, copies of a list of all outstanding account holders prepared by Barclay's Bank have been made available in principal UNRWA offices in Lebanon, Jordan, the United Arab Republic and in Gaza, and may be consulted there. At the same time a press release was issued in the area inviting holders of such accounts to apply to the British Bank of the Middle East, the Ottoman Bank, and Banque de Syrie et du Liban, for the recovery of their balances.

27. In regard to the Arab refugee accounts in other banks, the Chairman of the Commission, in a letter dated 26 March 1959 to the Permanent Representative of Israel, reiterated its request that it be informed as soon as possible of the steps which the Government of Israel contemplated regarding the release of those accounts. During his visit to the area, the Acting Principal Secretary also held talks with Israel authorities on the matter. However, the release of those accounts has not yet been effected.

28. As regards the question of the transfer of safe-deposit and safe-custody items, procedures for such transfer to Jordan and Lebanon were worked out in 1955 and the operation has proceeded satisfactorily. Arrangements agreed upon in 1956 with the former Government of Syria and, on a preliminary basis, with the former Government of Egypt remain unimplemented. Although this is a normal banking operation, the Commission will remain available to provide any assistance that may be requested.

29. As of 30 June 1959 the position in regard to the transfer of valuables is as follows:

Total of safe custody items	1,136 29
redeemed	297 263
Total of safe-deposit lockers Lockers released	154 121

30. It should be noted that very few applications have been received during the period covered in the present report.

Document A/4225/Add.1

Addendum

[Original text: English] [12 November 1959]

Note by the Secretary-General: The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 6 of General Assembly resolution 512 (VI) of 26 January 1952, the following addendum to the seventeenth progress report of the United Nations Conciliation Commission for Palestine.

- 1. In paragraphs 25 and 27 of its seventeenth progress report, the Conciliation Commission gave an account of developments in connexion with the question of the release of Arab refugee bank accounts blocked in Israel in banks other than Barclay's and the Ottoman Bank. (Accounts in these two banks had already been released.)
- 2. In a letter dated 11 November 1959, the Acting Permanent Representative of Israel informed the Commission that the Government of Israel had decided to release the above accounts and that it would be glad to formulate, in consultation with the Commission, the technical arrangements for their release. The Commission had informed the representative of Israel that it would welcome consultation for this purpose.

DOCUMENT A/4342

Report of the Special Political Committee

[Original text: English and Spanish]
[8 December 1959]

- 1. In accordance with the request made in paragraph 21 of resolution 302 (IV) of 8 December 1949, and in paragraph 8 of resolution 1315 (XIII) of 12 December 1958, the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East submitted to the General Assembly his report for the year ending 30 June 1958 (A/4213).
- 2. Pursuant to an undertaking made during the course of the thirteenth session of the General Assembly, the Secretary-General submitted a document (A/4121) on 15 June 1959 containing proposals for the continuation of United Nations assistance to Palestine refugees, taking into account an examination of the technical operations of the Agency.
- 3. At its 803rd plenary meeting, on 22 September 1959, the General Assembly decided to include the two documents mentioned above in the agenda of its fourteenth session under the title "United Nations Relief and Works Agency for Palestine Refugees in the Near East", and allocated the item to the Special Political Committee for consideration and report.
- 4. The Special Political Committee considered the question at its 148th to 162nd meetings, from 10 to 30 November 1959 and at its 169th and 171st meetings of 7 and 8 December, respectively.
- 5. At the 148th meeting, the Chairman, with the consent of the Committee, invited the Director of the Agency to take a place at the Committee table. At the same meeting, statements were made by the Secretary-General and the Director of the Agency.
- 6. On 23 November, a draft resolution (A/SPC/L.38) sponsored by Indonesia and Pakistan was circulated. Under the terms of this resolution the General Assembly, inter alia, noting with deep regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of resolution 194 (III) had not been effected, and that, therefore, the situation of the refugees continued to be a matter of serious concern, and noting also the recommendation of the Secretary-General and of the Director of the Agency for the continuation of UNRWA, would decide to extend the mandate of the Agency for a period of five years, would request the Agency to continue its consultations

- with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of resolution 194 (III); and would express its thanks to the Director and the staff of the Agency for their continued faithful efforts to carry out the mandate of the Agency and to the specialized agencies and the many private organizations for their valuable and continuing work in assisting the refugees.
- 7. At the 161st meeting, on 30 November, the Chairman informed the Committee that he had received a letter from the representative of Iraq (A/SPC/40) requesting that Mr. Izzat Tannous, Director of the Palestine Arab Refugee Office in New York, should be allowed to speak before the Committee. With the consent of the Committee, Mr. Tannous made a statement at that meeting.
- 8. At the conclusion of the general debate at the 162nd meeting, on 30 November, the Committee decided, at the suggestion of the representative of the United Kingdom, to suspend consideration of the item for a few days so as to enable the delegations concerned to proceed to consultations on the text of a draft resolution.
- 9. At the 169th meeting, on 7 December, the representatives of Indonesia and Pakistan introduced a revised text (A/SPC/L.38/Rev.1) of their draft resolution. According to the revised draft resolution, the General Assembly would: (1) decide to extend the mandate of UNRWA for a period of three years with a review at the end of two years; (2) request the Governments concerned to co-operate with the Agency in efforts to rectify the situation described in paragraphs 17 and 18 of the Director's report; (3) request the Director to arrange with the host Governments the best means of giving effect to the proposals contained in paragraph 47 of his report; (4) request the Palestine Conciliation Commission to make further efforts to secure the implementation of paragraph 11 of resolution 194 (III); (5) direct attention to the precarious financial position of the Agency and urge Governments to consider to what extent they could contribute or increase their contributions so that the Agency could carry out its programmes; (6) direct the Agency to

continue its programme of relief for the refugees, and, in so far as was financially possible, expand its programme of self-support and vocational training; and (7) express its thanks to the Director and the staff of the Agency for their continued faithful efforts to carry out the mandate of the Agency and to the specialized agencies and the many private organizations for their valuable and continuing work in assisting the refugees.

- 10. At the 171st meeting, held on 8 December, the Committee proceeded to vote on the revised draft resolution (A/SPC/L.38/Rev.1). A separate vote was requested on operative paragraphs 4 and 5.
- (\underline{a}) Operative paragraph 4 was adopted by a roll-call vote of 54 to 1, with 18 abstentions. The voting was as follows:

Infavour: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Colombia, Cuba, Czechoslovakia, Federation of Malaya, France, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Poland, Romania, Saudi Arabia, Spain, Sudan, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Israel.

Abstaining: Burma, Canada, Chile, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, Guatemala, Iceland, Netherlands, Peru, Fhilippines, Portugal, Sweden, Thailand, Union of South Africa, Uruguay.

(b) Operative paragraph 5 was adopted by a roll-call vote of 64 to none, with 7 abstentions. The voting was as follows:

Infavour: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Brazil, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Libya, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Dominican Republic, Guinea, Liberia, Peru, Philippines, Portugal, Union of South Africa.

(c) The revised draft resolution as a whole was adopted by 71 votes to none, with 1 abstention.

Recommendation of the Special Political Committee

11. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 851st plenary meeting, on 9 December 1959, the General Assembly adopted the draft resolution submitted by the Special Political Committee (A/4342, para. 11). For the final text, see resolution 1456 (XIV) below.

Resolution adopted by the General Assembly

1456 (XIV). UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, and 1315 (XIII) of 12 December 1958,

Noting the annual report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1/in particular the expiration of the Agency's mandate on 30 June 1960,

1/ Official Records of the General Assembly, Fourteenth session, Supplement No. 14 (A/4213).

Noting the recommendation of the Secretary-General and the Director of the Agency for the continuation of the Agency,

Noting with deep regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not been effected, and that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern,

<u>Having reviewed</u> the Agency's budget and noting with concern that contributions from Member States are not sufficient,

Recalling that the Agency, as a subsidiary organ of the United Nations, enjoys the benefits of the Convention on the Privileges and Immunities of the United Nations,

- 1. <u>Decides</u> to extend the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for a period of three years with a review at the end of two years;
- 2. Requests the Governments concerned to cooperate with the Agency in efforts to rectify the situation described in paragraphs 17 and 18 of the Director's report;
- 3. Requests the Director of the Agency to arrange with the host Governments the best means of giving effect to the proposals contained in paragraph 47 of his report;
- 4. Requests the United Nations Conciliation Commission for Palestine to make further efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III);

- 5. <u>Directs attention</u> to the precarious financial position of the Agency and urges Governments to consider to what extent they can contribute or increase their contributions so that the Agency can carry out its programmes;
- 6. <u>Directs</u> the Agency to continue its programme of relief for the refugees and, in so far as is financially possible, expand its programme of self-support and vocational training;
- 7. Expresses its thanks to the Director and the staff of the Agency for their continued faithful efforts to carry out the mandate of the Agency, and to the specialized agencies and the many private organizations for their valuable and continuing work in assisting the refugees.

851st plenary meeting, 9 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 27 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4132/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization (16 June 1958-15 June 1959)	Official Records of the Gen- eral Assembly, Fourteenth Session, Supplement No. 1A
A/4213	Annual report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (1 July 1958 - 30 June 1959)	Ibid., Supplement No. 14
A/4236	Letter dated 6 October 1959 from the representatives of Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, the Sudan, Tunisia, the United Arab Republic and Yemen to the United Nations, addressed to the Secretary-General, transmitting comments on the Secretary-General's proposals for the continuation of United Nations assistance to Palestine refugees (A/4121)	Mimeographed
A/SPC/40	Letter dated 20 November 1959 from the representative of Iraq to the Chairman of the Special Political Committee	Mimeographed
A/SPC/L.38	Indonesia and Pakistan: draft resolution	See A/4342, para. 6
A/SPC/L.38/ Rev.1	Indonesia and Pakistan: revised draft resolution	Adopted without change. See A/4342, para. 11

GENERAL ANNEXES **ASSEMBLY** FOURTEENTH SESSION



Official Records

NEW YORK, 1959

Agenda item 28: United Nations Emergency Force: *

- (a) Cost estimates for the maintenance of the Force;
- (b) Manner of financing the Force: report of the Secretary-General on consultations with the Governments of Member States;
- (c) Progress report on the Force.

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A/4171	Budget estimates for the maintenance of the Force: report of the Advisory Committee on Administrative and Budgetary Questions	12
A/4176 and Add.1 and 2	Manner of financing the Force: report of the Secretary-General on consultations with Governments of Member States	13
A/4210 and Add.1	Progress report of the Secretary-General on the United Nations Emergency Force	21
A/4284	Supplementary estimates for 1959: revised estimates for 1960: report of the Advisory Committee on Administrative and Budgetary Questions	28
A/C.5/800	Supplementary estimates for 1959: revised estimates for 1960: report of the Secretary-General	29
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DOCUMENT A /4160

Cost estimates for the maintenance of the Force: report of the Secretary-General

[Original text: English] [23 July 1959]

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Foreword by the Secretary-General

- 1. The United Nations Emergency Force continues effectively to serve the cause of peace in helping to maintain quiet along the perimeter of the Gaza Strip, the International Frontier in the Sinai peninsula and the western shores of the Gulf of Agaba.
- 2. In order that the General Assembly may make appropriate financial provision for maintaining the Force during 1960, should it decide to do so, I submit herewith my budget estimates for that year.
- * For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 749th to 753rd and 759th meetings; and ibid., Plenary Meetings, 846th meeting.
- 3. The 1960 estimates total \$18,916,000. This amount is \$453,000 less than the estimate I submitted for the year 1959 (A/3984) and \$84,000 below the amount of \$19,000,000 approved for 1959 by the General Assembly at its thirteenth session (resolution 1337 (XIII). 1/
- 4. The estimates have been prepared on the assumption that the total military strength of the Force will average 5,300 officers and other ranks during 1960 as compared to an average strength of 5,400 for the year 1959. This reduction in military strength will be possible as a result of improved procedures and the transference of responsibility for certain ordnance and

^{1/}See also Official Records of the General Assembly, Thirteenth Session, Supplement No. 5 C.

communications operations from the military to a lesser number of local civilian staff and Field Service personnel.

- 5. Having regard to the difficulties to date in financing the operations of the Force, a subject on which I shall be reporting separately to the General Assembly, I have considered it imperative to keep the 1960 estimates to the absolute minimum required for the Force to perform its present functions under existing conditions.
- 6. As a result of an unavoidable increase of \$1,300,000 over the amount budgeted for 1959 to be paid to Governments providing contingents to the Force for their extra costs relating to pay and allowances, and an increase of \$224,000 due to increased charges for aircraft servicing the Force, it has been possible to effect the over-all reduction referred to in paragraph 3 above only by eliminating from the 1960 estimates any provision for "Contingencies" (section 7) and "Compensation in respect of equipment, materials and supplies furnished by Governments to their contingents" (section 9). Under policies previously approved by the General Assembly it is, of course, not possible until the conclusion of the total period of service of a Government's contingent in UNEF to determine the amount of compensation due in respect of the latter item, and as a reserve of \$7 million has already been authorized, I have felt that the General

- Assembly might wish to defer making further provision for this purpose at this time.
- 7. It should be pointed out, however, that the authorized reserve is not represented by cash because of the large amount of arrears in payments of assessed contributions to the UNEF Special Account. If, therefore, in response to the request of several Governments which are providing contingents to the Force the General Assembly should authorize current payments of compensation in respect of such equipment, materials and supplies, the General Assembly will have to consider at the same time the problem of ensuring that funds are in fact available for this purpose.
- 8. In view of the nature of the operation of the Force and the elimination of any provision for contingencies, I trust that the General Assembly will again agree as it has done in connexion with the 1958 and 1959 budgets that, while the amounts under part B of the 1960 budget may not be transferred to other sections of the UNEF budget without the specific advance approval of the Advisory Committee on Administrative and Budgetary Questions, no restriction will be placed on the authority of the Secretary-General to transfer credits between sections under part A of the budget as circumstances require.

(Signed) Dag HAMMARSKJOLD Secretary-General

UNITED NATIONS EMERGENCY FORCE

Budget estimates for the period 1 January to 31 December 1960

(with 1959 approved budget amounts and 1958 expenses)

		1960 estimates	1959 budget	1958 expenses
Section 1. Military personnel	Part A	Ur	ited States dolla	ars
Chapter				
I. Allowances		1,664,000	1,700,000	1,684,276
II. Rotation of contingents		1,765,000	1,906,000	2,037,941
III. Travel and subsistence		186,000	186,000	310,079
	TOTAL, section 1	3,615,000	3,792,000	4,032,296
Section 2. Operational expenses	·		<u></u>	
Chapter				
I. Equipment				
(i) Motor transport and heavy mobile equipment.		140,000	181,000	406,479
(ii) Miscellaneous operational equipment		249,000	275,000	265,465
II. Maintenance and operation of equipment				
(i) Maintenance and operation of motor transport and stationary engines		1,062,000	980,000	1,112,108
(ii) Operation of aircraft		745,000	521,000	1,025,662
III. Supplies and services				
(i) Stationery and office supplies	• • • • • • • • • • • • • • • •	46,000	40,000	46,216
(ii) Operational supplies and services	• • • • • • • • • • • • • • • • •	844,000	933,000ª/	1,154,306
IV. Communications services	• • • • • • • • • • • • • • • • •	42,000	42,000	38,143
V. Freight, cartage and express	• • • • • • • • • • • • • • • •	515,000	670,000	616,595
VI. Insurance	• • • • • • • • • • • • • • • • • •	2,000	10,000	1,052
VII. External audit	• • • • • • • • • • • • • • • •	13,000	13,000	12,082
VIII. Claims and adjustments	• • • • • • • • • • • • • • • • • • •	20,000	22,000	118,157
	TOTAL, section 2	3,678,000	3,687,000	4,796,265

Budget estimates for the period 1 January to 31 December 1960 (continued)

(with 1959 approved budget amounts and 1958 expenses)

	1960 estimates	1959 budget	1958 expenses
Section 3, Rental and maintenance of premises	United States dollars		lars
Chapter			
I. Rental of premises	169,000	166,000)	
II. Reconditioning and maintenance of premises.	175,000	135,000	335,925
TOTAL, section 3	344,000	301,000	335,925
Section 4. Rations			
TOTAL, section 4	1,785,000	1,911,000	1,297,501
. TOTAL, Section 2	1,100,000	1,311,000	1,231,301
ection 5. Welfare			
Chapter			
I. Leave Centre	567,000	515,000	
II. Recreational and sports supplies	29,000	29,000	
III. Films	72,000	72,000	680,796
IV. Live shows	28,000	28,000	
V. Postage for personal mail	60,000	48,000/	
TOTAL, section 5	756,000	692,000	680,796
Section 6. Non-military personnel Chapter			
I. Salaries and wages.	1,494,000	1,415,000	1,511,371
II. Common staff costs	132,000	1,415,000	125,220
III. Travel and subsistence	132,000	125,000	125,220
(i) Travel	102,000	132,000	304,288
(ii) Subsistence	210,000	195,000	
TOTAL, section 6	1,938,000	1,867,000	1,940,879
ection 7. Contingencies			
TOTAL, section 7		250,000	
TOTAL, PART A	12,116,000	12,500,000	13,083,662
•			
Port B Section 8. Extra and extraordinary costs relating to pay and allowances			
TOTAL, section 8	6,800,000	5,500,000	6,030,000
ection 9. Compensation in respect of equipment, materials and supplies furnished by Governments			
to their contingents TOTAL, section 9		1,000,000	4,800,000 b
TOTAL, PART B	6,800,000	6,500,000	10,830,000
GRAND TOTAL	18,916,000	19,000,000	23,913,662

 $[\]underline{a}$ / Amounts represent sums shown in the 1959 budget and 1958 accounts under the two items "Operational supplies" and "Miscellaneous supplies and services".

 $[\]underline{b}$ / Amount not disbursed but recorded as an outstanding obligation to cover claims from Governments at the conclusion of their contingents' total service in the Force.

Detailed information on budget estimates

Part A. Operation of the Force

\$12,116,000

\$12,110,000	
	United States dollars
Section 1. Military personnel	3,615,000
Chapter I. Allowances	1,664,000
This provision, which is based on the decision taken by the Fifth Committee of the General Assembly at its 541st meeting on 3 December 1956, provides for the payment of an allowance to Force members for the purpose of meeting incidental personal requirements. The average daily strength of officers and men throughout 1960 is estimated at 5,300. The provision also includes requirements for necessary overlapping of force members during rotations	
II. Rotation of contingents	1,765,000
Governments contributing troops require rotation of their contingents at intervals which vary according to individual arrangements. This estimate provides for the costs of rotation movements during 1960 as follows:	
(i) Scandinavian contingents (Danish, Swedish and Norwegian)	540,000
Provision is made for two rotations of the three Scandinavian contingents during 1960. The rotations are planned by commercially chartered flights for the Force members including limited baggage allowance with additional baggage and equipment being transported by sea. Provision is also made for special handling of limited baggage by air charter when necessitated by national contingent schedules. The total strength of the Scandinavian contingents has been increased by approximately 300 men over the 1959 Force members	
(ii) Yugoslav contingent	192,000
Provision is made for two rotations of the Yugoslav contingent during 1960. The rotations are planned on the same basis as previous Yugoslav movements, with the major rotations by commercially chartered ship and advance parties travelling by Yugoslav aircraft. The estimate is based on 1958 costs	
(iii) Brazilian contingent	400,000
Provision is made for two rotations of the Brazilian contingent for 1960 following the rotation pattern for 1958 and 1959. The provision is based on transportation by military ship as in previous rotations	
(iv) Canadian contingent	418,000
The Canadian contingent is expected to rotate on a staggered basis by air during the year as in 1958 and 1959. The estimate is based on the agreed hourly flying rate for the use of Royal Canadian Air Force aircraft. The provision has been increased over the 1959 estimate by 40 per cent, which reflects the increased hourly rate for use of the North Star type planes. The increase in the hourly rate has been based on an analysis of operating costs conducted by the Canadian Government	
(v) Indian contingent	175,000
Provision is made for one major rotation of the Indian contingent during the year. As in 1958 and 1959, it is expected that the main body will travel by commercially chartered ship at an estimated cost of approximately \$130,000. Provision is also made for the rotation of approximately 125 men during the year, either by commercial sea or air, as advance parties to the main group at an approximate cost of \$45,000	
(vi) Casual rotation	40,000
Provision is made for the travel of military personnel from the mission area to the home country as distinct from regular rotation of contingents, when such travel has been approved by the Commander of the Force for the individual concerned because of incapacitation, governmental duty orders or other compelling reasons. The provision is requested at the same level as approved for 1959	
III. Travel and subsistence	186,000
Provision is made to cover costs of travel and subsistence allowance payments to military personnel as follows:	
(i) Travel	12,000
The estimate provides for travel of military personnel within the area on official business by rail and occasionally by commercial aircraft	

Part A. O	neration (of the Force	(continued)
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United States dollars

174,000

Subsistence payable at established rates to military personnel at duty stations within the area where they are not provided with quarters and rations at United Nations expense has been estimated at the same level as provided during 1958 and the first quarter 1959

It is anticipated that the personnel assigned to temporary duty at the several duty stations in 1960 will remain stable. The duty stations to which personnel are assigned are as follows:

- (a) Beirut-Liaison Office, Movement Control and Postal Units;
- (b) Pisa-Movement Control;
- (c) Port Said—UNEF Port Platoon Supply Detachment and Movement Control Unit;
- (d) Tel Aviv-Liaison Office;
- (e) Cairo-Liaison Office;
- (f) Leave Centre—located part year in Egypt and Lebanon. Personnel include Leave Centre Commandant, welfare, medical and provost personnel

Section 2. Operational expenses.....

3,678,000

Chapter

140,000

249,000

389,000

The Force's holdings as at 1 May 1959 of self-propelled vehicles total 897. This total includes 1/4-ton type vehicles, vehicles of a specialized nature, such as trucks of various types, armoured reconnaissance vehicles, wreckers, refrigerated vans, mobile machine shop, mobile radio trucks and administration vehicles which include small Citroëns, sedans, station wagons and buses. The figure of 897 is the same as on hand at the end of 1958. However, the distribution by types has changed, as there are now 584 UNEF-owned and 313 contingent-owned vehicles. It is planned that a number of the administrative sedans will be replaced and a number of over-aged military types will be no longer serviceable and will be used for spare parts or disposed of. Various changes in the organization of the vehicles establishment and the abolition of the Reserve Transport Platoon will conserve the over-all transport strength and will result in taking minimum procurement action during 1960. Considering the over-all usage and age of the vehicles, the total procurement requirements for 1960 are estimated as follows:

	\$.
20 small Citroëns	15,000
7 sedans (Ford or Chevrolet)	13,300
9 station wagons (carryalls)	21,700
30 Dodge power wagons	90,000
Within present plans it is anticipated that there will be no requir for 1/4-ton or heavy cargo vehicles during 1960	ements

(ii) Miscellaneous operational equipment.....

This estimate provides for anticipated requirements in the following categories of non-expendable equipment. The provision includes funds to fulfil the established scales for accommodation stores which have been partially provided for in previous years' budgets. The provision also includes funds for replacement of worn-out accommodation stores and replacements for operational equipment including tentage:

- (a) Quartermaster equipment such as chairs, tables, desks, lamps, beds, wardrobes and similar items required to partially fulfil approved scales of issue and for replacement of destroyed and worn-out equipment (\$50,000)
- (b) Engineering equipment including generators of various sizes and a large angle dozer to complement the present buildozer which is overworked by necessary demands (\$64,000)
- (c) Medical and dental equipment which includes the replacement of certain X-ray apparatus and additional non-expendable surgical equipment such as trial refraction set, diathermy machine, Braun Bohler frame, X-ray film dryer and instrument cabinet (\$13,900)

United States dollars

- (d) Tentage replacement will require the furnishing of approximately 200 tents during 1960 due to normal wear and tear. These tents for the most part are located in company and platoon camps on the ADL. This requirement takes into consideration substitution of certain tentage by temporary sand block shelters at battalion headquarters and Rafah warehouse base during 1959 and 1960 (\$56,600)
- (e) Signal and switchboard equipment. Switchboards are required to replace equipment which has become worn out. Also approximately 60 telephone sets, type TA-43, will be required (\$10,000)
- (f) Miscellaneous equipment such as water pumps, tool kits, fuel and water containers, fire-fighting equipment etc. (\$54,500)

II. Maintenance and operation of equipment.......

1,807,000

1,062,000

Provision is made for operation and maintenance of approximately 1,000 self-propelled and trailer vehicles and for the maintenance and repair of heavy generators:

- (a) Spare parts for vehicles and maintenance equipment (\$318,500);
- Provision for vehicle spare parts has been increased by \$48,000 based on actual expenses during 1958 and because the bulk of the vehicles in the Force are one year older with a consequent increase in the requirement for spare parts and tires
- (b) Contractual vehicle repairs (\$120,000);
- \$120,000 was the estimate for contractual vehicle repairs in 1959 and the approximate amount that will be spent. It is anticipated that the current rate of expenditure will be maintained in 1960. Any normal increase in costs will be offset by work assigned to the UNEF Field Service Motor Repair Unit which was expanded in mid-1959 for this purpose
- (c) Contractual repairs and spare parts for stationary engines, water plants and refrigerators (\$28,500);
- With the exception of water distillation plants, all major stationary engines have been overhauled during the latter part of 1958 and early 1959. Owing to the continuous operation of this equipment, a complete overhaul will again be required during 1960. Estimated costs are based on the current expenditure required for the maintenance of this equipment
- (d) Petrol, oil and lubricants (\$595,000)

(ii) Operation of aircraft

745,000

The necessity of maintaining continuous air services to meet logistical and operational requirements in the extended geographical area continues as in the past. These services continue to be provided by the Royal Canadian Air Force at standard reimbursable rates as shown below. However, the rates have been reviewed by the Government of Canada based on an analysis of costs incurred during 1958 and the standard rates for all types of aircraft have been readjusted accordingly. This estimate as in previous budget submissions covers only the costs of operating governmental aircraft regularly assigned to the Force, with provision being made under other headings for all commercial air service utilized. In addition to the aircraft services normally provided by the Canadian Government during 1960, it is proposed to provide auxiliary cargo service from the Scandinavian countries to El Arish via Pisa, at irregular intervals based on requirements to meet the logistical needs of the Scandinavian forces

(a) Regularly assigned Canadian aircraft (\$235,400)

Three Dakotas (DC-3 type) and four Otters (LC type) are based at El Arish under the control of the 115th Communications Flight as in 1958 and 1959. Usage of these planes follows the pattern of previous years whereby two Dakotas are used primarily for carrying freight and the third largely for passenger services such as ferrying troops and mail, and by the Commander in visiting points both within the operational area and for flights to Cairo, Beirut and Pisa. This plane, when not in use for such passenger and mail services, is used for freight purposes and supplements the other Dakotas used primarily for these purposes in meeting the general workload of the Force. Based on the year's operation prior to 1 May 1959, it is estimated that Dakotas will average 130 hours monthly or a yearly average of 1,560 hours. At the adjusted standard reimbursable rate of \$102.54 per hour, the estimate for Dakotas will total \$160,000

United States dollars

46,000

844,000

The four Otters are light craft used within the operational area and for flights to Port Said and Cairo. They continue to perform scheduled reconnaissance duties over terrain not suitable for ground patrol and also carry personnel and supplies to and from areas not reachable by heavier planes. It is expected that the flying time for 1960 will be approximately the same as during the year prior to 1 May 1959 when the average flying time for this group was 115 hours monthly or 1,380 hours per year. Based on the adjusted hourly figure of \$54.65, it is estimated that the 1960 costs will total \$75,300

(b) Shuttle service from Montreal, Canada to El Arish

The Canadian Government continues to furnish a North Star (DC-4 type) aircraft to make one round trip weekly between Montreal and El Arish for the purpose of transporting supplies and personnel for UNEF. Since the aircraft is not used exclusively for UNEF purposes between Canada and England, the Government of Canada bills on a pro-rata basis for that particular leg of the trip in accordance with the UNEF share of each load. Based on 1958 experience, UNEF utilizes approximately 35 per cent of payload eastbound—Montreal to Langar—and 25 per cent westbound. The cost of shuttle service between Montreal and El Arish including partial expense of Montreal-Langar and full expenses of Langar—El Arish, based on an hourly cost of \$253.93, totals \$487,200

(c) Shuttle service from Scandinavian countries

Provision is made for five round trips by C-119 planes between Scandinavian countries and El Arish, at a cost of \$4,500 per trip, to transport personnel and materials required by the augmented Scandinavian contingents (\$22,500)

(i) Stationery and office supplies.....

This estimate provides for the Force's needs of stationery and office supplies, internal reproduction supplies, and the cost of printing forms and cards. The estimate is based on the actual cost for 1958

(ii) Operational supplies and services.....

Provision is made under this heading for requirements in respect of all expendable supplies in the Quartermaster, engineering, medical, dental, ordnance, sanitation and other operational categories. Among the items involved are electrical supplies, various expendable instruments, barbed wire, concertina wire, burlap bags, building supplies, small arms ammunition for training purposes, signal equipment components including signal wire, cable and poles, welding supplies, paint, crockery, rags and waste and related items (\$590,000)

This estimate also provides for the following:

- (a) Clothing and uniforms which the United Nations provides to members of contingents and Field Service personnel. Issues to members of contingents consist of berets, scarves, caps and summer uniforms. Field Service personnel receive as normal conditions of service winter and summer uniforms (\$160,000)
- (b) Contractual personal services, such as cobbling, tailoring, laundering and barber services. The estimate is based on the first quarter of 1959 and the last quarter of 1958 (\$76,000)
- (c) Miscellaneous additional costs include costs of UNEF medals which are awarded to Force members who have served in the mission area for a minimum of three months, medal bars, sun glasses, lister bags, cleaning of blankets, repair of tentage and furniture (\$18,000)

Provision is made for costs of communications services which include expenditures incurred in New York, Geneva and all UNEF operational centres in Egypt, Lebanon and Italy. Those expenditures, as in previous years, include telephone services at all points, a proportionate share of the costs of the regular radio link between New York and Geneva and the costs of the radio link between Geneva and Gaza. It is estimated that approximately the same expenditures as provided in the 1959 budget will be required for 1960

Provision is made to cover costs of transporting and handling supplies and equipment through commercial channels. This estimate is appreciably lower than the amount budgeted for 1959, since it is expected that more supplies will be obtainable from Middle Eastern sources with resultant savings in freight costs

	Part A. Operation of the Force (continued)	United States dollars
Vī	Insurance	2,000
	This provision covers costs of commercial insurance required in connexion with transporting supplies and equipment which are not insured within the policy of self-insurance of the United Nations and for third party liability insurance on UNEF vehicles assigned to offices outside the immediate UNEF area of Gaza, Rafah, El Arish and Port Said	2,000
vn.	External Audit	13,000
:	Provision is made to cover expenses incurred by the Board of External Auditors in auditing UNEF accounts at Headquarters in New York and in Gaza	
m.	Claims and adjustments	20,000
3	Provision is made to cover costs of individual claims against the United Nations for personal injuries, damage to property and other losses arising from traffic accidents and other effects of the operation of the Force	
ectio hapte	n 3. Rental and maintenance of premiseser	344,000
I. !	Rental of premises	169,000
]	Provision is made for the rental and related services of the following premises. The estimates are based on actual charges being incurred in first quarter 1959:	
	(i) Living accommodations, messes, offices, warehouses, cold storage and other premises in the Gaza area, Port Said, Cairo and Beirut	114,000
	(ii) Utilities, when not included in rental of premises	43,000
	iii) Rental of land which includes provision for land used for operational purposes, such as camp and platoon sites, tracks, and land used for convenience purposes such as playing fields	12,000
п. 1	Reconditioning and maintenance of premises	175,000
,	This provision covers the estimated cost of maintenance and reconditioning of all UNEF premises utilized by the Force in Gaza area, Rafah maintenance base, El Arish and Marina, and within the military contingent installations. The estimate covers the UNEF engineer programme in implementing this work and includes essential improvement of building installations and grounds and the cost of materials, supplies and contractual arrangements. As in previous years, labour costs are included in section 6, chapter I (iv), below. The estimate is based on the requirements at the several locations as follows:	
	(i) Gaza area:	
	(a) Routine maintenance (\$12,500)	
	(b) New projects which include improvements to tented accommodations but does not include tentage for which provision is made under another budget section (\$10,000)	
	(ii) Rafah maintenance base:	
	(a) Routine maintenance which includes care of buildings, roads, water and sewer lines and improvement of the perimeter fence (\$30,000)	
	(b) New projects which include renovations, additions, improvement in facilities and installations of equipment (\$10,000)	
(iii) El Arish and Marina:	
	(a) Routine maintenance (\$5,000)	
	(b) New projects which include additions and renovations required during the year (\$2,500)	
	(iv) Military contingent installations and facilities:	
	(a) Routine maintenance. It is estimated that costs during 1960 will exceed those of previous years owing to age of installations and the main- tenance of the larger facilities which have been built and acquired during the existence of UNEF (\$50,000)	
	(b) New project requirements will be greater than provided for 1959. A survey conducted in early 1959 indicated the need for improving the accommodations and facilities within the military contingents and work, started in 1959, is planned to be continued during 1960 (\$55,000)	

Part A. Operation of the Force (<u>continued</u>)		
	United States dolla	rs
Section 4. Rations		1,785,000
This provision covers the costs of feeding the Force which includes the military force members, the international staff, and the small number of local civilians entitled to messing facilities. Continuing efforts to arrange for purchases of foods in an economical manner and to provide proper storage and methods of control, issuance and usage has made it possible to estimate the cost of rations per day per man at \$0.90 for 1960 as compared to \$1.20 estimated for 1959. Specialists in food processing and handling assigned to the Force provide expert advice on balanced and varied diet with recognition of the national dietetic requirements of the various contingents which make up the Force. The estimate takes into consideration reductions in requirements relating to leave schedules and also additional requirements due to overlapping of contingents during rotations		
Section 5. Welfare		756,000
I. Leave Centre	567,000	
The major project of the Force welfare programme continues to be the Leave Centre. During 1960, it is proposed that the Leave Centre will be located in Cairo during the periods January-April and October-December and in Beirut during the period May-September. These points have proven to offer suitable facilities for rest, recreation and entertainment to the members of the Force. Each member is entitled to spend one week at the Leave Centre for every three months of service with UNEF. Round trip transportation (by air to Beirut and rail to Cairo) is provided in addition to board and lodging at clean and comfortable hotels provided through contractual arrangements		
All other costs involved in the week of leave, including special tours and personal entertainment, are met by the participants individually but Leave Centre administrative personnel assist in arranging facilities and provide guidance on personal programmes. The provision includes estimated costs of:		
(i) Cairo Leave Centre based on 1959 contracts for hotels and transport (\$269,000)		
(ii) Beirut Leave Centre based on 1959 contracts for hotels and transport (\$298,000)		
II. Recreational and sports supplies	29,000	
Provision is made for the cost of furnishing various types of recreational and sports supplies of an expendable nature to members of the Force		
These amounts are supplemented by additional funds made available from profits accumulated from the Service Institute		
III. Films	72,000	
This provision is based on the costs of rental of films for the entertainment of Force members on the basis of utilizing five films each week which are scheduled for showing at the various recreational areas. It is estimated that the costs will be the same as provided for in 1959		
IV. Live shows	28,000	
The programme for live shows comprising groups in the entertainment field from different areas of the world is planned on the same basis as 1959: i.e. eight shows during the year at an estimated average cost of \$3,500 per show. These shows are supplemented from time to time by groups provided by the individual contingents		
V. Postage for personal mail	60,000	
This provision provides for funds to cover the costs of personal mail of Force members. It is estimated that the costs provided for in 1959 will not be adequate based on actual costs in 1958 and, therefore, the provision has been increased from \$48,000 to \$60,000 for 1960. It is estimated that these costs for transporting free mail via the Beirut base post office will cost \$50,000 and the same facilities via Cairo will cost \$10,000		
Section 6. Non-military personnel		1,938,000
Chapter		
I. Salaries and wages	1,494,000	
Provision is made for payment of salaries and wages of the civilian staff members required in the UNEF operations in the following categories:		

United States dollars

293,400

255,600

MANNING TABLE

(Posts provided for in section 6, chapter I (i) and (ii) above)

1			for mission	Detailed
	1	Commander	1	-
1	1	Chief Administrative Officer	••	1
1	1	Legal/Political Officer	-	1
1	1	Chief Finance Officer	1	-
1	1	Chief Procurement Officer	1	-
7	7	Admin./Finance Officers	3	4
1	1	Senior Inspector	1	_
2	2	Internal Auditors	2	-
1	1	Welfare Officer	1	-
1	1	Information Officer	-	1
22	20	General Service		20
48	56	Field Service		_56
87	93	Pisa	9	84
1	1	Administrative Officer	-	1
3	2	General Service	-	2
2	2	Field Service	-	_2
6	5		-	5
		Beirut		
_	1	Admin./Finance Officer	-	1
-	1	Field Service	-	1

93	100		<u>9</u>	91

(iii) Thirty-one posts in New York and Geneva established to alleviate overloads caused in various sections of the Secretariat as a result of UNEF operations. This provision remains unchanged from the previous year.

145,000

(iv) Locally-recruited personnel for the performance of general service assignments in the mission area and Italy which do not justify the more expensive assignment of military or internationally recruited personnel. Included in this group of personnel are semi-local staff performing professional assignments such as procurement officers, administrative officers and accountants, interpreters and translators, secretarial and clerical staff, but the greater part comprises tradesmen and artisans, drivers, messengers, foremen and labourers, custodians and mechanics and various types of mess personnel, including cooks, waiters, kitchen boys, stokers, etc. Local personnel are compensated in accordance with standard salary and wage scales developed after study of the best prevailing rates in the area. Also in accordance with local practices, locally recruited staff receive a modest daily allowance for serving away from their normal place of residence.

800,000

United States dollars

The increase over the 1959 budgeted amount for this purpose arises from more extensive utilization of local staff for tasks heretofore performed by military force members and also reflects small adjustments in the local salary scales plus within grade increments. Actual costs for 1958 totalled \$808,000 under this budget allotment

II. Common staff costs

132,000

This estimate provides for dependency allowances, educational grants and related travel, contributions to the Joint Staff Pension Fund and contributions to medical and other social insurances payable in respect of internationally recruited staff, Field Service personnel and staff detailed to UNEF from United Nations Headquarters and other United Nations offices

III. Travel and subsistence.....

312,000

Provision is made for the costs of travel and subsistence of non-military personnel of the Force and includes:

- (a) Round-trip air travel to the mission area by international staff recruited for the mission and detailed personnel serving in the area. Also costs of travel related to transfers between missions of Field Service personnel and travel costs of field visits of senior staff from New York in connexion with the work of UNEF (\$92,000)
- (b) Costs incidental to travel to and from the mission area, such as freight charges for the transportation of personal effects and other miscellaneous charges. The level of expenditure for these purposes is expected to remain at previous years' costs (\$10,000)

This provision includes the cost of subsistence payments at established rates to entitle personnel stationed at mission duty stations throughout the mission area which includes Gaza, Port Said, Cairo, Tel Aviv, Beirut and Pisa. As in previous years, it includes the subsistence payment to the Military Consultant at United Nations Headquarters who serves without honorarium

Section 7. Contingencies.....

No provision is made for contingencies such as possible increase in dollar costs for locally-procured goods and services arising from exchange rate variations; additional expenditures for construction arising from any necessary redeployment of troops within the area; possible claims for compensation for death or disability attributable to UNEF service or activity; any other related unforeseen operation not provided for under these estimates required in the operation of the Force

210,000

102,000

Part B. Reimbursement to Governments of costs incurred in providing military contingents \$6,800,000

United States dollars

Section 8. Extra and extraordinary costs relating to pay and allowances....

6,800,000

This estimate relates to the reimbursements referred to in paragraph 88 of the Secretary-General's report on UNEF to the twelfth regular session of the General Assembly 2/ and approved by the Assembly in resolution 1151 (XII) on 22 November 1957. It provides for the settlement of claims from participating Governments relating to expenditures incurred in respect of pay and allowances over and above those costs which the Governments concerned would in any event have been obliged to meet. The estimate for 1960 for this section is higher than estimated for 1959 as a result of changes in the composition of the Force and more exact information regarding the claims of participating Governments

^{2/} Ibid., Twelfth Session, Annexes, agenda item 65, document A/3694 and Add.1.

Part B. Reimbursement to Governments of costs incurred in providing military contingents (continued)

United States dollars

In accordance with the principles set forth in paragraph 91 of the Secretary-General's report referred to under section 8 above and approved by the General Assembly in resolution 1151 (XII), the United Nations has assumed financial responsibility for the replacement of equipment that is destroyed or worn out and for such deterioration, beyond that provided for under normal depreciation schedules, as can be assessed at the conclusion of the total period of service of a Government's forces. Although recognizing that obligations under this budget section will increase with the usage and age of contingent-owned equipment, it is not proposed that the reserve established to meet future costs be further increased at this time beyond the amount of approximately \$7 million already approved for this purpose

DOCUMENT A /4171

Budget estimates for the maintenance of the Force: report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [31 July 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has examined the budget estimates which the Secretary-General has submitted (A/4160) in respect of the maintenance of the United Nations Emergency Force (UNEF) in 1960, should the General Assembly again decide on its continued functioning.
- 2. The Secretary-General, in connexion with his regular progress report on the Force, will present to the General Assembly his observations on the serious difficulties experienced to date in meeting the cash requirements for the operation of the Force.
- 3. The estimates for 1960 amount to a total of \$18,916,000, which is \$84,000 less than the approved amount of \$19,000,000 for 1959. This reduction is to be achieved in spite of an increase of \$1,300,000 over the 1959 provision for the reimbursement to Governments providing contingents of extra costs relating to pay and allowances, due to a change in the composition of the Force, and an increase of \$224,000, due to additional charges for aircraft servicing the Force. It should be noted, however, that the 1960 estimates make no provision for contingencies or for compensation in respect of equipment, materials and supplies furnished by Governments. In the 1959 estimates, provision was included for these purposes in the amounts of \$250,000 and \$1,000,000 respectively.
- 4. In its report on the 1959 budget estimates \(\frac{3}{2}\) the Advisory Committee commented in some detail on the various factors influencing expenditures under the several sections of the budget. The 1960 estimates are presented in the same form as in 1959 and, apart from the two significant increases noted in the preceding paragraph, reflect in the main the same basic requirements.
- 5. The Advisory Committee understands that, as a result of another recent visit to the area by two senior officials from Headquarters, a number of further measures have been taken for the improvement and tightening-up of administrative control. In particular, an inspection service has been instituted with special responsibility for the examination of records and the
- ³/₁ <u>Ibid., Thirteenth Session, Annexes,</u> agenda item 65, document A/4002.

- checking of supplies at points of receipt. Other matters which are due to receive attention include: (a) The strict control of stocks; (b) The improvement of project accountability for construction and maintenance work done in the area; (c) More accurate control of stocks and supplies issued for engineering activities; (d) The use of cheaper and more durable materials for structures and the improvement of warehousing facilities for the protection of rations.
- 6. The Advisory Committee notes with satisfaction that it has been possible to reduce the estimate for rations to \$0.90 per day per man from the rate of \$1.20 reflected in the 1959 estimates, 4/ resulting in a decrease of \$126,000 under section 4. It appears that this result has been achieved by a planned programme of procurement, an improvement in local sources of supply, better storage facilities and more effective methods of control, issuance and usage.
- 7. Under the item for reconditioning and maintenance of premises in section 3 there is an increase of \$40,000 over the 1959 provision. The Advisory Committee trusts that, as suggested in previous reports ½ care will be taken to keep further capital improvements within the limits of strict necessity, bearing in mind the temporary nature of the premises and the fact that these undertakings represent a capital outlay in respect of which the United Nations may not obtain any ultimate return.
- 8. The Advisory Committee has inquired as to the progress made in the arrangements for the ultimate payment of compensation in respect of equipment, materials and supplies furnished by Governments to their contingents, in terms of paragraph 91 of the Secretary-General's report on UNEF to the twelfth session of the General Assembly. 6/ The Committee understands that as from 1 October 1958 a complete record has been maintained of all contingent-owned

^{4/} The corresponding rates in 1957 and 1958 were \$2.00 and \$1.25 respectively.

^{5/} Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 65, documents A/3839, para. 15 and A/4002, para. 15.

^{6/} Ibid., Twelfth Session, Annexes, agenda item 65, document A/3694 and Add.1.

equipment in the area. The establishment of similar records in respect of the period before October 1958 is proving somewhat difficult, but every effort is being made to solve the problems involved. The Committee is informed that the Secretary-General will report to the General Assembly in due course on the question of the basis on which compensation should be paid as well as the timing of such payments. It may be noted that, should the need arise for any early payments of compensation, the Secretary-General will submit specific proposals in regard to the reserve of approximately \$7 million which has been established for the purpose but in respect of which actual cash is not available at the present time.

9. In the light of its study of the estimates, the Advisory Committee recommends that, should the

Assembly decide to continue the Force in 1960, the Secretary-General's proposal for an appropriation of \$18,916,000 should be approved. The Committee would suggest, however, that efforts should be made to keep 1960 expenses within a target level of \$18,500,000.

10. The Advisory Committee also concurs in the Secretary-General's proposal, in paragraph 8 of his foreword to the estimates, that, while the amounts under part B may not be transferred to other sections of the UNEF budget without the specific prior approval of the Committee, the Secretary-General should have the authority to transfer credits, as required, between sections within part A of the budget. A similar authority was given to the Secretary-General in respect of part A of the 1958 and 1959 budgets.

DOCUMENTS A/4176 AND ADD.1 AND 2

Manner of financing the Force: report of the Secretary-General on consultations with Governments of Member States

Document A/4176*

[Original text: English, French, Spanish, Russian] [10 September 1959]

- 1. The General Assembly, in resolution 1337 (XIII) of 13 December 1958, inter alia, requested the Secretary-General to consult with Governments of Member States with respect to their views concerning the manner of financing the United Nations Emergency Force in the future, and to submit a report together with the replies to the General Assembly at its fourteenth session.
- 2. Accordingly, the Secretary-General requested all Member States to submit their views on this matter and, as at 20 August 1959, forty-six Member States had responded. The views of the forty-six Member States, which are reproduced in the attached annex, may be broadly classified as follows:
- (a) Thirty-four favour assessment of UNEF's expenses among all Members, of which
- (i) Twenty-six wish the basis of assessment to be the scale of assessments adopted for the United Nations budget, and
- (ii) Eight wish adoption of some scale of assessment different from that adopted for the United Nations budget;
- (b) Eight Members expressed the opinion or referred to their earlier views that only the States which took the action resulting in the creation of the Force should pay its expenses;
- (c) Two Members indicated merely their inability to pay for the Force, and one Member proposed that the costs be defrayed entirely by voluntary contribution. One Member stated that it would prefer a thorough discussion of the matter at the fourteenth session of the General Assembly before taking a definite stand on the question.
- * Incorporating A/4176/Corr.1 and 2.

- 3. The twenty-six Members referred to under paragraph 2 (a) (i) above are: Australia, Austria, Belgium, Brazil, Cambodia, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, France, India, Iran, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Portugal, Sweden, Thailand, United States of America and Yugoslavia.
- 4. The eight Members whose views are summarized under paragraph 2 (a) (ii) are: Burma, Ceylon, Cuba, Greece, Guatemala, Mexico, Spain and Venezuela.
- 5. The eight Member States whose views are summarized under paragraph 2 (b) are: Bulgaria, Byelorussian Soviet Socialist Republic, Hungary, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics.
- 6. The four Member States whose views are referred to under paragraph 2 (c) are: Guinea, Jordan, Chile and Afghanistan.
- 7. Seven Member States referred to the desirability of the continued acceptance of voluntary contributions as well as assessments on all Members. These Members are: Belgium, Cambodia, Federation of Malaya, Guatemala, Japan, Luxembourg and United States of America.
- 8. Three Members indicated either that they favoured or would not object to including the costs of UNEF in the regular budget of the Organization. These Members are: Australia, Japan and Netherlands.
- 9. The Secretary-General continues to hold the view which he has previously expressed? that the costs for United Nations operations such as UNEF, based on decisions of the General Assembly or the Security Council, should be allocated among all Members on the normal scale of contributions to the budget of the Organization and that the United Nations should assume responsibility for all additional costs incurred by a contributing country because of its participation in the

¹ Ibid., Thirteenth Session, Annexes, agenda item 65, document A/3943, para. 189.

operation, on the basis of a cost assessment which, on the other hand, would not transfer to the United Nations any costs which would otherwise have been incurred by a contributing Government under its regular national policy.

10. The Secretary-General has indicated in the progress report on UNEF (A/4210) which he has submitted to the fourteenth session of the General Assembly, the necessity for ensuring adequate financial support for the continuing operation of UNEF as well as for the payment of contributions now in arrears, since failure to take early and effective action on these matters would seriously jeopardize the financial solvency not only of the Force but of the entire Organization. On the basis of present estimates, it is foreseen that at the end of 1959 a total of \$6,200,000 will have been advanced from the United Nations Working Capital Fund or borrowed from other funds in the custody and control of the Secretary-General, and other unliquidated obligations of UNEF at that time will total \$11 million. On the basis of these forecasts, it would appear that the United Nations Working Capital Fund could be entirely depleted by the end of February 1960 and that the Organization would be without funds to carry on its normal programme activities or pay for the maintenance of the Force beyond that date pending the receipt of contributions which usually are not paid in substantial amounts during the early months of the financial year.

ANNEX

AFGHANISTAN

[Original text: English]

"The Afghan Government, having examined the views expressed at the thirteenth session of the General Assembly, feels that the idea that the expenses should be borne by those States which had taken the action which had necessitated the creation of the Force is one that should be given the full consideration it deserves.

"However, the Afghan Government would prefer a thorough discussion of the matter at the forthcoming session of the United Nations General Assembly, in the light of the views expressed by other Member States, before taking a definite stand on the question."

AUSTRALIA

[Original text: English]

"... the Australian Government considers that the cost of maintaining the United Nations Emergency Force should be financed, after taking into account any offers of special voluntary assistance, by contributions from all Member States assessed in accordance with the normal scale of contributions for the regular budget. The Acting Permanent Representative is also instructed to state that the Australian Government would have no objection to the expense of the Force being included in the regular budget of the Organization."

AUSTRIA

[Original text: English]

"... the costs of the Force should be borne by all Member States on the basis of the regular scale of assessments."

BELGIUM

[Original text: French]

*The Belgian Government considers it advisable to maintain in the future the system adopted for the financial year 1959, under which the estimated costs would be shared by all Member States on the basis of the regular scale of assess-

ments, after deduction of supplementary amounts pledged or contributed by some Member States as special assistance.

"A Special Committee should, however, undertake a critical examination of the proposed budget for each financial year."

BRAZIL

[Original text: English]

"... the Brazilian Government continues to favour the position according to which the costs of the Force are borne by all Member States on the basis of the regular scale of assessments, as has been done so far."

BULGARIA

[Original text: English]

"... the People's Republic of Bulgaria will not take part in financing the United Nations Emergency Force, having in mind the considerations stated by the Bulgarian delegation to the Fifth Committee at the eleventh, twelfth and thirteenth sessions, as well as to the Special Political Committee at the thirteenth session and to the General Assembly."

BURMA

[Original text: English]

"The Government of the Union of Burma have given this question their most careful consideration. While it was appropriate for all Member States to shoulder their responsibility of financing the Force on the basis of the regular scale of assessments, the Union Government feel, at the same time, that if the Force were to continue beyond the period contemplated, and for a purpose other than that for which it was initially established, the present manner of financing the Force could no longer be considered appropriate or equitable. The need to review the present system of financing is therefore evident.

"Generally, the Union Government are of the view that although the cost should necessarily be borne by all Member States, there are certain Member States which have either greater responsibility for the maintenance of peace and security, or substantial public or private investments in the area concerned, and that these Member States should therefore assume more responsibility in the future financing of the Force. It is therefore proper that an appropriate scale of assessments should accordingly be worked out."

BYELORUSSIAN SSR

[Original text: Russian]

"The Byelorussian SSR considered, and still considers, that the cost of maintaining the United Nations Emergency Force, set up in violation of the United Nations Charter, should be borne by the States which committed the aggression."

CAMBODIA

[Original text: French]

"The Royal Government of Cambodia, in confirmation of its position in the vote on resolution 1337 (XIII), considers that the General Assembly should:

- "(a) Authorize the Secretary-General to expend up to a maximum of \$19 million for the continuing operation of the Force during 1959;
- "(b) Decide that the expenses authorized for 1959, less any amounts pledged or contributed by Governments of Member States as special assistance prior to 31 December 1958, shall be borne by the Members of the United Nations in accordance with the scale of assessments adopted by the General Assembly for the financial year 1959;
- "(c) Decide that the costs of the Force, which shall be fixed each year by the General Assembly, shall be borne

by all Member States in accordance with the regular scale of assessments, less any amounts pledged or contributed by Member States as special assistance."

CEYLON

[Original text: English]

... that the costs of the Force should be borne by all Member States, but that the application of the regular scale of assessments for this purpose was not equitable.

CHILE

[Original text: Spanish]

"... my Government, as it has already stated on many occasions, is of the opinion that the costs of the Force in question should be defrayed by means of such voluntary contributions as the Member States may be able to make within the limits set by their constitutions, and to the extent that they consider that their resources and finances allow them to do so.

"In bringing the foregoing to your notice, I venture to inform you that my Government reserves the right to make detailed reference to this matter at the fourteenth regular session or in the course of any meeting of the United Nations General Assembly."

CUBA

[Original text: Spanish]

"... the Government of Cuba is of the opinion that all States Members of the United Nations should contribute to the maintenance of the Emergency Force which was set up under an almost unanimous resolution of the General Assembly as a measure necessary for the maintenance of peace. The method of apportionment of the expenses should, however, be better and more equitable than the one now applied since it affects the vital economic interests of countries with few financial resources, engaged in industrial development and since the facts show that these countries have never given reason to believe that they could be the cause of hostilities on such a scale that it might lead to a world war.

"Consequently, in our opinion, 80 per cent of the expenses for the maintenance of the United Nations Emergency Force should be borne by the permanent members of the Security Council which have direct and primary responsibility for the maintenance of international peace and security. A special scale of assessments for apportioning the balance of the costs among the other Member States should be studied by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee; it should be based on the financial position of the countries, the benefits they derive from the establishment of UNEF and their responsibility for the maintenance of peace."

DENMARK

[Original text: English]

"Since the establishment of UNEF it has been the opinion of the Danish Government that the expenses of the Force borne by the United Nations should be apportioned among Member States in accordance with the usual scale of assessments. This principle was latest recognized by the General Assembly in its resolution 1337 (XIII) of 13 December 1958. Denmark was one of the sponsors of this resolution in which it is stated that 'the expenses authorized in paragraph 2 above, less any amounts pledged or contributed by Governments of Member States as special assistance prior to 31 December 1958, shall be borne by the Members of the United Nations in accordance with the scale of assessments adopted by the General Assembly for the financial year 1959'.

"The Danish Government is still of the opinion that the maintenance and financing of the Force, as approved by the General Assembly, must be regarded as a joint responsibility of the Members of the United Nations, and the Danish Government sees no reason for changing its position with regard to the financing of the Force."

DOMINICAN REPUBLIC

[Original text: Spanish]

"... the Dominican Republic will continue to pay its quota for maintaining the United Nations Emergency Force according to the scale, or 0.05 per cent."

ECUADOR

[Original text: Spanish]

Force has been considered by the General Assembly at several sessions. On those occasions, the delegation of Ecuador expressed its views concerning the problem of financing the Force during the three years of its existence.

*As a result of the discussion in the Assembly, the cost of the Force has been met by means of voluntary contributions from some Member States and by the apportionment among all Member States of the amount not covered by voluntary contributions, such apportionment being based on the scale of assessments drawn up for the regular budget of the Organization.

"In considering the problem of financing the Force in the future, it should be stressed that the Emergency Force has constituted and constitutes a most important instrument for United Nations action in a delicate situation which has endangered world peace, and that the United Nations and consequently all its Members have an undeniable responsibility with regard to the cost of its maintenance.

"Accordingly, the regular scale of assessments can appropriately serve as basis for the apportionment of the cost of the Force. Experience has shown, however, that the additional contributions necessary for the financing of the Force impose an excessive burden on the finances of some Member States. The Assembly should therefore continue to explore the possibility of reducing the amount to be apportioned, by securing further voluntary contributions from those countries which are best able to bear them, which have a special responsibility, or which have direct interests in the area in which the Emergency Force is serving.

"The importance of the Emergency Force, on account not only of its immediate results but of its significance as a factor which has strengthened the authority of the United Nations, is such that, while every means must be sought to reduce the financial burden which the Force imposes on Member States, the existence and satisfactory operation of the Force must be ensured by continuation of the present system of financing, while not neglecting to explore methods of reducing the financial burden which the present system imposes on Member States.

"I take this opportunity to inform you that, although Ecuador did not vote in favour of the resolutions which established the present system of financing, the necessary administrative measures have nevertheless been taken for payment, within the next few months, of the contributions due for maintenance of the Force. Such action has been deemed appropriate as a demonstration of our respect for the decisions of the General Assembly and of our support of the Emergency Force which contributes so much to strengthening the authority of the United Nations, which has played a decisive role in the maintenance of world peace and which has established a valuable precedent for the future."

FEDERATION OF MALAYA

[Original text: English]

"... the Government of the Federation of Malaya would favour:

"(a) The continuation of the present arrangement of having a Special Account for the United Nations Emergency Force;

"(b) The continuation of voluntary contributions and special assistance towards the costs of the United Nations Emergency Force by Member States in a position to do so, particularly the permanent members of the Security Council;

"(c) The bearing by all Member States of the expenses of the United Nations Emergency Force in accordance with the scale of assessments decided for contributions to the regular budget of the United Nations, after taking into account the voluntary contributions and special assistance referred to in (b)."

FINLAND

[Öriginal text: English]

"When the Government of Finland decided, in November 1956, to put a contingent of troops at the disposal of the United Nations Emergency Force, they considered that the establishment and the operations of the Force constituted a joint undertaking for the maintenance of international peace and security, which is the main task of the United Nations. In joining the United Nations and thus accepting the provisions of the Charter, the Government of Finland have undertaken to give their support to such collective measures and to contribute, within their possibilities, to their success. To assume a share of the financial expenses ensuing from such measure is, in the view of the Government of Finland, one of the aspects of their obligations.

"The Government of Finland stated accordingly already in 1957 that they were prepared to pay their share of the expenses of the United Nations Emergency Force on the basis of a just and equitable method of financing. They consider that the best and most practical method would be one that takes into account the actual potentialities and economic possibilities of the Member States. In the opinion of the Government of Finland these requirements seem to be reasonably met in the regular scale of assessments, this having been established with the purpose of apportioning the expenses of the United Nations among Member States as equitably as possible."

FRANCE

[Original text: French]

*... the French Government considers, as has been stated by its representatives on various occasions during the most recent sessions of the General Assembly, that the costs of the Emergency Force should be borne by all Member States on the basis of the scale of their contributions to the regular budget of the United Nations. As the Emergency Force was established as part of the basic activities of the United Nations by a decision which, having been taken by the General Assembly, is binding on all States Members without distinction, this expense should be borne on the same terms as all the other common expenses of the United Nations.

GREECE

[Original text: French]

"The Emergency Force represents and should continue to represent the United Nations and, therefore, all the countries belonging to that Organization. Since Greece attaches primary importance to the maintenance of the universal character of the Emergency Force, its attitude with regard to the method of financing the Force is determined by a desire to avoid any solution which might alter that character. Because of its universality, the Emergency Force should be financed by all the Members of the United Nations. To proceed otherwise might create the impression that it was or could become the instrument of certain Member States, and such an impression would run counter to the interests of the United Nations and the spirit of the Charter.

"It is clear that once the principle of universality is established, the apportionment of expenses among Member States may be carried out in several ways. The most equitable arrangement, in the view of the Greek Government, would be one which took into account the greater re-

sponsibilities of the permanent members of the Security Council. Since the object of the UNEF is to safeguard international peace and security and this goal is the particular responsibility of the permanent members of the Security Council, it would only be natural for these countries, which, moreover, are among those with the greatest economic resources, to bear the greatest share of the necessary costs regardless of the scale of their contribution to the regular budget of the United Nations. Thus, the amounts which the other countries would be called upon to pay towards the operation of the Emergency Force would be considerably less than under an arrangement for apportioning those costs according to the scale of contributions to the regular budget of the United Nations.

"This method of financing and the spirit on which it is based naturally presuppose the participation of all the great Powers in paying the costs of operation of UNEF. It would be difficult, indeed, to ask the smaller countries to contribute if one or more of the great Powers refused to do so."

GUATEMALA

[Original text: Spanish]

*The Government of Guatemala is of course in agreement with the principle that Member States are subject to the obligation laid down in Article 17 of the Charter of bearing the expenses of the Organization, and recognizes the importance of the task assigned to UNEF to preserve peace in the Near East. However, it disagrees with the procedure adopted for financing the Force because it believes that the apportionment of this financial burden on the basis of the scale of contributions adopted for the regular budget is not equitable for the following reasons:

"(1) It fails to take into account the Member States' ability to pay, thus disregarding the fact that most of them are under-developed countries or countries in the initial stages of development, forced to make the maximum use of their limited resources and to apply them to strengthening their respective national economies. It further overlooks the fact that there are other States, although in the minority, whose ample revenues place them in a position to bear the greater part of these extraordinary expenses.

"(2) Consideration should also be given to the principle of the relationship between the capacity and the obligations of Member States. The Security Council bears primary responsibility for the maintenance of international peace and security, and its permanent members have a greater share than other States in that responsibility. Accordingly, in all fairness, the permanent members of the Security Council should be called upon to pay a substantial special contribution under the scale of assessments which may be adopted for this purpose.

"(3) In the interests of an equitable apportionment of this financial burden, account should also be taken of the principle applied in resolution 1212 (XII) with regard to payment of the expenses incurred in regard to the clearing of the Suez Canal, namely, that those who derive greater material benefit from an emergency operation by the United Nations should make a more substantial contribution to the expenses incurred in that operation. It would therefore be fair that those countries which derive particular benefit from the operations of the Emergency Force owing to their large public and private investments in the area should make a special contribution to the expenses incurred in respect of those operations.

"(4) In the particular case of Guatemala and of other coffee-producing countries, the unfairness of the apportionment of expenses adopted for the financing of UNEF is the more keenly felt because their economies have been weakened by the drop in coffee prices on the world market.

"In the light of the foregoing considerations, I would summarize my Government's views on this matter as follows: first, Guatemala accepts the principle of collective responsibility for the maintenance of peace and the obligation to contribute to the expenses of the Organization arising

from the status of Member State; secondly, it considers that the method of assessment for the financing of UNEF is inequitable for the reasons given; thirdly, it suggests that in order to achieve the most equitable distribution of those expenses a substantial portion of the budget for the purpose should be borne only by those countries with greater economic resources, those with financial and economic interests in the area and those which, owing to their special position in the United Nations as permanent members of the Security Council, have a greater share in the responsibility for maintaining peace. The remaining expenses should be distributed among the other Member States in accordance with the scale of assessments adopted for the regular budget, without prejudice to the right of countries, whatever their situation, to offer supplementary contributions if they wish to do so."

GUINEA

[Original text: French]

"My Government fully realizes that the safeguarding of world peace is facilitated by a United Nations Emergency Force that can be sent wherever it is needed.

"However, the particular situation of Guinea, which just attained independence a few months ago, does not permit us at this time to make any financial contribution towards the cost of maintaining UNEF."

HUNGARY

[Original text: English]

The Government of the Hungarian People's Republic is of the opinion that the expenses of maintaining the United Nations Emergency Force, created in violation of the Charter, should be borne by those States whose action necessitated the creation of the Force, or whose actions have necessitated the existence of that Force.

"Therefore, the Hungarian Government opposes the distribution of the cost of maintenance of the United Nations Emergency Force among Member States either by the application of the regular scale of assessments or by any other way, and refuses to pay any part of those expenses."

INDIA

[Original text: English]

"The Government of India agrees that the present method of financing the United Nations Emergency Force should continue, i.e., the cost of the Force should be borne by all Member States on the basis of the regular scale of assessments."

IRAN

[Original text: English]

"... the Government of Iran has adopted the position that the costs of the Force should be borne by all Member States on the basis of the regular scale of assessments."

RELAND

[Original text: English]

"... it is the opinion of the Irish Government that the expenses of the Force should be financed by all Member States on the basis of the regular scale of assessments."

ITALY

[Original text: English]

"... the current method for sharing the expenses of UNEF should be continued in the present situation. Naturally, should a different method of sharing the above expenses be devised and receive widespread support, the Italian Government would give it careful consideration."

JAPAN

[Original text: English]

"The Japanese Government supports the present system of financing the United Nations Emergency Force on condition that all Member States honour their obligation to bear the costs of the Force worked out on the basis of the regular scale of assessments. However, should the present situation, where more than one-third of the Member States refuse or fail to carry out their financial obligation to the Force, be permitted to continue, the accumulated deficit in the financing of the Force is bound to become a factor to be considered in drawing up the future budgets of the Force and, consequently, the deficit will, in some form or other, be imposed upon those Member States which honour their obligation. Should this happen, a considerable disparity in financial obligations among the Member States will result. Such an unfair assessment will surely cause those Member States, which are at present carrying out their obligations, to be less willing to continue to honour such obligations. Therefore, it is urgent that some means be devised to prevent this possibility from becoming a reality. If no action is taken regarding the refusal or negligence of a great number of Member States to meet their financial obligation in connexion with the costs of the Force, the Japanese Government will have to review its policy in support of the present formula of financing the expense of the Force.

"It is suggested that as a remedy against the failure of Member States to fulfil their financial obligation with regard to the United Nations Emergency Force, the expenses of the latter should be incorporated in the regular budget of the United Nations, thus making it clear that such expenses are 'the expenses of the Organization' and that payment thereof is 'financial contribution to the Organization' as prescribed under Article 17, paragraph 2 and Article 19 of the Charter. Such incorporation, if effected, should be made in such a manner as to leave the way open for voluntary contributions and special assistance to the Force to be continued.

"As for the contention that the present system of sharing the costs of the Force should be replaced by a more equitable one, no exception can be taken to it as a matter of principle. However, as a matter of reality, it is difficult to decide what constitutes equity in this case. Besides, since the Japanese Government considers that the settlement of present arrears is a prerequisite to a solution of the whole problem, and that the replacement of the present method of payment by 'a more equitable one' does not appear to resolve this fundamental question, it is unable to subscribe to the said contention."

JORDAN

[Original text: English]

"... Jordan is not in a position to contribute in any way to the maintenance of the United Nations Emergency Force."

LUXEMBOURG

[Original text: French]

"The Government of Luxembourg is in favour of maintaining the system of financing in force for the current year. It is therefore of the opinion that, after deduction of voluntary or special contributions which might be made by some States, the total estimated costs of the Emergency Force should be borne by all Members of the United Nations in accordance with the scale of assessments adopted for the United Nations budget."

MEXICO

[Original text: Spanish]

"... The Mexican Government's views concerning the manner of financing the United Nations Emergency Force are still the same as those which the Mexican representative in the Special Political Committee set forth in detail at the 780th plenary meeting of the General Assembly, held on 14 November 1958.

"With particular regard to the financing of the Force in the future, as referred to in General Assembly resolution 1337 (XIII), it might be appropriate to point out that in the above-mentioned statement the Mexican representative, after referring to the expediency of examining the practicability of suggestions concerning the establishment of an 'emergency fund' on the basis of voluntary contributions for the financing in question, went on to say:

"On the other hand, if the method of contribution adopted by the Assembly was considered preferable, we think that the Fifth Committee should bear in mind, amongst other considerations, the following two principles, which we regard as fundamental.

"'The first is the principle of the relationship between powers and duties, according to which the permanent members of the Security Council have a greater degree of responsibility for the maintenance of international peace and security. In conformity with this principle, the Fifth Committee should fix a special quota for the great Powers in accordance with whatever scale may seem desirable.

"The second principle is that applied in resolution 1212 (XII) concerning payment for the clearance of the Suez Canal, which might be expressed by saying that the greater the material benefit arising from a United Nations emergency operation, the higher should be the contribution made to the cost of it. We feel that in application of this principle the Fifth Committee should, among other things, fix a second special quota which would be shared proportionately among the States which have considerable public or private investments in the Middle East.

"'The establishment of these two special quotas, which should cover the greater part of the expenditure arising out of the maintenance of the Force, would make it possible to arrive at a reasonable sum of money which, in order to safeguard the principle of collective responsibility for the maintenance of peace, would be paid by all the Member States in accordance with the scale of contributions applied in the regular budget.

"'My delegation considers that the sum should be of a symbolic character, that it should not exceed 5 per cent of the total budget for the 1959 financial year and that it should be reduced by 1 per cent for each year in which the Force continues in being. This would, of course, in no way prevent any State which so desired and was able to do so from contributing a sum larger than that assigned to it as its quota.'"

NETHERLANDS

[Original text: English]

"... In the opinion of the Netherlands Government, the costs of the Force should be borne by all Member States on the basis of the regular scale of assessments. In view of the unsatisfactory implementation of existing General Assembly resolutions, the Netherlands Government would not be opposed in principle to the inclusion of the UNEF budget in the regular United Nations budget under an appropriate section, if this would lead to an improvement of the financial situation of the Force."

NEW ZEALAND

[Original text: English]

"New Zealand has consistently supported the principle that the costs of the United Nations Emergency Force should be borne by all Member States on the basis of the regular scale of assessments. It recognizes with appreciation the actions of a small number of Member States which have made generous contributions on a voluntary basis towards the costs of UNEF. Nevertheless, it holds the view that collective security action on the part of the United Nations should command the support of all Members; only in this way can the full weight of the Organization's moral authority and material resources be brought to bear. Moreover, the equitable sharing of the financial burden of international action is in itself a practical application of the principle of sovereign equality on which membership of the United

Nations is based. It is the view of the New Zealand Government that the regular scale of assessments, which is determined by each Member's capacity to pay, provides the appropriate basis on which to apportion the costs of the United Nations Emergency Force."

NORWAY

[Original text: English]

"... the cost of the United Nations Emergency Force should be borne by all Member States on the basis of the regular scale of assessments."

PAKISTAN

[Original text: English]

"... the Government of Pakistan are of the view that the cost of the Force should be borne by all Member States on the basis of the regular scale of assessments."

POLAND

[Original text: English]

"... the position of the Polish Government ... remains as it was presented by the representative of Poland, during the consideration of the financial implications of the maintenance of the United Nations Emergency Force in the Middle East, in the Fifth Committee at the eleventh session of the United Nations General Assembly."

PORTUGAL

[Original text: English]

"... the Portuguese Government is of the opinion that the costs of the United Nations Emergency Force should be borne by all Member States on the basis of the regular scale of assessments, on the understanding that, as regards the Portuguese Government, they would, in no case, accept any financial commitment superior to their contribution to the UNEF budget in the fiscal year of 1958."

ROMANIA

[Original text: English]

"... the point of view of the Government of the Romanian People's Republic concerning the financing of UNEF has remained unchanged.

"The Romanian representative in the Special Political Committee (97th meeting) during the thirteenth session of the General Assembly, expressing this position, stated that:

"In accordance with the principles of international law, the Force should be financed exclusively by the States responsible for the aggression. In the circumstances Romania was not willing to assume any financial obligation concerning the Emergency Force."

SAUDI ARABIA

[Original text: English]

"... the expenses of such a Force should be borne by those who had taken the action which necessitated the creation of the Force."

SPAIN

[Original text: Spanish]

"In the debates on the various resolutions approved by the General Assembly, many delegations have always made it clear that the application of the ordinary scale of assessments is not equitable and imposes an exorbitant burden on some Member States. Moreover, it is impossible to apply to an extraordinary item of expenditure the same procedure as is followed for financing ordinary expenses. This contention is adequately borne out by the fact that, as an exception to the application of the scale of assessments, great weight has always been attached to the voluntary contributions which have been received by the Secretariat in order

to be applied against the costs of the Force. The fact that Article 17 (2) of the Charter states that 'the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly' does not mean that extraordinary expenditure is to be governed by the same procedure as ordinary expenses; this is indeed clearly implicit from the immediate and direct relationship between this provision and paragraph 1, which states that 'The General Assembly shall consider and approve the budget of the Organization'. It is therefore logical that the financing of the independent and extraordinary budget which the Assembly draws up for the Emergency Force should likewise be independent of the financing of the ordinary budget. There is nothing in the Charter to prevent the General Assembly from directing that the Emergency Force should be financed according to a scale determined independently of that applicable to normal expenses. It should also be added that the scale of assessments for financing the ordinary expenses is approved for a period of three years, to the possible detriment of some countries which would fare much better if the scale was revised at more frequent intervals. Consequently, the application of the same procedure to the financing of UNEF could cause serious injustice.

"The fact that, in moments of danger to international peace and security, Member States are asked for their co-operation and support in the adoption of methods which may safeguard peace cannot bind them to the future payment of contributions which exceed their capacity. In order to obtain, by peaceful means and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations likely to lead to a breach of the peace, Member States may be ready to assume financial obligations, but if the burden is not to be distributed more equitably than by the application of the normal scale of assessments, Member States faced with situations similar to those which prompted the establishment of the Emergency Force may, in the future, before adopting a decision, have to make certain that they will be able to bear the financial burden which will be imposed on them. Such a course could delay important decisions and thus have the most serious consequences.

"Arguments have been advanced that the Emergency Force will soon cease to exist because there will be no further need for it. Such an end is, of course, highly desirable once the purposes for which the Force was created have been attained, but there are no good grounds for assuming that it is in sight. Consequently, in view of the possibility of the Force remaining in existence, it would seem reasonable to devise a new financing procedure which would provide for the distribution of the burden in a manner more consistent with the duties and responsibilities of Member States in the specific circumstances which necessitated the creation or the maintenance of the Force.

"Article 23 of the Charter, as read with Articles 39 et seq, clearly shows that certain Powers have reserved for themselves a predominant role in the task of maintaining international peace and security. Moreover, the maintenance of international peace and security does not require of the United Nations a permanent activity, with permanent administrative and financial implications. Breaches of international peace and security are not everyday occurrences requiring continued intervention and uninterrupted action by the United Nations. They are possibilities which, when they arise, require Members to take the necessary action to discharge their basic obligations and to make it possible for the Security Council or the Assembly to meet the threat or to put an end to the breach of the peace.

"The measures that are adopted by the Security Council or, as the case may be, the Assembly with regard to acts which threaten or disturb international peace bear the stamp of the preponderant role exercised by certain Powers in the discharge of this function. Furthermore, some States are directly connected with the origin and development of the situation which prompted the adoption of such measures. Thus, both this direct relationship and this preponderant responsibility are weighty reasons for not applying to the

expenses occasioned by such measures the criterion followed in fixing the scale of assessments for the ordinary budget.

"The expenses of the international Force established for the purpose of being stationed on the demarcation line between Egypt and Israel are of the exceptional nature referred to above. The distribution of these expenses among the Member States cannot therefore be based on the same criterion as that which governs the scale of contributions to the ordinary budget, for the rules applicable to the latter are determined by factors that bear no relation to the situation which prompted the Force's establishment.

"In the light of the foregoing, the distribution of the expenses necessitated by the international Force created by the United Nations to ensure compliance with General Assembly resolutions should be determined in the light of the following three considerations. First, the United Nations as such, and consequently each and every one of its Members, is concerned with the maintenance of peace and security for the common good of international society. Secondly, as Article 23 of the Charter, read in conjunction with Articles 39 et seq., clearly shows, certain Powers have reserved to themselves a preponderant role in the maintenance of international peace and security. Thirdly, some States have, both morally and politically, a greater obligation.

"The weighing of these three factors, as a means of determining the distribution of the expenses, depends on complex issues related to the situation responsible for the establishment and maintenance of UNEF. That point will have to be decided by the Assembly, in the proceedings of which each of these factors is reflected. The Assembly must also, for the same reason, determine what the relationship between these factors should be. In any event, the combination of these three factors, irrespective of the weight attached to each of them, will inevitably represent a more equitable and just criterion than the mere application of the scale of contributions that is used for the ordinary budget.

"Since, moreover, in the ordinary assessments there are maximum and minimum limits for certain States, it seems unfair that in emergency cases a disproportionate burden should be placed on the Member States which have neither an upper nor a lower limit.

"Our proposal, therefore, is that a scale of assessments should be established for extraordinary contingencies, independently of the normal scale of contributions. The scale of contributions for such contingencies would be drawn up as follows: first, it would be established on the basis of per caput income, but without taking into account the maximum or minimum limit; secondly, permanent members of the Security Council would be assigned an additional share in an amount to be determined by the General Assembly; thirdly, an increased share, also determined by the Assembly, would be borne by countries directly linked with the origin or development of the conflict which prompted UNEF's intervention. Finally, in approving that scale, the Assembly could make a declaration to the effect that the amount of an assessment did not imply the attribution of responsibility to any State."

SWEDEN

[Original text: English]

"Ever since the establishment of UNEF by the General Assembly, the Swedish Government has been of the opinion that the expenses of the Force should be borne by the United Nations and should be apportioned among the Member States in accordance with the scale of assessments adopted by the General Assembly. This opinion was first expressed by the Swedish delegation when the question was discussed in the Fifth Committee during the eleventh session of the General Assembly and, at the last session of the General Assembly, Sweden was one of the sponsors of resolution 1337 (XIII) adopted on 13 December 1958.

"Inasmuch as the Force was established by the General Assembly as an instrument of the United Nations, the functioning and financing of the Force must, in the view of the Swedish Government, be regarded as a joint responsibility for the Members of the United Nations. The Swedish Government sees no reason for changing this view, which has also been reflected in all resolutions adopted by the General Assembly regarding the continued operations of the Force and the manner of its financing.

"Consequently, the Swedish Government considers that the costs of the Force should also in the future be borne by all Member States of the United Nations on the basis of the regular scale of assessments."

THAILAND

[Original text: English]

ment that the costs of the Force should be borne by all Member States on the basis of the regular scale of assessments.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original text: Russian]

"... as a result of the position of principle adopted by the Ukrainian SSR as regards the establishment and operation of the United Nations Emergency Force, the delegation of the Ukrainian SSR, at the thirteenth session of the United Nations General Assembly, in the Special Political Committee, the Fifth Committee and the plenary meetings of the General Assembly, voted against the draft resolutions under which the United Nations would bear the costs of maintenance of the illegally established Emergency Force.

"This position of principle has not been changed, and the Government of the Ukrainian SSR continues to consider that the financing of the United Nations Emergency Force should be met by those States which committed aggression against Egypt."

UNION OF SOVIET SOCIALIST REPUBLICS

[Original text: Russian]

"In its statements at the eleventh, twelfth and thirteenth sessions of the General Assembly, the Soviet delegation made it clear that the Soviet Union would not participate in the financing of the United Nations armedforces, which were established without the approval of the Security Council and in violation of the United Nations Charter, and also that all expenditure connected with the United Nations activities to bring aggression against Egypt to an end must be borne by the aggressor countries—the United Kingdom, France and Israel.

"The Soviet Union continues to maintain this position."

UNITED STATES OF AMERICA

[Original text: English]

"The United States is of the opinion that the United Nations Emergency Force is the responsibility of the General Assembly and that ensuing expenses must be shared by that body in accordance with the scale of assessments it has established for meeting expenses of the Organization.

"In the light of the additional heavy financial burden placed on the membership by the cost of the United Nations Emergency Force, the United States has made substantial voluntary contributions to the United Nations Emergency Force, over and above the payment of its regular assessment, and would hope, if necessary, to be able to continue this practice in the future.

"The United States takes strong exception to the views of Member Governments which hold that this undertaking of the General Assembly is illegal or which refuse to pay their assessments for the maintenance of the United Nations Emergency Force."

VENEZUELA

[Original text: Spanish]

which was expressed by the Venezuelan delegation during the thirteenth session of the General Assembly, that it would not be appropriate for the costs of the Force to be borne by all Member States on the basis of the regular scale of assessments, since the criteria used in determining the annual contributions for the upkeep of the United Nations cannot be the same as those to be taken into account in calculating the expenditure arising from a specific situation which is exceptional in that there are other considerations to be borne in mind.

YUGOSLAVIA

[Original text: English]

"... the costs of the Force should be borne by all Member States on the basis of the regular scale of assessments."

Document A/4176/Add.1

[Original text: English/French] [25 September 1960]

Note by the Secretary-General: The replies received from forty-six Governments concerning the manner of financing UNEF in the future have been circulated in document A/4176. The comments of three additional Governments, namely the Governments of Canada, China and Laos, are reproduced in the annex below.

ANNEX

CANADA

[Original text: English]

"The Canadian Government has, since the establishment of UNEF, been unreservedly in favour of the principle of collective financial responsibility and has actively supported application of this principle as a basis for financing the Force at all sessions of the General Assembly at which the subject has been raised. It remains the view of the Canadian Government that the costs of the Force should be borne by all Member States in accordance with the regular scale of assessments.

"The position that application of the regular scale of assessments to the UNEF Special Account is not equitable is rejected by the Canadian Government for the reasons set out by the Canadian representative during discussions in the Fifth Committee last year. Briefly, these are: first, that if the regular scale is inequitable for the distribution of UNEF's expenses it is also inequitable when applied to the regular budget: secondly, the principle of sovereign equality, in close interdependence with the principle of collective responsibility, dominates the whole structure of the United Nations and establishes that the right to make a decision imposes an obligation to pay for the consequences of that decision: thirdly, a higher assessment against Members with a special interest in maintaining UNEF would violate the principle of collective responsibility which was not challenged in the case of other United Nations operations in which certain countries could be said to have a special interest, and, fourthly, reliance on a system of voluntary contributions would be inconsistent with the general United Nations obligation to maintain peace and security.

"The argument that expenses of the Force should be borne by those States which took the action which necessitated the creation of the Force, advanced mainly by the States which hold that the Force was established in contravention of the Charter, has never been favourably received by the Canadian Government. The Canadian Government considers that in establishing the Force the General

Assembly legitimately exercises the authority conferrred on it by resolution 377 (V) and that the financial consequences of the Assembly's decision are a collective responsibility.

"The Canadian Government has noted with concern the status of UNEF finances as shown by the monthly statements on the collection of contributions to the United Nations and UNEF accounts and your UNEF budget estimates for the calendar year 1960. It is hoped that the record of contributions will improve to the extent necessary to assure adequate continuing financial support for the Force."

CHINA

[Original text: English]

"The costs of the Force should in principle be borne by all Member States of the United Nations, but the application of the regular scale of assessments in financing the Force should be changed. Such application is not equitable. To many Member States, the regular assessment is already a heavy financial burden.

"In fixing a more equitable scale of assessments for the maintenance of the Force, a differentiation should be made between capital-exporting and capital-importing countries. The former, including the ones giving economic assistance to other countries, should bear the major portion of the costs of the Force, while the latter should be required to make only token contributions.

"Besides, efforts should be continued to encourage voluntary contributions in order to reduce the amount to be raised through assessment."

LAOS

[Original text: French]

"The Royal Government of Laos supports the first of the three basic propositions presented, namely that the costs of the Force should be borne by all Member States on the basis of the regular scale of assessments."

Document A/4176/Add.2

[Original text: English] [27 October 1959]

Note by the Secretary-General: The replies received from forty-nine Governments concerning the manner of financing UNEF in the future have been circulated in documents A/4176 and Add.1. The comments of one additional Government, namely the Government of the United Kingdom of Great Britain and Northern Ireland, are reproduced in the annex below.

ANNEX

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original text: English]

[10 September 1959]

"The United Nations Emergency Force came into, and has remained in being as a result of General Assembly resolutions, and must accordingly be regarded as an expression of the collective will of the General Assembly in discharge of its responsibilities. Her Majesty's Government in the United Kingdom consider, therefore, that the provision of the finance necessary to enable the Force to carry out its work effectively is also a collective United Nations responsibility. They would therefore regard it as logical for the Force to be financed, like other such initiatives, under the regular budget of the United Nations. If, however, the UNEF Special Account remains in being, this should be financed, like the regular budget, by assessed contributions paid by all Member States in accordance with the United Nations scale of contributions in force for the year concerned."

DOCUMENTS A /4210 AND ADD.1

Progress report of the Secretary-General on the United Nations Emergency Force Document A / 4210 [Original text: English]

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Introduction

- 1. This report on the United Nations Emergency Force, submitted in pursuance of General Assembly resolution 1125 (XI), paragraph 4, covers the functioning of the Force since 27 August 1958, when the last report on UNEF⁸/ was made to the General Assembly by the Secretary-General.
- 2. The period covered by this report has been, in general, one of continuing quiet along the entire line between Egypt and Israel-a condition attributable, in no small measure, to the presence of UNEF. Here is renewed testimony to the effectiveness in the performance of its task which the UNEF operation has demonstrated from the beginning. For there can be little doubt that were it not for this peace force along the long line from the Mediterranean to the Red Sea, the likelihood of disturbances in that area would be greatly increased. It would follow, of course, that the cumulative effect of numerous incidents along the line would probably soon attain a seriousness far overshadowing the effort and expense now involved in the maintenance of the Force. The success of UNEF notwithstanding, the attention of the Assembly must be seriously called to the fact that the operation is now in a crucial stage, owing to several factors. In the first place, in present circumstances, it is difficult to foresee when UNEF might be withdrawn without inviting the risk of dangerous consequences. Moreover, there is no further possibility of achieving substantial economies in the cost of the Force, since it cannot carry out its responsibilities as now defined at less than its present strength. The unquestionable need, therefore, for the time being, is to maintain the Force at the minimum strength consistent with the performance of its task. But the funds necessary for this purpose have not been forthcoming from the Member Governments. The financial aspects of this situation are dealt with specifically in part B of this report.

A. Organization and functioning of the Force

I. EFFECTIVENESS AND ORGANIZATION

- 3. In the year under review, the operation of UNEF has continued to be directed at the maintenance of peace and quiet in the area. Few serious incidents have occurred in this period, although there have been situations, which, in the absence of a restraining influence, could readily have assumed serious proportions. Under the continuing command of Lieutenant-General E. L. M. Burns, the sound organization and smooth functioning of the Force have been maintained. There have been no major changes in its organization, stationing or functioning. A moderate reduction in its over-all strength was achieved by replacing only partially the Colombian contingent which was withdrawn on 28 October 1958, and by a small scaling down in the ordnance and signals detachments.
- 4. The total strength of the Force, following the withdrawal of the Colombian contingent, was, as at April 1959, approximately 5,000 officers and other ranks. Since then, through partially replacing the Colombians by an increase of approximately 300 (all ranks) in the Scandinavian contingents, the Force has been maintained at approximately 5,350 officers and other ranks. Brazil, Canada, Denmark, India, Norway, Sweden and

Yugoslavia are the countries now participating in the Force.

- 5. The present strength of the Force makes seventyone platoons available for patrol and guard duty on the
 armistice demarcation line (ADL), international frontier (IF) and elsewhere. The strength of each platoon
 varies from twenty-six to thirty-nine, all ranks. Approximately 2,500 officers and men are thus available
 for active duty, the rest of the Force consisting of
 support units.
- 6. The Commander firmly takes the position, which is endorsed by United Nations Headquarters, that the Force must be maintained at its present level if it is to continue to carry out its mission with the same degree of effectiveness which has characterized the operation thus far, and that to protect its record any further reduction in its numbers should be accompanied by an appropriate redefinition of function and responsibility. The Commander's view is supported by the fact that incidents did increase in those parts of the line where manpower shortage was mainly felt during the period between the withdrawal of the Colombian contingent and its partial replacement by the increased number of Scandinavian troops.

7. The numerical strength of each national contingent as at 1 August 1959 was as follows:

Contingents	Officers	Other ranks	Total
Brazil	39	609	648
Canada	86	897	983≗∕
Denmark	36	512	548
India	69	1,105	1.174 ^b /
Norway	85	518	1,174 ^b / 603 ^c /
Sweden	39	620	659
Yugoslavia	_75	644	719
TOTAL	429	4,905	5,334

a/ Including personnel of the Royal Canadian Air Force 115 Air Transport Unit stationed at El Arish (93, all ranks).

8. The rotation policies of the contributing nations have continued without change since the previous report. From the inception of the Force, the various contingents have been rotated as follows:

Canada, India: twice (yearly rotation);

Brazil: four times (yearly basis, with half the contingent rotating each six months);

Denmark, Norway, Sweden, Yugoslavia: five times (half-yearly rotation).

9. The Scandinavian rotations during the year have been transported by Scandinavian Airlines (SAS), using DC 6-B aircraft, in special flights to El Arish, and take approximately one month. The 307 additional troops in the new Scandinavian contingents were carried by SAS regular flights to Cairo and Beirut. The personnel landing in Cairo were taken to Gaza by train, while those landing in Beirut were brought in by UNEF aircraft in eight special flights. The rotating Brazilian, Indian and Yugoslav contingents are normally carried by sea. The next rotation of the Brazilian contingent is scheduled for October and, as in previous years, a Brazilian naval vessel will be used to carry the troops

^{8/} Ibid., document A/3899.

b/ Including Administrative Troops (249, all ranks).

c/ Including personnel of the Norwegian-manned UNEF Hospital (127, all ranks).

each way. The voyage by sea takes approximately three weeks in each direction. The next rotation of the Indian and Yugoslav contingents is to take place in November and December, respectively. As in previous years, the Government of India is making arrangements for the charter of a vessel to carry the rotating Indian troops. Arrangements for the next rotation of the Yugoslav contingent are also underway and the rotating troops will again be carried by a Yugoslav commercial vessel chartered by the Government, with a small advance party transported by Yugoslav military aircraft. The main body of the Canadian contingent is rotated by RCAF North Star aircraft during September, October and November of each year. Twenty special flights from Montreal to El Arish and return were completed in 1958 and a like number is anticipated for the rotation in the autumn of 1959. The Canadian reconnaissance squadron is rotated during the month of February, and four special RCAF North Star flights are required for this operation. North Star aircraft fly in and out of El Arish regularly.

10. There has been no change in the strength, organization and functioning of the 115 Air Transport Unit (RCAF) during this year. The number of aircraft employed remains at three Dakotas and four Otters. Personnel strength continues to be twenty officers and seventy-three other ranks, although as of 12 August 1959, the commanding officer of the unit becomes a wing commander instead of a squadron leader.

II. DEPLOYMENT

- 11. The major deployment of UNEF, still on the western side of the armistice demarcation line only, 9/continues to be along the Egypt-Israel armistice demarcation line and along the international frontier to the south of the Gaza Strip. These two lines total 273 kilometres in length. The Force also has a watching interest over the coastline of the Sinai Peninsula from the northern end of the Gulf of Aqaba to the Strait of Tiran, a further distance of 187 kilometres.
- 12. The positions and assignments of units of the Force are changed by the Commander from time to time. As at 1 August 1959, their deployment was as indicated below.

Gaza Strip—Four battalions are deployed along the armistice demarcation line and have areas of responsibility corresponding with the police districts of the civil administration, this arrangement facilitating closer liaison and co-operation between the police and UNEF at the battalion level. The units in the Gaza Strip are deployed as follows:

Sector 1 (from sea to Gaza-Beersheba road)—Danish/ Norwegian (DANOR). Three rifle companies man twenty-two observation posts on the ADL, which in this sector is 18 kilometres long;

Sector 2 (from Gaza-Beersheba road to Wadi Ghazza)
—Swedish. Two rifle companies man fourteen observation posts on the ADL, which in this sector runs for 11
kilometres;

Sector 3 (Deir-el-Balah)—Indian. Three rifle companies man eighteen observation posts on the ADL, which in this sector has a length of 12 kilometres;

Sectors 4 and 5 (Khan Younis, Rafah)—Brazilian. Three rifle companies man nineteen observation posts on the ADL, which in this sector is 18 kilometres in length.

<u>International frontier</u>—The international frontier is watched over by the Canadian reconnaissance squadron and the Yugoslav reconnaissance battalion, deployed as follows:

Canadian troops: Headquarters is at Rafah. There are two outposts which send out patrols along the line. The responsibility of the unit extends up to but is exclusive of the road Abu Aweigila/El Auja;

Yugoslav troops: Their responsibility extends from the road Abu Aweigila/El Auja to the Gulf of Aqaba. The battalion has its headquarters and one company at El Arish, and also has platoon camps and outposts at El Amr, El Saba, El Quseima, El Kuntilla and Ras El Nagb.

Guards and detachments—Guards and detachments are stationed as follows:

Headquarters UNEF: The Swedish battalion provides a detachment for guard duties at UNEF headquarters;

Rafah maintenance area: One company and a platoon of the Swedish battalion are guarding the perimeter of the Rafah maintenance area, providing numerous sentries and patrols to prevent thefts which have followed any relaxation of vigilance, despite a perimeter fence;

El Arish: Guards for the UNEF air station and the RCAF quarters are furnished by the Yugoslav Reconnaissance and DANOR battalions;

Sharm el Sheikh: A detachment of the DANOR battalion is stationed at Sharm el Sheikh and Ras Nasrani to observe traffic through the Strait of Tiran;

UNEF warehouse: A small detachment of the DANOR battalion is assigned to guard duty at the UNEF port warehouse.

- 13. Prior to its withdrawal, the Colombian battalion was responsible for sector 4, deploying one company and four platoons on the ADL. When the Colombian contingent was withdrawn, the Brazilian battalion took over part of this sector, as well as continuing to cover sector 5 and Rafah Camp and to provide the small guard detachment for the port warehouse. The Indian battalion took over the other part of sector 4. The Commander reports that it was then found that both the Brazilian and Indian battalions were employed to an extreme limit, the men having no time for proper rest or relaxation. In order to reduce the number of men required for ADL duty under these circumstances, observation was carried out temporarily by mobile patrols instead of from fixed observation posts.
- 14. In April and May, the DANOR and Swedish battalions were each increased by the equivalent of a company. The Brazilian battalion subsequently was relieved of its guard duties at the Rafah maintenance area and the warehouse, and it and the Indian battalion assumed the tasks described in paragraph 12 above.
- 15. The system of mobile patrols by vehicles during the day introduced in sectors 4 and 5 by the Brazilian and Indian battalions economized on manpower, but it was found that the ADL could not be kept under constant and full observation by this means and hence was less

 $[\]frac{9}{}$ See General Assembly resolution 1125 (XI), para. 3.

effectively controlled against infiltrators. During the crop seasons in March and April, infiltrators often seek to cross the ADL in large numbers, if mainly to cut grass. Hence, it was found that the observation post system had to be reinstituted so as to keep a constant watch on the movements of local inhabitants in the vicinity of the ADL. Since the reactivation of the observation posts, made possible by the increase of strength in the Scandinavian contingents, no further infiltrations of importance have occurred.

Daily routine

Armistice demarcation line

16. Observation posts on the armistice demarcation line are normally manned in daytime by two men each. whose daily tour of duty is approximately six hours. the individuals taking turns within the six hours. The observation posts are in all cases intervisible and thus movement at any point along the ADL can be observed. To provide support for the observation posts when needed, a mobile reserve is maintained at company or platoon headquarters. This support is needed, for example, when, as does happen, local inhabitants in numbers too large for the two sentries alone to deal with them try to cross the ADL to harvest grass or crops. The mobile reserve is so organized as to be able to reach a trouble spot within ten to fifteen minutes after being summoned. Each observation post is connected by line telephone with neighbouring observation posts and platoon/company headquarters. This facilitates the observation and apprehension of infiltrators. At night, the men in the observation posts are withdrawn and patrols are sent out. There are numerous patrols nightly in each sector and each patrol is along the line for from three to five hours. During the night, also, reserves are maintained at platoon headquarters. A system of flare signals enables patrols to call for help from the reserves, when necessary. This is supplemented by radio communication which keeps the platoon/company commanders informed of the activities of the patrol.

17. The Brazilian, DANOR, Indian and Swedish battalions dispose of fifty-seven platoons for duty along the ADL and provide guards and detachments, as noted in paragraph 12 above. About seven of the fifty-seven platoons are held in battalion reserve, which is also the Force reserve to provide against emergencies and to allow for some training. The average platoon strength is thirty-nine, all ranks.

International frontier

18. Experience has shown that only certain areas along the international frontier are so sensitive as to require constant patrolling and observation. Rough terrain and other conditions limit the possibility of infiltration along many sectors of the IF. The policy of the Force is to patrol daily in certain areas which are sensitive and where vehicles can travel without too great difficulty. In other sectors along the IF which, though sensitive, offer very rough going for surface vehicles, numerous air reconnaissances are made at varying times, while ground patrols are sent out only from one to three times a week. In addition to this, camps and observation posts are established at especially sensitive spots, to observe the IF and to maintain mobile reserves which can be despatched speedily to any trouble spot. A system of wireless communication links the Canadian reconnaissance squadron and the Yugoslav reconnaissance battalion with aircraft engaged in air reconnaissance, and with the Brazilian battalion which is observing the ADL adjoining the IF. This facilitates the quick and immediate transmission of messages warning of any suspicious movements, and thus enables the reserves to be sent to the spot where trouble has occurred or is anticipated.

- 19. The Canadian reconnaissance squadron disposes of three troops of sixteen, all ranks, each for duty along its sector of the IF. The Yugoslav reconnaissance battalion has ten platoons for duty on the IF, for guard duty at El Arish and to provide a small reserve. Platoon strength is twenty-six, all ranks.
- 20. The Commander of the Force finds that the present allotment of operational troops meets the essential requirements of the UNEF mission, the sectors allotted now being within the capability of the battalions.
- 21. In this regard, economy in the use of military manpower has been effected not alone by replacing only 307 of the Colombian contingent of 522, but also by a reduction of sixty-one, all ranks, in the ordnance and signals detachments. Moreover, a large number of civilian personnel, recruited locally, continue to carry out essential duties, many of which would be performed by soldiers in the usual military organization. The main categories of the civilian personnel are as follows: subordinate administrative officials, clerks, secretaries, typists, draughtsmen, building tradesmen, motor mechanics and maintenance men, cooks and cooks' helpers and labourers (construction and maintenance). It is estimated by UNEF headquarters that approximately 1,000 additional military personnel would be needed to carry out the work now being done by this locally recruited personnel.

III. WELL-BEING

- 22. The general state of well-being of the Force continues to be excellent. The health record has been consistently good since the inception of the Force. The hospital situated at Rafah which, prior to 1 March 1959, had been operated jointly by Canadian and Norwegian personnel, has since that date been staffed entirely by Norwegian personnel. The Canadian medical complement of four officers and fifteen other ranks operates a medical inspection room for the Canadian troops.
- 23. The number of officers and other ranks hospitalized in the UNEF hospital during the period 1 August 1958 to 1 August 1959 totals 1,080, while twenty-seven cases requiring specialized treatment have been hospitalized outside of the area during the same period. Of those admitted to the UNEF hospital, the main causes of hospitalization have been: diseases of the digestive system, including enteric fevers and appendicitis; injuries; observation; fevers without special location (supposedly caused by viruses); acute respiratory infections; rheumatic diseases (rheumatic fever, lumbago, sciatica, etc.), and skin infections.
- 24. As a general policy, patients with chronic illnesses have been repatriated on the recommendation of the UNEF medical board. In special cases, patients have been kept in the UNEF hospital if their transfer has been considered difficult for medical reasons. The UNEF medical board dealt with a total of eighty-four such cases during the period from 1 August 1958 to 1 August 1959.

- 25. In addition to military personnel, 371 civilian patients were treated in the UNEF hospital during the period from 1 August 1958 to 10 June 1959, most of whom were United Nations staff and local employees. A number of local inhabitants suffering from acute illnesses and injuries due to accidents have also been treated at the hospital.
- 26. Since the establishment of UNEF, thirty-four fatalities have occurred, distributed among all but the Finns of the ten original contingents, and resulting chiefly from encounters with mines, accidental shootings and traffic accidents.
- 27. The leave centre at Cairo opened on 31 October 1958 and closed on 3 May 1959, during which period 362 officers and 6,162 other ranks spent their leave at the centre. The leave centre at Beirut, with a capacity of twenty officers and 280 other ranks, re-opened on 18 May 1959. A contract has been awarded to Middle East Airlines to transport UNEF leave personnel between El Arish and Beirut, calling for a maximum of ten flights per week, carrying twenty-eight passengers per flight. UNEF aircraft will be used to transport leave personnel over and above 280, the maximum to be carried by UNEF per week being forty.
- 28. The high morale of the Force has continued. The welfare programme, which continues to be an important factor in the maintenance of morale, embraces a number of activities of which sports are the most ambitious, including tournaments in basket-ball, football, volley-ball, chess, badminton, tennis, table tennis, darts, swimming, squash and golf. Other activities include a cultural exchange programme; life-saving classes; schedules of film showings for units; organized tours (at individual expense) to Jerusalem, Cairo, Alexandria, St. Catherine's Monastery, El Alamein, Luxor and Beirut; leave centre welfare programmes; projectionist courses; United Nations Week programme; Christmas programme, including supply of Christmas trees and decorations; loan service of radios, slide projectors, tape recorders and other welfare equipment; greeting and Christmas cards supply and sale; United Nations Relief and Works Agency projects (on voluntary basis); religious programme brochures supplied for Christmas and Easter in co-operation with chaplains.
- 29. Several suggestions for the improvement of the welfare service are under review, such as an increase in the number of live entertainment programmes; an increase in the number of weekly motion picture films, covering the supply of films with English captions from non-English speaking countries, including those represented by contingents in UNEF; the establishment of battalion "hobby shops" with the supply of necessary equipment and material; the provision of free sightseeing tours at the leave centres, and increased amounts of welfare equipment and supplies. The expansion of activities in the welfare programme must, of necessity, be dictated by financial considerations, but it is thought that some of the suggestions outlined above might be financed, in part, from proceeds of the service institutes.

IV. LOGISTICS

30. Generally speaking, the ration scales put into effect in May 1958 have proved adequate. Several minor changes have been made, and additional items have been added to provide variety in dessert items.

- Dried skim milk is now included in the ration scale to provide an additional source of vitamin A as well as milk for cereals.
- 31. Dietary needs and preferences of certain contingents sometimes change on rotation when the personnel come from different parts of a country. For example, recently it has been necessary to provide butter ghee and to make certain other ration changes to provide an adequate diet for vegetarians in the present Indian contingent.
- 32. Adequate refrigeration has now been provided in the supply depot in support of the effort to serve fresh fruit and vegetables throughout the year. It is hoped that this measure will provide a more acceptable diet and also reduce the cost of rations by eliminating or reducing the need for imported canned items. Steps are also being taken to improve the sanitary conditions under which bread is produced and delivered. Ration scales and issue items are kept under constant review to ensure that food of the best possible quality, variety and nutritional value is served to the Force.
- 33. During the year under review, the average sea cargo has been 1,435 long tons per month, and 440 ships have unloaded stores for UNEF at Port Said. In addition, 305 tons were carried by air. During the same period, 102.9 tons of general stores were received from the United Nations Observation Group in Lebanon together with 33 quarter-ton utility trucks, 18 water trailers and 2 station wagons.

V. LOCAL ARRANGEMENTS

34. On the whole, the relations between UNEF and the local population continue to be satisfactory. In addition to occasional acts of theft and pilferage, however, there have been a few instances of temporary friction between local groups and UNEF personnel engaged in performing their duty.

VI. INCIDENTS

- 35. As reported from all sources, the type and number of incidents which occurred between 1 August 1958 and 31 July 1959, are shown in the table at the top of the next page.
- 36. The total of 137 incidents reported for the twelve months' period may be compared with the 95 which occurred in the ten and one-half months' period covered by the report for 1958. 10/10 All but a very few of these later incidents, however, have been of a minor nature. Of this year's total, 125 were confirmed by UNEF; 5 were reported by the United Arab Republic, and investigated and confirmed by the Egypt-Israel Mixed Armistice Commission (EIMAC), and 7 were reported by the United Arab Republic but were not confirmed by either the Commission or UNEF.
- 37. Based on figures from UNEF headquarters, which include complaints presented by both parties as well as observations independently made by UNEF, a total of 452 violations of airspace by identified planes and a total of thirty-nine such violations by unidentified planes occurred in the period from 1 August 1958 to 31 July 1959. Of these, thirteen were by aircraft of the United Arab Republic (UAR) overflying on the Israel

^{10/}Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 65, document A/3943.

	Occurrences by month ^a /												
			1958						1959				
Type of incident	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	Aprıl	May	June	July	Tota1
Involving mines	0	0	0	0	0	0	0	1	0	0	0	0	1
Crossing of ADL involving firing	4	0	1	5	1	0	7	0	1	1	0	0	20
Firing across ADL	0	0	0	0	0	0	0	0	2	0	2	0	4
Crossing of ADL involving theft or occasionally kid-napping	0	0	0	0	0	1	1	3	8	10	8	1	32
Crossings, or attempted crossings of ADL not involving firing, theft or kid-	-	0	10	10		_	_	-	0	4	0	2	0.0
napping	_ <u>5</u>	$\frac{6}{2}$	10	$\frac{12}{17}$	-7	<u>-5</u>	<u>5</u>	-7	3	6	8	-6	80
TOTALS	9	6	11	17	8	6	13	11	14	17	1 8	7	137

² Based on figures from UNEF headquarters, which include complaints submitted by both parties as well as observations independently made by UNEF.

side of the line, the others involving Israel aircraft overflying Gaza and the Sinai Peninsula. All of the instances of unidentified aircraft also involved overflights on the UAR side. Of the identified planes, 410 were observed by UNEF, twenty-two were reported by the UAR and confirmed by UNEF, and twenty were reported by the UAR but not confirmed by UNEF. UNEF headquarters reports that 374 of the UNEF-observed violations by Israel aircraft involved overflights in the north-east corner of the Gaza Strip by aircraft coming from the Israel aerodrome of Wadi Sharia. It is added that this airfield is only some twenty kilometres southeast of Gaza and that the prevailing wind is such that jet aircraft in taking off head in a direction which may take them over the north-east corner of the Strip. Strong representations about such repeated violations have been made and in recent weeks a notable decrease in this type of activity has been observed.

38. In the same period, a total of 113 violations of territorial waters were observed by the Force, apparently by fishing boats for the most part. Of the total violations, sixty-nine were in UAR waters and forty-four in Israel waters. Following a United Nations protest, this type of activity has virtually ceased in recent months.

B. Financial arrangements and cost estimates

I. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTEENTH SESSION

39. In resolution 1263 (XIII) of 14 November 1958, the General Assembly, having considered the progress report of the Secretary-General on the United Nations Emergency Force, 11/2 and noting with satisfaction the effective way in which the Force continues to carry out its function, requested the Fifth Committee to recommend such action as may be necessary to finance the continuing operation of the United Nations Emergency Force.

40. In resolution 1337 (XIII) of 13 December 1958, the General Assembly, having examined the budget estimates for the Force submitted by the Secretary-General for the year 1958 12/2 and for the year 1959

(A/3984), and having considered the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions on the estimates in its reports, 13/(1) confirmed its authorization to the Secretary-General to expend up to a maximum of \$25 million for the operation of the United Nations Emergency Force during 1958; (2) authorized the Secretary-General to expend up to a maximum of \$19 million for the continuing operation of the Force during 1959; (3) approved the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions on the estimates for 1958 and 1959; (4) decided that the expenses authorized for 1959, less any amounts pledged or contributed by Governments of Member States as special assistance prior to 31 December 1958, should be borne by Members of the United Nations in accordance with the scale of assessments adopted by the General Assembly for the financial year 1959; (5) requested the Secretary-General to consult with the Governments of Member States with respect to their views concerning the manner of financing the Force in the future, and to submit a report together with the replies to the General Assembly at its fourteenth session.

II. UNEF ASSESSMENTS AND COLLECTION OF CONTRIBUTIONS AS AT 31 JULY 1959

41. UNEF assessments approved by the General Assembly for the three years 1957-1959 totalled \$55,233,988.\frac{14}{A}\text{As at 31 July 1959}, the amount of contributions collected, including credits, totalled \$34,402,366, leaving a balance due of \$20,831,622, or 37.7 per cent of the total amount assessed. The assessments, collections and balances due for each year are shown below (as at 31 July 1959):

	Assessments	Collections	Balance due
	Un.	ited States dollar	rs
1957	15,028,988	10,295,843	4,733,145
1958	25,000,000	16,526,627	8,473,373
1959	15,205,000	7,579,896	7,625,104
TOTAL	55,233,988	34,402,366	20,831,622

^{13/} Ibid., Thirteenth Session, Annexes, agenda item 65, documents A/3839 and A/4002.

^{11/} Ibid., document A/3899.

^{12/} Ibid., Thirteenth Session, Supplement No. 5A.

^{14/} Over the three years, an additional amount of \$18,766,012 was pledged by fourteen Governments as voluntary contributions or special assistance. \$14,980,512 of these pledges had been paid as at 31 July 1959.

- 42. The record of payments follows. Twenty-seven Member States have made no payment of their 1957 assessments and eleven others have made only partial payments. Thirty-nine Members have made no payment of their 1958 assessments and four have made partial payments. Sixty-one Members have made no payment of their 1959 assessments and two have made partial payments.
- III. UNEF CASH POSITION AS AT 31 JULY 1959 AND ESTIMATED CASH RECEIPTS, DISBURSEMENTS AND ADDITIONAL REQUIREMENTS FOR THE REMAINDER OF 1959
- 43. As at 31 July 1959 UNEF's cash balance totalled \$1.6 million, of which \$1 million represented advances from the United Nations Working Capital Fund.
- 44. Estimated collections during the remaining five months of 1959 total \$7.7 million, of which \$3.9 million relate to assessments and \$3.8 million to special assistance.
- 45. Cash disbursements during the remaining five months of 1959 will total an estimated \$12.9 million. Payments of this amount would result in a cash deficit at 31 December 1959 of \$6.2 million.
- 46. On the basis of the above estimates and the estimated costs of UNEF for 1959, unliquidated obligations at 31 December 1959 would total \$11 million, loans outstanding from the United Nations Working Capital Fund or other funds in the custody and control of the Secretary-General would total \$6.2 million, and arrears of contributions of Member States would total \$16.9 million.

IV. 1960 COST ESTIMATES FOR THE MAINTENANCE OF THE FORCE

- 47. In the introduction to my annual report (A/4132/Add.1), I have indicated that the United Nations Emergency Force remains an essential element in the efforts of the United Nations to assist Member States to maintain stable and peaceful conditions in the Middle East and that it is at present impossible to foresee when the operations of the Force might be brought to an end without damage to the valuable results which it has already achieved. Moreover, on the basis of all information available to Headquarters, I accept the view of the Commander of the Force and his military associates that the Force cannot continue to carry out the responsibilities now defined for it if it is reduced below its present strength.
- 48. Accordingly, I have submitted to the General Assembly my budget estimates (A/4160) for maintaining the Force during 1960 at its present strength in order that the General Assembly, should it so decide, may make appropriate financial provision for the continued operation of UNEF.
- 49. The 1960 estimates total \$18,916,000, which is \$453,000 less than the estimate I submitted for the year 1959, and \$84,000 below the amount approved for 1959 by the General Assembly at its thirteenth session in resolution 1337 (XIII).
- 50. These estimates have been examined by the Advisory Committee on Administrative and Budgetary Questions which has reported thereon to the General Assembly (A/4171).

V. FUTURE FINANCING ARRANGEMENTS FOR

- 51. The General Assembly in resolution 1337 (XIII), inter alia, requested the Secretary-General to consult with Member States with respect to their views concerning the manner of financing the Force in the future, and to submit a report together with the replies to the General Assembly at its fourteenth session.
- 52. My views on this important matter, together with the views of the Member States that have submitted replies in response to my request, are being presented to the General Assembly in a separate report (A/4176 and Add.1 and 2).
- 53. I am sure Member States will appreciate the absolute necessity for ensuring adequate financial support for the continuing operation of UNEF as well as for the payment of contributions now in arrears, since failure to take early and effective action on these matters would seriously jeopardize the financial solvency not only of the Force but of the entire Organization.

Document A/4210/Add.1

[Original text: English]
[3 December 1959]

- 1. The General Assembly, in its resolution 1000 (ES-I) of 5 November 1956, acting on the suggestion made in the report of the Secretary-General, 15/appointed, on an emergency basis, as Chief of the Command for the emergency international Force, Major-General E. L. M. Burns of Canada, who was then serving as Chief of Staff of the United Nations Truce Supervision Organization in Jerusalem. The Force has continued until the present day under the command of General Burns, who now has the rank of Lieutenant-General. General Assembly resolution 1122 (XI) of 26 November 1956 provided that henceforth the Force would be known as the "United Nations Emergency Force" and that the Chief of Command would be its "Commander".
- 2. The Government of Canada for some time has registered a desire to have General Burns return to national service, and General Burns himself, urged by the United Nations, has prolonged his tour of duty mainly in response to a sense of duty. Now, however, because of a new governmental assignment for him of unusual importance and urgency, for which General Burns wishes release, it has become necessary to accede to the request that he be relieved of his command before the end of the year 1959. This conclusion has been reached in the light of the fact that General Burns has served the United Nations in the Middle East for more than five years, having been Chief of Staff of the United Nations Truce Supervision Organization from 9 August 1954 until he assumed the command of the United Nations Emergency Force (UNEF).
- 3. In these two capacities, and particularly as Commander of UNEF, General Burns has rendered distinguished service to the United Nations and has made a signal contribution of its efforts toward quiet and peace in the area. With devotion to the United Nations

^{15/} See Official Records of the General Assembly, First Emergency Special Session, Annexes, agenda item 5, document A/3289, para. 4.

and its ideals, he has helped to mould, and has ably led, this unique and pioneering peace force. A considerable debt of gratitude is acknowledged to him for this service and also to the Government of Canada for making him available to the United Nations for a period so extended.

- 4. The impending loss of the services of General Burns gives rise to the question of a successor. There were good reasons for looking, in the first instance, to India for this purpose, among them being the fact that India provides the largest contingent in UNEF and has given full co-operation to it from the beginning. Consequently, an inquiry about possible candidates for the position of Commander was directed by the Secretary-General to India early in November. In response, the Government of India has submitted the name of an experienced officer with the rank of General who must be considered as thoroughly qualified to undertake the important responsibility involved.
- 5. The Secretary-General, therefore, acting under the authority vested in him by resolution 1001 (ES-I) of 7 November 1956, submits to the General Assembly for its approval the appointment as Commander of the United Nations Emergency Force of Major-General P. S. Gyani, a senior Major-General of the Indian Army, as successor to Lieutenant-General E. L. M. Burns. This appointment is to be effective as of the date on which General Burns relinquishes command, and is on the same terms as those which have applied to General Burns. The Government of India informs the Secretary-General that General Gyani is in line for promotion to the rank of Lieutenant-General.
- 6. The details of the training and career of Major-General Gyani are annexed to the present report.

ANNEX

Curriculum vitae of Major-General P. S. Gyani

Date of birth: 17 July 1910.

Date of commission: 27 August 1931.

Qualifications

Imperial Defence College, London, England. Graduated from the Staff College, Quetta.

Attended long Gunnery Staff Course in the United Kingdom—July 1946 to September 1947.

Appointments held

- (a) Commanded Second Infantry Field Regiment, November 1944 to June 1946.
- (b) Brigadier Commandant, School of Artillery, October 1947 to December 1947.
- (c) Director Artillery, Army Headquarters, December 1947 to December 1950.
- (d) Commander, 7th Infantry Brigade, February 1952 to July 1953.
- (e) Commander, 181st Independent Brigade Group, August 1953 to August 1954.
- (f) International Commission for Supervision and Control in Indo-China in the rank of Major-General, August 1954 to April 1955. Alternate delegate—Acted as Chairman.
- (g) Commandant, Defence Services Staff College, Wellington, India, April 1955 to March 1959.
- (h) Director Artillery, Army Headquarters—March 1959 to June 1959.
- (i) General Officer Commanding Fourth Infantry Division—June 1959 to date.

Active service in World War II: Burma Front, February 1942 to August 1945.

DOCUMENT A /4284

Supplementary estimates for 1959: revised estimates for 1960: report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [17 November 1959]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/C.5/800) in which, for reasons outlined in that report, he has proposed the following modifications in the approved budget for 1959 and the budget estimates for 1960 of the United Nations Emergency Force (UNEF): (a) That the approved expenditure estimates under sections 1 to 8 of the 1959 budget should be increased by \$950,000; and (b) That the 1960 budget estimates should be increased by \$1,290,000 from the previous total of \$18,916,000 to a revised amount of \$20,206,000.

SUPPLEMENTARY ESTIMATES FOR 1959

- 2. The 1959 budget of UNEF provided \$12.5 million for the running costs of the Force (sections 1-7), \$5.5 million for reimbursement of extra and extraordinary costs relating to pay and allowances of members of contingents (section 8) and \$1 million towards the reserve for compensation in respect of equipment, materials and supplies furnished by Governments to their contingents (section 9).
- 3. The Secretary-General states that the provision of \$5.5 million for extra and extraordinary costs will prove inadequate, to the extent of \$1.7 million, for two

reasons. In the first place, it would be necessary to reimburse the Governments providing replacements for the Colombian contingent (A/4210, para. 4) at a higher average rate than had been anticipated. Secondly, on the basis of expectations at that time, the original 1959 estimates had not included adequate provision for full reimbursement of the extra costs of one large contingent in the Force.

- 4. The Advisory Committee is satisfied, on the basis of detailed information on the circumstances involved, that the proposed increase of \$1.7 million in the provision for extra and extraordinary costs is warranted.
- 5. An increase of \$200,000 is also estimated in the costs in respect of operation of aircraft, as a result of increases in the charges per flying hour. The major part of these costs arises in connexion with the North Star flights furnished by the Canadian Government, in respect of which charges per flying hour have increased from \$181.26 to \$253.93, as already indicated in the estimates for 1960 (A/4160, section 2, chapter II (ii)). The Advisory Committee understands that the charges are based on the over-all cost to the Canadian Government of operating aircraft and that, under this arrangement, no separate charge is made to the United Nations in respect of aircraft which may be worn out or destroyed.

- 6. As against the total increased requirements of \$1.9 million, savings of \$950,000 are anticipated under sections 1 to 7 of the 1959 budget, including \$90,000 as a result of the deferral of the delivery of certain motor transport equipment. Among other elements in the total anticipated savings are \$191,000 under costs of military personnel (section 1), \$170,000 under freight, cartage and express (section 2, chapter V) and \$450,000 under rations (section 4). While a part of the savings arises from enforced economies, the revised estimates for the items in question largely reflect real savings resulting from a continued improvement of controls and a decrease in the costs of certain items such as rations.
- 7. The Advisory Committee concurs in the supplementary estimates, as submitted, including the necessary transfers from sections 1-7 to section 8. On the question whether the net additional requirement of \$950,000 should be provided by a supplemental appropriation or by transfer from the \$1 million provided under section 9 towards the reserve for compensation in respect of equipment, the Committee would prefer the latter approach. Accordingly, the Committee recommends that the 1959 budget should be modified, the provision of \$1 million under section 9 being deleted and a further amount of \$950,000 (in addition to the transfers from sections 1 to 7) included under section 8.

REVISED ESTIMATES FOR 1960

- 8. The original estimates for 1960 submitted by the Secretary-General (A/4160) amounted to \$18,916,000, and the Advisory Committee recommended (A/4171) an appropriation in that amount. However, the Committee suggested that efforts should be made to keep expenses in 1960 within a target level of \$18,500,000.
- 9. The Secretary-General has proposed an increase of \$1,290,000 (A/C.5/800) which comprises:
- (a) \$800,000 to meet increased requirements in respect of extra and extraordinary costs;

- (b) \$90,000 in respect of the equipment the delivery of which has been deferred from 1959 to 1960;
- (c) \$200,000 for establishing and equipping a new hospital, as the UNEF hospital and all its equipment (with the exception of one piece of X-ray equipment) was completely destroyed by a fire on 26 October 1959; and
- (d) \$200,000 to provide for the substantial claims that are expected from Governments in respect of the death or disability of members of contingents.
- 10. Items (a) and (b) do not call for any further comment. As regards item (c), the Advisory Committee has inquired into the circumstances of the fire and, while the Secretary-General is awaiting a detailed report from the field, the Committee notes that all necessary emergency steps were taken to prevent the patients being injured and to ensure their continued care. An emergency field hospital unit was flown in from Norway on 29 October 1959 and will be in operation, pending the construction of a new, fire-proof hospital.
- 11. As to item (d), compensation in the event of death or disability of a member of the Force is determined by the Government concerned in accordance with the rules and procedures which normally apply to its armed forces, and the United Nations reimburses the Government in the appropriate amount. There have been to date thirty-four fatalities and a number of cases of disability or injury, and while only two payments have so far been made, a number of further claims are anticipated.
- 12. In the light of the Secretary-General's revised submission, the Committee would now recommend that an appropriation in the amount of \$20 million, as compared with \$20,206,000 proposed by the Secretary-General, might be approved, but that efforts should be made to hold expenditure within a revised target level of \$19.5 million. It would be understood that, should death and disability claims amount to a substantial sum, it might be necessary to go beyond this target level.

DOCUMENT A/C.5/800

Supplementary estimates for 1959: revised estimates for 1960: report of the Secretary-General

[Original text: English]
[12 November 1959]

INTRODUCTION

- 1. The General Assembly on 13 December 1958 in resolution 1337 (XIII) authorized the Secretary-General to expend up to a maximum of \$19 million for the continuing operation of the United Nations Emergency Force during 1959. On 23 July 1959 the Secretary-General, in document A/4160, set forth his budget estimates for UNEF for 1960.
- 2. It has now become apparent that claims from Governments providing contingents or services to UNEF have been provided for at too low a level both in the approved budget for 1959 and in the budget estimates for 1960. The budgetary provisions for both years need to be amended to provide for the resultant increased costs. Furthermore, as far as the 1960 estimates are concerned, additional expenses are now foreseen as a

result of first, a fire, which on 26 October 1959 destroyed the UNEF hospital and all its equipment, secondly, unavoidable delays in the receipt of certain equipment for which provision was made in the 1959 budget and which is now expected to be delivered in 1960, and, thirdly, claims from Governments arising from the service-incurred death and disability of members of their UNEF contingents.

SUPPLEMENTARY BUDGET ESTIMATES FOR 1959

3. The Secretary-General's original cost estimates for the maintenance of the Force during 1959 were presented to the General Assembly on 7 November 1958 in document A/3984. At that time the Secretary-General, on the basis of the latest claims from Governments providing military contingents to the Force, estimated that \$5,500,000 would be required under

section 8 of the 1959 budget for reimbursements to those Governments of the extra and extraordinary costs relating to pay and allowances which they would incur during 1959. He noted, however, in connexion with section 8, that "the estimate for 1959 is below that for 1958 on the assumption that reimbursements in respect of the replacements for the Colombian contingent will be made at the average rate that obtains for the other contingents remaining in the Force".

- 4. Subsequent to the adoption of General Assembly resolution 1337 (XIII) it was ascertained that it would be necessary to reimburse the Governments providing replacements for the Colombian contingent at a higher average rate than had been anticipated. It was also established during the early months of 1959 that, owing to changed conditions, the provision made in the original estimates for full reimbursement of the extra costs of one large contingent in the Force had proved inadequate. It is therefore necessary to revise the 1959 budget estimates for section 8 from \$5,500,000 to \$7,200,000.
- 5. The Secretary-General was also informed in 1959 that the charges per flying hour for the aircraft utilized by UNEF had risen substantially and as a result the estimate under section 2, chapter II (ii) for "Operation of Aircraft" has had to be increased by more than \$200,000.
- 6. With a view to offsetting the unforeseen extra costs to be reimbursed to Governments providing contingents and services to the fullest possible extent, economies have been sought in other parts of the UNEF budget. It is now estimated that, in addition to absorbing the extra costs for the operation of aircraft referred to in paragraph 5 above, additional savings of approximately \$660,000 may be realized on the level of expenditure—in the amount of \$12,500,000—authorized under part A of the budget.
- 7. It has, moreover, been necessary to defer until 1960 delivery of certain equipment costing \$90,000 for which provision was made in the 1959 budget. Accordingly, the Secretary-General recommends that that amount together with the additional \$660,000 of savings under part A of the budget be applied to reduce the extra \$1,700,000 required for the reimbursements to Governments under section 8, and that the remaining

balance of \$950,000 required for section 8 be provided either by a supplemental appropriation of that amount or by authorizing the Secretary-General to transfer \$950,000 from the \$1,000,000 provided as a reserve under section 9 of the budget.

REVISED BUDGET ESTIMATES FOR 1960

- 8. When the Secretary-General's original cost estimates for the maintenance of the Force during 1960 (A/4160) were presented on 23 July 1959 it was estimated, on the basis of the latest claims from Governments providing military contingents to the Force, that the amount required for reimbursement to them for extra and extraordinary costs relating to pay and allowances under section 8 of the budget would total \$6,800,000. Claims received subsequently indicate, however, that on the basis of a full year an additional amount of \$800,000 will be required under section 8.
- 9. An additional \$90,000 is also required in section 2, chapter I of the budget estimates to cover the cost of the equipment for which provision was originally made in the 1959 budget and delivery of which is being deferred until 1960.
- 10. Furthermore, as a result of the fire on 26 October 1959 which completely destroyed the UNEF hospital and all its equipment, provision is also required in the 1960 budget for establishing and equipping a new hospital. A tentative estimate for this purpose is \$200,000 which would be distributed among the appropriate sections in part A of the budget when the details are known.
- 11. Finally, although it was hoped that no financial provision would be required under section 7 to cover contingencies during 1960, experience during the past few months has indicated that substantial claims may be expected from Governments arising from the death or disability of members of their contingents and it is now considered prudent to re-establish a provision of \$200,000 to cover these and other contingencies.
- 12. The Secretary-General accordingly recommends that the General Assembly make appropriate financial provision for maintaining the Force during 1960 in the amount of \$20,206,000.

DOCUMENT A /4335

Report of the Fifth Committee

[Original text: English]
[4 December 1959]

- 1. The Fifth Committee considered, at its 749th to 752nd meetings, held from 24 to 27 November 1959, the following sub-items of agenda item 28 concerning the United Nations Emergency Force: (a) Cost estimates for the maintenance of the Force, and (b) Manner of financing the Force.
- 2. In opening the discussion, the Secretary-General restated his conviction, expressed in the progress report on the Force (A/4210) that, for the immediate future at least, the Force continued to be an indispensable element in the efforts of the Organization to assist Member Governments in maintaining stable and peaceful conditions in the area in which the Force operated. In the present circumstances, it was not possible for him to foresee when the operations of the

Force might be brought to an end without risking the progress thus far made, and any decrease in the size of the Force below its present reduced numbers would require a redefinition of its present function and responsibility. Thus he could see no possibility of substantial savings in the cost of maintaining the Force in 1960, beyond those that had already been taken into account in the estimates. As regarded the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the 1960 budget estimates (A/4284, para. 12), he and the Commander of the Force foresaw no real difficulties from a budgetary point of view if those recommendations were adopted. Every effort would be made to keep expenditure within the target level suggested.

- 3. The Secretary-General also referred to the guestion of compensation in respect of equipment, materials and supplies furnished by Governments to their contingents. No provision had been included in the 1960 estimates for the Force for this purpose (A/4160, para. 7); and the provision therefor in the 1959 budget would, under the recommendation of the Advisory Committee (A/4284, para. 7), be deleted. He emphasized that there could be no question, in the light of the General Assembly's decisions, as to the Organization's ultimate obligation to reimburse the Governments providing such equipment and supplies for their extra and extraordinary costs on that account. As the period of service of contingents in the Force had been prolonged much longer than originally envisaged, it was reasonable that such Governments should desire a re-examination of the General Assembly's original decision (resolution 1151 (XII)) which was that the United Nations would assume responsibility for payment only at the conclusion of the total period of service.
- 4. On the manner of financing the Force, the Secretary-General expressed deep concern that unpaid assessments for 1957, 1958 and 1959 amounted to over \$19 million. By the end of 1959, it was estimated, the Special Account for the Force would need to draw over \$6 million from the Working Capital Fund, and would have unliquidated obligations of over \$12 million. The views of fifty Member States on the manner of financing the Force were set out in his report (A/4176 and Add.1 and 2); the views of the largest number were those which he had held from the outset. He did not believe that any generally acceptable formula could ignore the application of the regular scale of assessments.
- 5. During the discussion in the Committee, tribute was paid to the exemplary manner in which the Force was fulfilling its task. Gratitude was expressed to those countries which had provided contingents and to the officers and men who were making a notable contribution to the maintenance of general peace and security. The Secretary-General and the Commander of the Force, Lieutenant-General E.L.M. Burns, were to be congratulated. General Burns stated his own appreciation and that of the members of the Force for these expressions of confidence, which he would convey to them.

(a) Cost estimates for the maintenance of the Force

- 6. The Secretary-General had submitted original 1960 estimates (A/4160) for the expenses of the Force totalling \$18,916,000. The Advisory Committee on Administrative and Budgetary Questions had reported on those estimates (A/4171), and, while recommending an appropriation on the amount estimated, that Committee had suggested that efforts should be made to keep the expenses within a target level of \$18,500,000.
- 7. In a subsequent report (A/C.5/800) the Secretary-General submitted revised estimates involving an increase of \$1,290,000 in the 1960 estimates, bringing them to a total of \$20,206,000. In respect of these revised estimates, the Advisory Committee recommended (A/4284, para. 12) an appropriation of \$20 million, but suggested that efforts should be made to hold expenditure within a revised target level of \$19,500,000.

- 8. As regards 1959, the Secretary-General also found it necessary to submit further estimates (A/C.5/ 800). For certain items of the approved budget of \$19 million, 16/additional requirements totalling \$1,900,000 were foreseen; savings of \$950,000 on other items could be estimated. To meet the net additional requirement of \$950,000 under section 8, after available surpluses under sections 1 to 7 had been applied to the needs for that section, the Secretary-General recommended either a supplemental appropriation of that amount, or that he be authorized to transfer \$950,000 from the \$1 million provided as a reserve under section 9 of the budget. In its report the Advisory Committee concurred in the supplementary estimates. as submitted, including the necessary transfers from sections 1-7 to section 8. On the question of whether the net additional requirement of \$950,000 under section 8 should be provided by a supplemental appropriation or by a transfer from the \$1 million provided under section 9 towards the reserve for compensation in respect of equipment, materials and supplies provided by Governments to their contingents, the Advisory Committee preferred the latter approach. It recommended that the 1959 budget should be modified. the provision of \$1 million under section 9 being deleted and a further amount of \$950,000 included under section 8 (A/4284, para. 7).
- 9. At its 752nd meeting, the Fifth Committee approved, by 43 votes to 8, with 6 abstentions, the recommendation of the Advisory Committee regarding the 1959 budget for the Force. As thus approved, the 1959 budget remained within the total authorization of \$19 million given by the General Assembly in resolution 1337 (XIII) of 13 December 1958 for the 1959 expenses of the Force.
- 10. The Fifth Committee's approval of the recommendation of the Advisory Committee for a 1960 appropriation of \$20 million for the Force is contained in the draft resolution which it recommends for adoption by the General Assembly. The consideration in the Committee of this draft resolution is set out in subsequent paragraphs of the present report.
- 11. In connexion both with the 1959 and 1960 estimates, delegations of Member States providing contingents for the Force emphasized that while there was no provision in those estimates for increasing the reserve for compensation for equipment, materials and supplies provided by Governments to their contingents, there could be no question as to the ultimate responsibility of the Organization in this matter.

(b) Manner of financing the Force

- 12. On the manner of financing the Force, the Committee had before it the report of the Secretary-General (A/4176 and Add.1 and 2) on consultations with Governments of Member States in pursuance of paragraph 5 of General Assembly resolution 1337 (XIII) of 13 December 1958. The report included the communications which had been received from fifty Member States which were broadly classified as follows:
- (a) Thirty-eight favoured assessment of UNEF's expenses among all Members, of which:
- (i) Twenty-nine wished the basis of assessment to be the scale of assessment adopted for the United Nations budget, and

16/ Ibid., Thirteenth Session, Supplement No. 5 C.

- (ii) Nine wished adoption of some scale of assessment different from that adopted for the United Nations budget;
- (b) Eight expressed the opinion or referred to their earlier views that only the States which took the action resulting in the creation of the Force should pay its expenses;
- (c) Two indicated merely their inability to pay for the Force, one proposed that the costs be defrayed entirely by voluntary contributions, and one stated that it would prefer a thorough discussion of the matter at the fourteenth session of the General Assembly before taking a definite stand on the question.
- 13. Delegations speaking in the Committee reiterated the views of their Governments as set out in the Secretary-General's report, which had also been reported by the Fifth Committee in its report \(^{17}\) on this question at the thirteenth session.
- 14. At the 749th meeting of the Committee, the representatives of the United States and the United Kingdom, while stating that the Governments maintained their position that the expenses of the Force should be financed on the regular scale of assessments, announced that, subject to parliamentary approval, their Governments would make voluntary contributions to the 1960 expenses of the Force in the approximate amounts of \$3.2 million and \$275,000 respectively.
- 15. At the 750th meeting of the Committee, the representative of Norway introduced the draft resolution (A/C.5/L.591) submitted by Brazil, Canada, Colombia, Denmark, Norway, Sweden and Yugoslavia, which read as follows:

"The General Assembly,

- "Recalling its resolutions 1089 (XI) of 21 December 1956, 1151 (XII) of 22 November 1957 and 1337 (XIII) of 13 December 1958,
- "Having considered the observations made by Member States concerning financing of the Force,
- "Having examined the budget estimates for the Force submitted by the Secretary-General for the year 1960 (A/4160, A/C.5/800) and the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon (A/4171, A/4284),
- "Having noted with satisfaction that special financial assistance has been pledged voluntarily towards the expenditures for the Force in 1960,
- "Considering that it is desirable to apply voluntary contributions of special financial assistance in such a manner as to reduce the financial burden on those Governments which have the least capacity, as indicated by the regular scale of assessments, to contribute towards the expenditures for maintaining the Force,
- "1. <u>Decides</u> to assess the amount of \$20 million against all Members of the United Nations on the basis of the regular scale of assessments;
- "2. Authorizes the Secretary-General to expendup to a maximum of \$20 million for the continuing operation of the Force during 1960;
- 17/ <u>bid.</u>, Annexes, agenda item 65, document A/4072, para. 10.

- "3. <u>Decides</u> that voluntary contributions pledged prior to 31 December 1959 towards expenditures for the Force in 1960 shall be applied as a credit to reduce by 50 per cent the contributions of as many Member Governments as possible, commencing with those Governments assessed at the minimum percentage of 0.04 per cent and then including in order those Governments assessed at the next highest percentages until the total amount of voluntary contributions has been fully applied;
- "4. Decides that, if Member Governments do not avail themselves of credits provided for in operative paragraph 3, then the amounts involved shall be credited to section 9 of the 1960 budget for the United Nations Emergency Force."
- 16. The representative of Norway explained that the sponsors, in submitting the draft resolution, had considered the position of those States which could not easily bear the additional financial burden of the costs of the Force. Thus, the resolution contained a formula which, in view of the generous contributions announced by the representatives of the United States and the United Kingdom, would permit of a 50 per cent reduction in the assessments of all Member States except the five highest contributors. He also noted the burden that was being borne by the sponsors of the resolution-all of whom were States who had or were providing contingents for the Force, and called attention to the provisions of operative paragraph 4 of the draft resolution which provided that, if Member Governments did not avail themselves of the credits provided for, then the amounts should be credited to the reserve for compensation in respect of equipment, materials and supplies provided by Governments to their contingents.
- 17. During the discussion of the draft resolution, appreciation was expressed for the offers of voluntary contributions which had been announced. Some of these Members who favoured assessment of all Members for the expenses of the Force but on a scale other than the regular scale welcomed the provisions of the draft resolution on the application of those contributions. While the arrangement did not meet their point of view in principle, it represented, in their opinion, a more acceptable solution for the coming year.
- 18. In their interventions, certain delegations announced the intention of their Governments, subject to parliamentary approval, to forego the credits that would otherwise accrue to them under the terms of the draft resolution.
- 19. At the 752nd meeting of the Committee, the sponsors of the draft resolutions submitted a revised draft (A/C.5/L.591/Rev.1) which would: (a) indicate the approximate amount of the voluntary contributions which had been announced; (b) reverse the order of operative paragraphs 1 and 2 of the original draft; and (c) incorporate in the new operative paragraph 2 the additional words "subject to the provisions of paragraphs 3 and 4 below", proposed as an amendment by the representative of Spain.
- 20. At the same meeting, the Committee voted on the draft resolution (A/C.5/L.591/Rev.1). The words "subject to the provisions of paragraphs 3 and 4 below" in operative paragraph 2 were adopted by 39 votes to 9 with 22 abstentions; paragraph 1 was adopted by 48 votes to 10 with 12 abstentions; paragraph 3 was

adopted by 45 votes to 9 with 17 abstentions; paragraph 2 was adopted by 41 votes to 10 with 21 abstentions. The draft resolution as a whole was adopted by a roll-call vote of 45 to 10 with 17 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Colombia, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, France, Ghana, Greece, Haiti, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Portugal, Spain, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Against: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Chile, China, Cuba, El Salvador, Ethiopia, Guatemala, Guinea, Iraq, Japan, Jordan, Lebanon, Mexico, Philippines, Saudi Arabia, Sudan, United Arab Republic, Venezuela.

Recommendation of the Fifth Committee

21. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

[Texts adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 842nd plenary meeting on 21 November 1959, the General Assembly took note of the report of the Secretary-General on the organization and functions of the Force (A/4210).

At its 846th plenary meeting on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4335, para. 21). For the final text see resolution 1441 (XIV) below.

At the same meeting the General Assembly adopted the draft resolution submitted by the delegation of Norway (A/L.272). For the final text see resolution 1442 (XIV) below.

Resolution adopted by the General Assembly

1441 (XIV). UNITED NATIONS EMERGENCY FORCE

The General Assembly,

Recalling its resolutions 1089 (XI) of 21 December 1956, 1151 (XII) of 22 November 1957 and 1337 (XIII) of 13 December 1958,

Having considered the observations made by Member States concerning the financing of the United Nations Emergency Force,

Having examined the budget estimates for the Force submitted by the Secretary-General for the year 1960 (A/4160, A/C.5/800) and the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon in its eleventh (A/4171) and twenty-eighth (A/4284) reports to the General Assembly at its fourteenth session,

Having noted with satisfaction that special financial assistance in the amount of about \$3,475,000 has been pledged voluntarily towards the expenditures for the Force in 1960,

Considering that it is desirable to apply voluntary contributions of special financial assistance in such a manner as to reduce the financial burden on those Governments which have the least capacity, as indicated by the regular scale of assessments, to contribute towards the expenditures for maintaining the Force,

- 1. Authorizes the Secretary-General to expend up to a maximum of \$20 million for the continuing operation of the United Nations Emergency Force during 1960;
- 2. Decides to assess the amount of \$20 million against all Members of the United Nations on the basis

of the regular scale of assessments, subject to the provisions of paragraphs 3 and 4 below;

- 3. <u>Decides</u> that voluntary contributions pledged prior to 31 December 1959 towards expenditures for the Force in 1960 shall be applied as a credit to reduce by 50 per cent the contributions of as many Governments of Member States as possible, commencing with those Governments assessed at the minimum percentage of 0.04 per cent and then including, in order, those Governments assessed at the next highest percentages until the total amount of voluntary contributions has been fully applied;
- 4. <u>Decides</u> that, if Governments of Member States do not avail themselves of credits provided for in paragraph 3 above, then the amounts involved shall be credited to section 9 of the 1960 budget for the Force.

846th plenary meeting, 5 December 1959.

1442 (XIV). UNITED NATIONS EMERGENCY FORCE

The General Assembly,

Noting from the report of the Secretary-General (A/4210/Add.1) the intention of Lieutenant-General E. L. M. Burns to relinquish his post as Commander of the United Nations Emergency Force,

- 1. Expresses its appreciation of the excellent leadership which General Burns has given to the United Nations Emergency Force;
- 2. Approves the appointment, on the existing terms, of Major-General P. S. Gyani as Commander of the Force, effective on the date when General Burns relinquishes command.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

 $\underline{\text{Note}}$: This check list includes all the documents mentioned during the consideration of agenda item 28 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3984	Budget estimates for the period 1 January to 31 December 1959: report of the Secretary-General	Mimeographed
A/4132/Add.1	Introduction to the Annual Report of the Secretary-General on the work of the Organization, 16 June 1958 - 15 June 1959	Official Records of the General Assembly, Fourteenth Session, Supplement No. 1A
A/L.272	Norway: draft resolution	Adopted without change. See "Action taken by the General Assembly", resolution 1442 (XIV) above
A/C.5/L.591	Brazil, Canada, Colombia, Denmark, Norway, Sweden and Yugoslavia: draft resolution	Incorporated in A/4335, para. 15
A/C.5/L.591/ Rev.1	Brazil, Canada, Colombia, Denmark, Norway, Sweden and Yugoslavia: draft resolution	Adopted without change. See A/4335, para. 21
A/C.5/L.604	Draft report of the Fifth Committee	For the text of this document, as amended by the Fifth Committee at its 759th meeting, see A/4335
ST/ADM/ SER.B/123	Statement on the collection of contributions as at 30 September 1959	Mimeographed

Official Records

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 29: Progress and operations of the Special Fund*

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DOCUMENT A /4099

Special Fund: financial regulations and administrative budget for 1959 Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [23 April 1959]

1. In accordance with paragraphs 53 and 54 of the regulatory provisions set forth in part B of General Assembly resolution 1240 (XIII) of 14 October 1958, the Advisory Committee on Administrative and Budgetary Questions has reviewed the draft financial regulations of the Special Fund and the administrative budget of the Fund for 1959. The present report, which includes the Committee's observations on both matters, is submitted in time for the meeting of the Governing Council of the Fund, to be held in May 1959.

FINANCIAL REGULATIONS

- 2. The draft financial regulations (SF/L.9), prepared by the Secretary-General in consultation with the Managing Director of the Fund, are based on General Assembly resolution 1240 (XIII) and the Financial Regulations of the United Nations. To that extent, the Special Fund financial regulations are not necessarily self-contained; on any matter not specifically covered in those regulations, the appropriate provisions of the United Nations Financial Regulations would apply. A specific reference to this situation has been included in the draft regulations under review (article 20.2) at the suggestion of the Advisory Committee. In any event, the United Nations Regulations apply to all the finances of the Organization including special and trust accounts, subject only to such modifications as are specifically approved by the competent legislative bodies under the authority of the General Assembly.
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Second Committee, 583rd to 591st and 600th meetings; and ibid., Plenary Meetings, 841st meeting.

- 3. At the same time, there is no doubt advantage in bringing together, as has been attempted in the present case, a reasonably complete statement of the financial policies that are to be applied to the Special Fund. The Advisory Committee notes in this regard that, in merely following closely or reproducing the language of General Assembly resolution 1240 (XIII), there has been some sacrifice of the clarity and precision as regards financial responsibility and control which usually obtain in regulations of this type. Illustrative of this situation are articles 10.1, 15.2 to 15.4, and 17.1. This emphasizes the need to treat the present draft regulations as provisional and to review them in the light of operating experience.
- 4. Furthermore, the attempt to achieve a consolidated statement of financial policies has necessitated a compilation which contains both regulations and interpretative rules, some of which might have been left out without disadvantage. This also in part explains the reference at some points to the Controller of the United Nations rather than to the Secretary-General.
- 5. The Advisory Committee has examined the draft regulations in detail in consultation with the Managing Director and representatives of the Secretary-General. In doing so, the Committee has sought to be of maximum assistance to the Governing Council by paying particular attention to such distinctive features of the Special Fund as the earmarking of funds, project budgets, availability of resources, the role of executing agencies and the administrative budget. As a result of these discussions, certain modifications have been agreed to by the representatives of the Secretary-General and the Managing Director, and

incorporated in the text that is being submitted to the Governing Council.

6. There are, however, some further points on which the Advisory Committee desires to offer comment, without suggesting any immediate modification of the regulations concerned. These comments might be taken into account at the time of the further review suggested in paragraph 3 above.

Article 6.2

7. Article 6.2 reads, in part:

"Contributions shall be made in currency readily usable by the Special Fund consistent with the need for efficiency and economy of the Fund's operations...".

The wording of this article follows the language of paragraph 47 of General Assembly resolution 1240 (XIII), part B, and is somewhat different from the corresponding provision in respect of the Special Account of the Expanded Programme of Technical Assistance. Contributions to the latter Account may be made in such forms and subject to such conditions as may be agreed between the Secretary-General, after consultation with the Technical Assistance Board (TAB), and the contributing Governments.

8. While the Advisory Committee has no financial or administrative question to raise concerning the language of article 6.2, the Committee is informed that the Managing Director will interpret this article as not precluding altogether the acceptance, translated into the appropriate money equivalent, of contributions in such goods and services as are consistent with the needs, efficiency and economy of the Fund's operations.

Article 7.1

9. Paragraph 45 of General Assembly resolution 1240 (XIII), part B, provides, inter alia, that the Fund is also authorized to receive donations from non-governmental sources. Article 7.1 of the draft financial regulations would leave the acceptance of such donations to the judgement of the Managing Director and, further, would permit a donor to specify the purposes of his donation. This latter provision is in contrast with the provision for governmental contributions which, according to paragraph 49 of the resolution, "shall be made without limitation as to use by a specific agency or in a specific recipient country or for a specific project."

Article 12

10. In connexion with article 12, which deals with project budgets, the Advisory Committee would underline the importance, first, of defining projects completely and accurately in practical terms, and, secondly, of ensuring that the initial cost estimates, on which Special Fund assistance would be based, are as realistic and accurate as possible.

Article 21

11. Article 21 deals with the financing and execution of projects by executing agencies; more specifically, article 21.3 outlines the nature of the provisions to be included in each agreement with an executing agency. Although the article is not specific as regards the accounting and audit requirements relating to funds allocated to executing agencies, the Advisory Committee agrees that it is unnecessary at this stage to force

United Nations standards and procedures in this regard on other agencies. In any event, where the executing agency is an organization in the United Nations system, the normal accounting and audit provisions of that organization would apply also to its Special Fund projects. In the case of other executing agencies, the Advisory Committee trusts that appropriate provisions, consistent with the requirements of the United Nations Financial Regulations, will be worked out in consultation with the Controller of the United Nations and included in each project agreement.

12. In reviewing the draft regulations, the Advisory Committee has again been struck by the need to clarify and emphasize the role of the Secretary-General in the financial operations of the Organization, and, in particular, as regards the custody, investment and accounting of trust, special and other accounts. The Committee has previously suggested that "the Secretary-General may wish to consider, in consultataion with the Board of Auditors, how far there is need to strengthen the [United Nations Financial] Regulations so as to ensure that the Secretary-General's responsibilities in the matter of trust funds, special and other funds are clearly defined and can be freely exercised".1/ The Committee believes that this question merits further study with a view to appropriate amendment of the United Nations Financial Regulations.

ADMINISTRATIVE BUDGET FOR 1959

General comments

- 13. The estimates in respect of the administrative budget for 1959 (SF/L.11), prepared by the Managing Director with the assistance of the Secretary-General, amount to \$400,000 net. The current administrative expenses of the Fund are being met out of the amount of \$130,000 authorized by the Governing Council in respect of the six-month period ending 30 June 1959. The amount of \$400,000 for the whole year is inclusive of the interim authorization of \$130,000.
- 14. In reviewing the estimates with the Managing Director and representatives of the Secretary-General, the Advisory Committee has taken into account the relevant provisions of General Assembly resolution 1240 (XIII) under which the Special Fund was set up, and, in particular, the directives in paragraphs 28 and 29 of part B of that resolution, by which the Managing Director "shall be assisted by a small group of officials" and, for other services, he "shall rely as far as possible on the existing facilities of the United Nations, the specialized agencies, the International Atomic Energy Agency, and the Technical Assistance Board."
- against these considerations, the estimates under review are somewhat liberally conceived, especially as regards the numbers and levels of staff and the provision for contingencies, in this first year of operation. Nevertheless, in the light of the assurance given by the Managing Director that he would endeavour to administer the Fund's operations as economically as possible, and subject to the detailed comments that follow, the Committee would not suggest a formal reduction in the estimates. At the same time, the Committee trusts that the Managing Director will make

^{1/}Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 41, document A/3162, para. 5.

every effort to keep actual administrative expenditures in 1959 within a total of \$350,000.

16. The Advisory Committee hopes further that the provision of \$20,000 for contingencies will be regarded as a reserve. It should not, in normal circumstances, prove necessary to fall back on that reserve. This is particularly true in view of the authority which the Managing Director would have to transfer funds freely within the total authorization.

Comments on specific points

- 17. The Managing Director has proposed a total of thirty-eight established posts (in addition to the post of Managing Director) comprising eighteen in the Director and Professional category and twenty in the General Service category. All the Professional posts, with one exception, are proposed to be in the First Officer (P-4) and higher levels.
- 18. Both in terms of the directive in paragraph 28 of part B of General Assembly resolution 1240 (XIII) and of the practical possibilities of recruiting qualified personnel, the numbers and levels of staff proposed for 1959 appear somewhat on the high side. The Advisory Committee has had previous experience, most recently in respect of the Economic Commission for Africa, with the difficulty of utilizing liberally envisaged credits for staff in the first months or year of operation. Furthermore, the staffing pattern in the Fund's secretariat, with its tendency towards concentration at the more senior levels, should be very carefully related to the general staffing and grading pattern of the United Nations Secretariat.
- 19. The Advisory Committee notes that on 1 April 1959, apart from the Managing Director and the Deputy Managing Director and not taking into account the administrative services provided by the TAB secretariat, there were nine officers actually on the job in the Fund's secretariat, eight of whom had been seconded or detailed to that secretariat from the

- United Nations, the International Bank for Reconstruction and Development, the specialized agencies and the TAB secretariat.
- 20. As regards the monetary provision for established posts, while the deduction in respect of turnover of staff takes account of anticipated delays in recruitment, actual savings from this factor are likely to be greater than the \$107,415 that is estimated, as a large number of the posts will only be filled late in the second half of the year. It may also be noted that the estimates are given on a net basis, that is, after deduction of the anticipated income from staff assessment. This is explained by the fact that in the case of programmes financed from voluntary contributions, income from staff assessment is directly credited to the special fund of the programme in question instead of being passed through the Tax Equalization Fund.
- 21. The Advisory Committee notes that the Managing Director has been able to rely heavily on the existing facilities of the United Nations and its associated agencies, and, in particular, on the services of the TAB secretariat and its resident representatives in the field. Special attention should be invited in this regard to the fact that administrative services for the Special Fund have so far been provided by the Administration Division of the TAB secretariat, and that these arrangements are expected to be continued. While this situation would probably increase the work-load of the TAB secretariat, the Advisory Committee believes that every effort should be made to provide these services without additional staff in the Professional category.
- 22. The Advisory Committee has reviewed in detail, and item by item, the proposed estimates for other costs. While generally these estimates appear to be generous by United Nations standards, the Advisory Committee has no specific comment to offer with regard to them.

DOCUMENT A/4217/ADD.1 $^{2/}$ Administrative budget of the Special Fund for 1959

[Original text: English]
[1 October 1959]

Note by the Secretary-General: Paragraph 54 of General Assembly resolution 1240 (XIII), part B, requires that the administrative budget of the Special Fund, as approved by the Governing Council, shall be submitted to the General Assembly together with any comments which the Advisory Committee on Administrative and Budgetary Questions may have made on these budget estimates. In conformity with this provision, the Special Fund's administrative budget estimates for the year 1959, which were submitted by the Managing Director of the Fund to the Governing Council at its second session, are transmitted to the General Assembly. As stated in paragraph 37 of its report (E/3270), the Governing Council approved these estimates unanimously. The related

2/Document A/4217 is a note by the Secretary-General transmitting to the General Assembly the report of the Governing Council of the Special Fund to the Economic and Social Council (E/3270).

comments of the Advisory Committee on Administrative and Budgetary Questions, which the Governing Council took into account when approving the estimates, were submitted to the General Assembly in document A/4099.

Foreword by the Managing Director of the Special Fund

1. On 27 January 1959, the Governing Council, in response to the request of the Managing Director, authorized expenses up to \$130,000 in respect of administrative costs of the Special Fund for the sixmonth period ending 30 June 1959. The present estimates, covering the full year 1959, were prepared six weeks after this interim action and are founded on a clearer understanding of the administrative requirements of the Fund. It should however be noted that the Special Fund has not completed a full cycle

in its operations; actual project activities are not expected to commence until the second half of the year. It will therefore be recognized that these estimates must necessarily contain a certain element of conjecture.

- 2. In this its first year of operation, the Special Fund secretariat must organize itself, face and resolve many questions of policy and principle-which, it is to be hoped, will constitute sound precedents for future operations-and, most importantly, begin to provide assistance to Governments on soundly conceived, high priority projects which will have a significant impact on the economic development of the recipient countries. Over 130 requests for assistance have been received and are now under study. The Managing Director hopes that in the course of the year two programmes of projects will be submitted to the Governing Council, and that by the end of 1959 we shall be able to see at least thirty projects in actual operation and an equal number in the blue-print stage for consideration in the spring of 1960.
- 3. The estimates presented herewith total \$400,000 net for the year 1959, and are based on the Managing Director's best present conception of the requirements for a Headquarters staff and common departmental services, an estimate of the requirements for the services of such outside consultants as are not related to specific approved projects, and of official travel requirements for Headquarters staff.
- 4. The estimates assume full use of existing resources of the United Nations and of the specialized agencies, as required by paragraph 29, part B, of General Assembly resolution 1240 (XIII). So far as facilities and services for the Managing Director at Headquarters are concerned, provision is not made in these estimates for official records, language and documents services, office space, utilities, local telephone service, standard office equipment and miscellaneous housekeeping services, inasmuch as these are to be provided for in the regular United Nations budget. As to other requirements, only those charges which represent directly related additional costs to the United Nations or the specialized agencies, and which are not chargeable to specific approved projects, would be carried against the administrative budget of the Special Fund, in pursuance of the General Assembly resolution. In this connexion, the Managing Director would wish to record his appreciation for the generous way in which existing facilities and staff have been made available to him in the first months of the Special Fund's existence. In particular, full use has been made of the advisory services and operational machinery of the United Nations Office of the Controller and Office of Personnel; resident representatives of the Technical Assistance Board (TAB) have been a main point of contact between the Special Fund and requesting Governments, and the TAB headquarters administrative services have been available for support to the Special Fund secretariat. Personnel have been borrowed to meet immediate short-term requirements from the United Nations, the Food and Agriculture Organization and the International Bank for Reconstruction and Development as well as the Rockefeller Foundation, at no or nominal cost in many cases. The availability of qualified personnel has been especially valuable in getting the Special Fund under way, before the processes of regular recruitment could bear fruit.

- 5. Special attention is invited to the provision for contingencies (\$20,000 net). The Managing Director would feel that a contingency provision is especially important in the first years of operation of the Special Fund to cover requirements which are entirely unforeseen at the time the budget estimates are prepared.
- 6. Attention is also invited to the provision for consultants (\$15,000). The intention is to provide mainly for short-term advisory services which will be required by the Managing Director in connexion with the evaluation of requests for assistance. The Managing Director wishes to be in a position to make every reasonable check on the soundness of requests for assistance from the Special Fund before endorsing projects for approval by the Governing Council. In the case of charges incurred in connexion with requests which ultimately emerge as project proposals submitted for approval by the Governing Council, the charges would be included in the project budget estimate. If the project is approved in the same year in which the costs are incurred, the costs would be transferred to the project budget. A sum is provided in this estimate which should be adequate to cover all consultants costs which are not transferable to approved project estimates. In estimates for subsequent years it should be possible to refine the estimate for consultants on the basis of experience which is not now available.
- 7. In view of the element of conjecture which exists in the estimates, the Managing Director would wish to record his intention to administer the budget with the strictest economy compatible with efficient operations.
- 8. In administering the budget, the Managing Director would wish to have the authority to transfer funds between objects of expenditure within the total of the approved budget, on the understanding that any adjustments made through transfers would be reported to the Governing Council at the time of the next annual budget review.
- 9. The form of the estimates is generally in accord with United Nations budgetary practice. The estimates have been given technical review by the United Nations Office of the Controller.

Budget estimates

CHAPTER I

 Salaries and wages
 \$235,800 net

 (a) Established posts
 213,300 net

A total of thirty-nine posts is proposed for the Special Fund secretariat for 1959, as listed in the manning table on page 5.

Organization

The functions of the Managing Director of the Special Fund have been determined by the General Assembly in resolution 1240 (XIII).

It is proposed that the secretariat of the Special Fund be comprised of three units: the Office of the Managing Director, Operations, and Administrative Services.

The secretarial staff of Operations and Administrative Services are utilized as a secretarial and typing pool.

Number o		Gross salaries includ- ing post adjustment for professional
posts	Category and post level	staff
1	Managing Director	\$
	Salary	
2	Diretor	
	Salary	
	Professional	
4	Senior Officer	56,220
11	First Officer	131,725
1	Second Officer	9,830
	General Service	
1	Principal	8,060
4	Senior	24,980
<u>15a/</u>	Intermediate	64,200
39		368,565
Deduct: a	djustment for turnover of sta	off 107,415b/
	GROSS TO	TAL 261,150
	inticipated income from staff int	
	NET TO	FAL \$213,300

a/Twelve secretaries, three clerks.

b/The estimates totalling \$368,565 represent the requirement for a full year. The deduction for turnover of staff takes into account anticipated delays in filling certain posts occasioned by deferred recruitment.

Office of the Managing Director

The Office comprises nine posts: the Managing Director, the Deputy Managing Director (D-2), Information and Liaison Officer (P-5), Secretary of the Consultative Board and Governing Council (P-4), and five secretarial and clerical posts (one Principal, two Senior and two Intermediate).

The Office of the Managing Director provides overall supervision of the Special Fund and policy liaison with associated United Nations organizations, the departments of the United Nations Secretariat and the Governments participating in the programme. It has primary responsibility for preparing and servicing meetings of the Consultative Board and the Governing Council.

Operations

The Operations unit is responsible for execution of the Headquarters secretariat's responsibilities with respect to the planning and development of requests for assistance, evaluation of such requests, preparation of proposals and all related documentation to the Consultative Board and the Governing Council with respect to such requests, selection of executing agencies for the implementation of approved projects, and follow-up and inspection of projects in operation. The unit is responsible for the development and negotiation of agreements with executing agencies and recipient Governments concerning the execution of projects and for liaison with appropriate departments of the United

Nations, TAB, the specialized agencies and the International Atomic Energy Agency on all matters related to the Special Fund programmes. It is also responsible for the provision of day-to-day advice and guidance to resident representatives and other field officers involved in the planning and execution of Special Fund projects. The Operations unit is comprised of twenty-five posts: one Director (D-2), three Senior Officers (P-5), nine First Officers (P-4), one Second Officer (P-3), and eleven secretarial and clerical staff (two Senior and nine Intermediate).

Joint administrative services

Administrative services for the Special Fund have been provided in the first two months of the Fund's operation by the Administration Division of TAB, and charges to the Special Fund are limited to those additional costs incurred which are directly related to the work of the Special Fund. It is proposed to continue these arrangements, though the possibility of reorienting the position of the Administration Division in the over-all organization of the TAB and the Special Fund as a "joint administrative service" is not excluded. For 1959 it is estimated that the Special Fund posts required will be one First Officer (P-4) and four secretarial and clerical staff—Intermediate (two clerkstenographers and two registry clerks).

The administrative services thus provided include personnel and budget administration, supply, transport, registry and documentation services. In consultation with the United Nations Office of the Controller and the Office of Personnel, the unit will advise the Managing Director on the development and implementation of administrative policy for the operation of the Special Fund, including the development and implementation of financial regulations and the financial management of the programme.

(b) Temporary assistance..... \$ 5,000 net

Temporary assistance is provided for peak loads and replacement of staff on extended leave.

(c) Consultants \$15,000 net

Provision is made for all required consultant services not properly chargeable to project budgets. The principal requirement arises in connexion with the short-term advisory services which will be required for the evaluation of requests for assistance, when costs incurred for this purpose cannot be transferred to approved project budgets. Costs incurred for advisory services related to requests which are approved as projects in the current year will be transferred to the project budgets.

(d) Overtime..... \$2,500 net

Provision is made for overtime by secretarial and clerical staff required during meetings and other peak periods.

CHAPTER II

Provision is made for travel of the Managing Director and his staff to inter-agency and intergovernmental meetings; travel for Managing Director's consultations with contributing Governments;

•				
occasional travel to field in connexion with development and operation of projects.	(a) Installation payments			
(b) Communication services \$15,000 net	(c) Repatriation grants			
Provision is made for the Special Fund's share of costs in connexion with the use of United Nations cable and pouch services, plus long distance telephone. The Special Fund is not charged for local telephone service.	(d) Dependency allowances			
(<u>c</u>) Air freight\$1,000 net	(j) Travel on home leave 1,300			
A token provision is made.	CHAPTER IV			
(\underline{d}) Contractual printing \$5,000 net				
Provision is made for cost of occasional information papers.	Hospitality \$ 200 net			
(e) Insurance	CHAPTER V			
For staff air travel.	Contingencies \$20,000 net			
(f) Miscellaneous supplies and services \$5,000 net	Provision is made for unforeseen requirements.			
Provision is made for miscellaneous supplies not available from United Nations stock, and other service	Recapitulation			
charges, e.g., bank charges, transportation, conference services, etc.	Chapter I. Salaries and wages \$235,800 net			
CHAPTER III	Chapter II. Other departmental costs and common services 51,500 net			
Common staff costs \$92,500	Chapter III. Common staff costs 92,500 net			
The estimate provides for common staff costs in	Chapter IV. Hospitality 200 net			
respect of the posts shown in chapter I of the esti-	Chapter V. Contingencies 20,000 net			
mates. The amounts shown are calculated on the basis of actual requirements, where known.	TOTAL \$400,000 net			

DOCUMENT A/4268

Special Fund: administrative budget for 1960

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [11 November 1959]

1. In accordance with paragraph 54 of the regulatory provisions set forth in part B of General Assembly resolution 1240 (XIII) of 14 October 1958, the Advisory Committee on Administrative and Budgetary Questions has reviewed the estimates of the administrative budget of the Special Fund for 1960 (SF/L.24 and Corr.1).

GENERAL COMMENTS

- 2. The Advisory Committee notes that in May 1959 the Governing Council approved the first thirteen Special Fund projects, costing \$7.5 million, and that in December the Managing Director expects to ask for the approval of thirty-one additional projects costing some \$22 million. Further, the organizational and administrative arrangements in respect of the Special Fund secretariat appear to have made corresponding progress during this first year of operation.
- 3. The experience of the secretariat to date has been mainly concerned with preparatory work in respect of the formulation and approval of projects. This experience shows, as the Advisory Committee is informed, that it is difficult for many countries to assess their needs and to formulate projects of a type which the Special Fund is equipped to assist. As an approach to this problem, the Managing Director is proposing to

the Governing Council (SF/L.25) a special preparatory allocation of \$250,000, outside the administrative budget, to be used to assist Governments, at their request, in the analysis of their requirements and in the formulation of requests for Special Fund assistance.

- 4. The Managing Director has also underlined a second factor in the evolution of the future work of the secretariat, namely, the need to give increasing attention to the execution phase of the operations of the Fund. Some strengthening of the staff and other resources of the secretariat would be necessary to meet this need; the budget estimates for 1960 accordingly reflect this consideration.
- 5. The Advisory Committee has noted with satisfaction the progress that has been made in regard to co-ordinated arrangements between the Special Fund and the Technical Assistance Board (TAB) secretariats, both in the use of the TAB field offices and in the provision at Headquarters of administrative services for both programmes by the Joint Administrative Services Division.
- 6. With the growing operations of the Fund, and especially with an increase in the volume of projects which are to be administered by one and the same

executing agency, the question of the overhead costs of the executing agencies will assume increasing importance. The Advisory Committee is informed in this regard that such overhead costs are expected to be brought down from about 8.6 per cent of projects costs for the programme which was approved in May 1959 to some 6.6 per cent for the programme to be approved in December. The Committee will have occasion, when it examines annually the budgets of the specialized agencies, to review, in the light of actual project operations, the details of the arrangements in this regard in each of the agencies concerned.

BUDGETARY SITUATION IN 1959

- 7. The administrative budget for 1959 was approved by the Governing Council at \$400,000 (net). The Advisory Committee, without suggesting a formal budgetary reduction, had indicated (A/4099, para. 15) that actual expenditure in 1959 might nevertheless be held within a total of \$350,000.
- 8. The Advisory Committee notes that prudent use has been made of the credits voted for 1959 and that recruitment to authorized posts has been limited to immediate and proven needs. Thus of the eighteen approved posts in the Professional and higher categories (apart from the Managing Director), twelve are filled at the present time; in the General Service category fourteen out of twenty posts are occupied. Significant savings are also anticipated under other expenditure headings. Obligations incurred up to 31 October total some \$206,700, with a further amount of some \$60,000 expected in respect of the last two months of the year. This latter figure reflects a rate of expenditure, in annual terms, of the order of \$360,000, although actual expenditure in 1959 would be closer to \$260,000.

ESTIMATES FOR 1960

- 9. The estimates for 1960 (SF/L.24 and Corr.1) amount to \$696,100 (net of staff assessment), comprising \$546,100 for the costs of the Special Fund secretariat and \$150,000 for a subvention to TAB in respect of services to be rendered to the Special Fund by TAB field offices.
- 10. The proposed manning table for 1960 reflects an addition of three posts at the Principal Officer (D-1) level and five posts in the General Service category. Increased provision is requested for 1960 in respect also of travel on official business and various items of common staff costs. The increases generally reflect the further evolution of the work of the secretariat and, in particular, the need for greater attention to the execution phase of operations.
- 11. In this connexion, the Advisory Committee has inquired especially into the justification for the three new posts at the Principal Officer (D-1) level. The Committee understands that these posts are intended to provide for senior specialists to head the three functional sections: Research and Agricultural Operations, Engineering Operations and Training Operations. The Committee understands further that, in the view of the Managing Director, the posts are necessary for at least two reasons. First, even though the specialized agencies may provide advice to the Managing Director on individual projects of interest to them, he would still need independent technical support for project recommendations and for appropriate super-

vision, in terms of his responsibilities, of the execution phase of operations. Secondly, with a number of project officers dealing with different types of projects, there would be need, from an administrative standpoint and in order to ensure manageable lines of reporting, to group the officers concerned, under appropriate leadership, by functional areas.

12. While the provision for contingencies has been reduced from \$20,000 in 1959 to \$10,000 in 1960, the estimates as a whole would seem somewhat liberal. and economical administration of the Fund's operations, the Advisory Committee would not suggest a formal reduction in the estimates. At the same time, the Committee trusts that the Managing Director will make every effort to keep actual expenditure under part I of the 1960 budget within a total of \$500,000.

SUBVENTION TO TAB

- 14. As regards the proposed subvention of \$150,000 to the TAB budget, the Advisory Committee understands that, on the basis of a recent survey of the proportion of time and effort devoted by TAB field offices to Special Fund work, the proposed amount would represent a minimum contribution in 1960. The impact of Special Fund activities on the work-load of the field offices may be expected to increase for some time, although it is difficult to forecast now the degree of participation of the field offices, on behalf of the Managing Director, in the supervision and evaluation of projects during their actual execution.
- 15. The Advisory Committee notes that, under paragraph 29 of the provisions set forth in part B of General Assembly resolution 1240 (XIII), existing facilities of the United Nations, the specialized agencies, the International Atomic Energy Agency and TAB should be made available to the Special Fund without charge except when clearly identifiable additional expenses are involved. As long as the Managing Director of the Special Fund and the Executive Chairman of TAB are satisfied that such additional expenses in respect of the services provided to the Special Fund by TAB field offices exceed beyond question the proposed amount of subvention, the Advisory Committee would agree that it is not essential at this stage to undertake what would be a costly and time-consuming determination of the exact amount of the costs in question.

PREPARATORY ALLOCATION FOR ASSISTANCE TO GOVERNMENTS IN THE PREPARATION OF PROJECTS

16. The Advisory Committee recognizes that the preparatory allocation of \$250,000 proposed by the Managing Director (SF/L.25) in terms of his responsibilities under paragraph 32 of the provisions set forth in part B of resolution 1240 (XIII) may not fall within the term "administrative budget", especially since the costs of assistance in respect of the preparation of a project which is subsequently approved by the Governing Council are to be debited to that project. However, there will be some expenditure arising from the provision of assistance for the preparation of project requests that may not receive approval. Such expenditure may have to be treated as a special central overhead cost, very similar to administrative costs. Moreover, well prepared projects would lighten, at least in some measure, the task of the Managing Director and his staff in their review of the related requests and thus might contribute to savings under the administrative budget.

17. The Advisory Committee has accordingly noted with special interest the Managing Director's proposal concerning a preparatory allocation. Special attention might be drawn in this regard to the rules proposed by the Managing Director (SF/L.25, para. 5) for the use of the allocation and, in particular, to the rule

that provision of assistance from the allocation would not create any presumption that the Fund would agree to contribute financially to a project which was prepared with such help. The Committee would also venture to suggest, first, that the programme of assistance might be regarded as an experimental measure for 1960 and, secondly, that the actual utilization of the allocation might be reviewed before the extension of the programme beyond 1960 is considered.

DOCUMENT A /4245

Report of the Second Committee

[Original Text: English] [23 October 1959]

- 1. The General Assembly, at its 803rd plenary meeting on 22 September 1959, allocated to the Second Committee item 29 of its agenda, entitled "Progress and operations of the Special Fund".
- 2. The Committee considered this item during nine meetings (583rd to 591st meetings) held between 5 and 13 October 1959. The first five meetings were devoted to a general debate, in which fifty-one delegations took part. The Managing Director of the Special Fund made the opening statement (583rd meeting).
- 3. The Committee had before it the report of the Economic and Social Council (A/4143, chapter III, section XIII), the first report of the Governing Council of the Special Fund $(E/3270)^{3/2}$ and the administrative budget of the Special Fund for 1959 (A/4217/Add.1).
- 4. At the 587th meeting, Brazil, Canada, Ceylon, Denmark, Ghana, India, Indonesia, Japan, Libya, Netherlands, Pakistan, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia submitted a draft resolution (A/C.2/L.408 and Add.1), 4/2 reading as follows:
 - "The General Assembly,
 - "Recalling its resolutions 1219 (XII) and 1240 (XIII),
 - "Considering that the Special Fund has an important role to play in the economic and social development of the less developed countries,
 - "Believing that the Expanded Programme of Technical Assistance and the Special Fund will operate more effectively when they can rely on the level of resources envisaged in General Assembly resolution 1219 II (XII),
 - "Bearing in mind that the resources of the Special Fund are not sufficient to support all soundly conceived projects already submitted by the less developed countries,
 - "1. Takes note with satisfaction of the first report of the Governing Council of the Special Fund transmitted to the Assembly by the Economic and Social Council;
- 3/Transmitted to the members of the General Assembly by a note of the Secretary-General (A/4217).
- 4/By document A/C.2/L.408/Add.1, Libya and Turkey were added to the list of sponsors of the draft resolution.

- "2. <u>Commends</u> the Managing Director on the successful beginning of the operations of the Special Fund;
- "3. Notes the increase in the total of contributions announced at the Pledging Conference on 8 October 1959:
- "4. Expresses the hope that States members of the United Nations and of the specialized agencies will so contribute to the Special Fund that it rapidly attains resources sufficient to enable it to undertake and execute on a sustained basis the tasks laid upon it in its founding resolutions 1219 (XII) and 1240 (XIII)."
- 5. At the 588th meeting, Bulgaria and the Byelorussian Soviet Socialist Republic submitted the following amendments (A/C.2/L.409) to the draft resolution:
 - (i) To insert, in operative paragraph 2, the words "the Governing Council and" after the word "Commends";
- (ii) To insert a new paragraph between operative paragraphs 3 and 4 reading as follows:
 - "Instructs the Managing Director, from the outset of the operations of the Fund, to take the necessary steps for the full and rational use of all resources made available to the Special Fund";
- (iii) In operative paragraph 4 (renumbered 5 under these amendments), to replace the words "States members of the United Nations and of the specialized agencies" by the words "all States wishing to participate in the Special Fund".
- 6. During the discussion at the 588th meeting, various oral proposals and suggestions were made, among which were the proposals by the representative of Haiti that the phrase "less developed countries" in the second and fourth preambular paragraphs should be replaced by the words "under-developed and less developed countries"; and that the words "soundly conceived" in the fourth preambular paragraph be replaced by the word "useful". In additon, the representative of Portugal proposed that the draft resolution should indicate explicitly that contributions to the Special Fund were voluntary.
- 7. The sponsors of the draft resolution accepted some of the proposals and suggestions made during the dis-

cussion and, at the 589th meeting, indicated that they had agreed to the following amendments:

- (i) To replace the words "less developed" in the second and fourth preambular paragraphs by "under-developed";
- (ii) To delete, in the fourth preambular paragraph, the words "soundly conceived" and the last phrase reading "by the under-developed countries";
- (iii) To add the following phrase at the end of operative paragraph 1: "and commends the Council on its first year of word";
- (iv) To reword the opening phrase of operative paragraph 4 as follows:
 - "Expresses the hope that States Members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency will so contribute...".
- 8. The representatives of Bulgaria and the Byelorussian SSR agreed to the replacement of their first amendment by the third amendment of the sponsors; they maintained their third amendment; and with regard to their second amendment, they proposed that the text of the new paragraph be revised to read as follows:
 - "Expresses its confidence that the Managing Director, from the outset of the operations of the Fund, will take the necessary steps for the fullest possible use of all resources made available to the Special Fund".
- 9. At the same meeting, the following oral amendments submitted by Greece were accepted by the sponsors:
 - (i) In the second preambular paragraph, to insert the words "and urgent" between the words "important" and "role";
- (ii) In the fourth preambular paragraph, to insert the word "present" after the words "Bearing in mind that the";
- (iii) To revise the first part of operative paragraph 4 to read as follows:
 - "Calls upon States Members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency so to contribute to the Special Fund...".
- 10. A revised text of the draft resolution incorporating all the amendments accepted thus far by the sponsors was distributed as document A/C.2/L.408/Rev.1.

It read as follows:

"The General Assembly,

"Recalling its resolutions 1219 (XIII) and 1240 (XIII),

"Considering that the Special Fund has an important and urgent role to play in the economic and social development of the under-developed countries,

"Belleving that the Expanded Programme of Technical Assistance and the Special Fund will operate more effectively when they can rely on the level of resources envisaged in General Assembly resolution 1219 II (XII),

"Bearing in mind that the present resources of the Special Fund are not sufficient to support all projects already submitted,

- "1. Takes note with satisfaction of the first report of the Governing Council of the Special Fund transmitted to the Assembly by the Economic and Social Council and commends them on the first year of their work;
- "2. Commends the Managing Director on the successful beginning of the operations of the Special Fund:
- "3. Notes the increase in the total of contributions announced at the Pledging Conference on 8 October 1959:
- "4. Calls upon States Members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency so to contribute to the Special Fund that it rapidly attains resources sufficient to enable it to undertake and execute on a sustained basis the tasks laid upon it in its founding resolutions 1219 (XII) and 1240 (XIII)."
- 11. At the 590th meeting, the representatives of Bulgaria and the Byelorussian SSR further revised their second amendment (see para. 8 above) so that the text of the new paragraph would read as follows:
 - "Expresses its confidence that the Managing Director, from the outset of the operations of the Fund, in conformity with resolution 1240 (XIII), will take the necessary steps for the full use of all resources made available to the Special Fund".
- 12. With regard to this text of the suggested new paragraph, the representative of India suggested, and the sponsors agreed, that the words "take the necessary steps for the full use of all resources made available" be replaced by the words "endeavour to make the fullest possible use of all resources available".
- 13. At the 591st meeting, the representative of Afghanistan proposed that the words "all the provisions related to voluntary contributions and to the use of resources embodied in" be inserted after the words "in conformity with" in the suggested new paragraph, as revised. Since the sponsors of the amendment as well as the sponsors of the draft resolution accepted this proposal, the following text was incorporated in the draft resolution as operative paragraph 4:
 - "4. Expresses its confidence that the Managing Director, from the outset of the operations of the Fund, in conformity with all the provisions related to voluntary contributions and to the use of resources embodied in resolution 1240 (XIII), will endeavour to make the fullest possible use of all resources available to the Special Fund".
- 14. The Committee then voted on the revised draft resolution (A/C.2/L.408/Rev.1), including the new paragraph mentioned above, and on the third amendment submitted by Bulgaria and the Byelorussian SSR (see para. 5 above) to the revised text of operative paragraph 4, which had become operative paragraph 5 of the draft.

The amendment was rejected by 35 votes to 12, with 27 abstentions;

Operative paragraph 5, which was voted upon separately at the request of the representative of the Byelorussian SSR, was adopted by 58 votes to none, with 12 abstentions;

The revised draft resolution as a whole, as amended, was adopted unanimously.

Recommendation of the Second Committee

15. The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

PROGRESS AND OPERATIONS OF THE SPECIAL FUND

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted the draft resolution submitted by the Second Committee (A/4245, para. 15). For the final text, see resolution 1382 (XIV) below.

Resolution adopted by the General Assembly

1382 (XIV). PROGRESS AND OPERATIONS OF THE SPECIAL FUND

The General Assembly,

Recalling its resolutions 1219 (XII) of 14 December 1957 and 1240 (XIII) of 14 October 1958,

Considering that the Special Fund has an important and urgent role to play in the economic and social development of the under-developed countries,

Believing that the Expanded Programme of Technical Assistance and the Special Fund will operate more effectively when they can rely on the level of resources envisaged in section II of General Assembly resolution 1219 (XII).

Bearing in mind that the present resources of the Special Fund are not sufficient to support all projects already submitted,

1. Takes note with satisfaction of the first report of the Governing Council of the Special Fund (E/3270) transmitted to the General Assembly by the Economic and Social Council, and commends the Governing Council on the first year of its work;

- 2. <u>Commends</u> the Managing Director of the special Fund on the successful beginning of the operations of the Fund;
- 3. Notes the increase in the total of contributions announced on 8 October 1959 at the United Nations Pledging Conference on the Expanded Programme of Technical Assistance and the Special Fund;
- 4. Expresses its confidence that the Managing Director, from the outset of the operations of the Special Fund, in conformity with all the provisions related to voluntary contributions and to the use of resources embodied in General Assembly resolution 1240 (XIII), will endeavour to make the fullest possible use of all resources available to the Fund;
- 5. <u>Calls upon</u> States Members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency so to contribute to the Special Fund that it rapidly attains resources sufficient to enable it to undertake and execute on a sustained basis the tasks laid upon it in the founding resolutions 1219 (XII) and 1240 (XIII).

841st plenary meeting, 20 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 29 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4143	Report of the Economic and Social Council (1 August 1958 - 31 July 1959)	Official Records of the General Assembly, Fourteenth Session, Supplement No. 3
A/4217	Note by the Secretary-General transmitting to the General Assembly the report of the Governing Council of the Special Fund to the Economic and Social Council (E/3270)	Mimeographed
A/C.2/L.408 and Add.1	Brazil, Canada, Ceylon, Denmark, Ghana, India, Indonesia, Japan, Libya, Netherlands, Pakistan, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia: draft resolution	See A/4245, para. 4
A/C.2/L.408/ Rev.1	Brazil, Canada, Ceylon, Denmark, Ghana, India, Indonesia, Japan, Libya, Netherlands, Pakistan, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia: revised draft resolution	See A/4245, para. 10

Document No.	Title	Observations and references
A/C.2/L.409	Bulgaria and Byelorussian Soviet Socialist Republic: amendments to document A/C.2/L.408 and Add.1	See A/4245, para. 5
A/C.2/L.412	Draft report of the Second Committee	Same text as A/4245
E/3258/Add.2	International co-operation for the development of under-developed countries: interim report prepared by the Secretary-General under General Assembly resolution 1316 (XIII)	Mimeographed
E/3270	Report of the Governing Council of the Special Fund	Official Records of the Eco- nomic and Social Council, Twenty-eighth Session, Sup- plement No. 13
SF/L.9	Draft provisional financial regulations of the Special Fund: note by the Managing Director	Mimeographed
SF/L.11	Administrative budget estimates of the Special Fund for 1959: note by the Managing Director	Ditto
SF/L.24 and Corr.1	Administrative budget estimates of the Special Fund for 1960	Ditto
SF/L.25	Assistance to Governments in the preparation of requests: note by the Managing Director	Ditto

Agenda items 30 and 12

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 30: Economic development of under-developed countries:*

- (a) Report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of under-developed countries in accordance with General Assembly resolution 1316 (XIII);
- (b) Progress in the field of financing the economic development of under-developed countries Agenda item 12: Report of the Economic and Social Council (chapters II, III, IV and V)* $^{1/}$

CONTENTS Title Document No. Page Second Committee: A/4220 (part I) Report of the Secretary-General on measures taken by the Governments of Member States to further the economic development of under-developed countries in accordance with General Assembly resolution 1316 (XIII): analytical summary of 1 A/C.2/L.432/Add.1 Financial implications of the draft resolution contained in document A/C.2/L.432: note by the Secretary-General...... 5 A/C.2/L.435/Add.2 Financial implications of the draft resolution contained in document A/C.2/L.435: note by the Secretary-General..... A/C.2/L.437/Rev.1/ Financial implications of the draft resolution contained in document A/C.2/L.437/ Rev.1: note by the Secretary-General...... 6 Add.1 Financial implications of the draft resolution contained in document A/C.2/L.439: A/C.2/L.439/Add.3 6 note by the Secretary-General...... Fifth Committee: A/C.5/812 Financial implications of draft resolution VII submitted by the Second Committee in document A/4321: note by the Secretary-General 7 A/4318Financial implications of draft resolutions IV, VII and IX submitted by the Second Committee in document A/4321: report of the Advisory Committee on Admin-7 Plenary meetings: 8 A/4321 Report of the Second Committee..... A/4326 Financial implications of draft resolutions IV, VII and IX submitted by the Second 25

DOCUMENT A/4220 (PART I)

Report of the Secretary-General on measures taken by the Governments of Member States to further the economic development of under-developed countries in accordance with General Assembly resolution 1316 (XIII)

Analytical summary of replies from Governments $\frac{2}{}$

[Original text: English] [25 September 1959]

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INTRODUCTION

This report sets forth the information transmitted by Governments in response to General Assembly resolution 1316 (XIII) of 12 December 1958, which called upon Member States "to undertake a review of accomplishments to date and, in the light of this review, to chart their future courses of co-operative

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Second Committee, 605th, 609th and 612th to 643rd meetings; ibid., Fifth Committee, 758th meeting; and ibid., Plenary Meetings, 846th meeting.

^{1/}The Second Committee decided, at its 582nd meeting, to hold a single discussion on world economic development (agenda item 30) and chapters II, III, IV and V of the report of the Economic and Social Council (agenda item 12). For the documents relating to chapter I and chapters VI to X of the report of the Economic and Social Council, see the annex fascicle on agenda item 12.

^{2/} For the texts of the replies from Governments, see mimeographed document A/4220 (part II) and addenda to that document.

action relating to both the public and private sectors for the purpose of giving further impetus to the economic development of the less developed countries". The resolution also invited Member States "to explore further the possibility of enlisting the aid of their universities and scientific institutions for the purpose of accelerating, in co-operation with similar institutions in other Member States, the solution of scientific and technological problems of particular concern to the less developed countries". Member States "in a position to assist the economic development of under-developed countries" were invited to inform the General Assembly "of measures which they have taken or may contemplate taking" in the field of international assistance, while the less developed countries were invited to report on "any measures which they may decide to take in order to advance their economic and social progress".

Up to 10 September 1959 replies had been received by the Secretary-General from eighteen countries. 3/ The original replies or—in a few cases—Secretariat summaries of the information submitted are reproduced as part II of the present document; replies received subsequently will be reproduced as addenda to this report.

In part, I of the present report an attempt has been made to highlight, under a series of functional headings, the most recent actions and events described in the replies from Governments, with a view to bringing out what seem to be the essential features of the policies and measures shaping the "future course of co-operative action" in the field of economic development of under-developed countries.

A. INTERNATIONAL TRADE: THE IMPORTANCE OF STABILITY AND EXPANSION

1. Almost all the replies from Governments recognize, explicitly or implicitly, the importance for the less developed countries of the maintenance of national and international conditions that are conducive to economic growth. Among such conditions, special significance attaches to the demand on world markets for the primary products that are the major exports of most under-developed countries. Though few replies deal specifically with trade policies, some countries-Italy and the United States, for examplerefer to their intention to take the measures necessary to maintain a high and rising level of activity in the domestic economy, upon which the demand for primary products rests. These countries are also among those emphasizing the desirability of freeing and expanding international trade. Australia and Canada point to their export credit insurance schemes as evidence of their efforts to increase such trade, while Denmark stresses its support of arrangements

designed to stabilize export earnings derived from raw materials and other primary commodities.

2. For their part, the less developed countries also recognize the limiting factor of foreign exchange earnings. Ceylon reports its plan to diversify its export sector; Mexico reports its efforts to increase tourism as a source of foreign currency; Pakistan describes recent revisions in its trade policy, including, in particular, arrangements to encourage exports and expand the output of import substitutes, especially among the food-stuffs.

B. DEVELOPMENT PLANNING: INTERNATIONAL ASPECTS

- 3. All the less developed countries that responded to General Assembly resolution 1316 (XIII)—Ceylon, Ghana, India, Mexico, Pakistan and Thailand—give details of their own efforts to accelerate the pace of economic growth. The common element in these efforts is an investment plan or programme setting out objectives and priorities and in most cases the intended public expenditure. Though these development programmes differ from one another in the period for which they have been framed, in the machinery of implementation and in the relative importance of public capital formation, all recognize balance-of-payments limitations or a foreign exchange gap in financing the programme and all make provision for a certain amount of foreign investment.
- 4. Ceylon expresses its desire to attract foreign capital into selected spheres by offering sufficient inducement and security to the investor while at the same time safeguarding the interests of the country. Besides seeking to provide prospective investors with adequate facilities for industrial development, Ghana has established an Investment Promotion Board to review inducements and assist investors. After reporting that adjustments had to be made in its second development plan (1956-1961) because of balance-of-payments difficulties, India is formulating the scale and pattern of investment in the third plan with a view to enabling the country not only "progressively to raise living standards" but also "to increase exports and to reduce its dependence on imports of capital goods and equipment". Observing that the implementation of the second plan is estimated to require total external assistance of the order of Rs.1,500 crores (or about one-third of the total planned budgetary outlays) despite the large draft on foreign exchange reserves, India concludes that "for development to continue at a satisfactory rate there will be need for a substantial flow of international capital for a long period to come".
- 5. Mexico points out that apart from private foreign investment, 16 per cent of public investment during the period 1952-1958 was financed from external credits. Pakistan indicates that improvement of external balance was a major objective in recent revisions of development policy. One aspect of this is new encouragement to foreign investment: it is now "possible for a foreign entrepreneur to start any industry in the country, with or without the participation of local capital. The scope of concessions in the field of taxation has been enlarged. The mining industry has been granted special tax relief while agreements have been signed with some more countries for the avoidance of double taxation on a reciprocal

^{3/} In accordance with General Assembly resolution 1316 (XIII), the replies which had been received from Governments were submitted to the Economic and Social Council at its twenty-eighth session by the Secretary-General in an interim report (E/3258 and Corr.1-2 and Add.1-2) which was taken into account in Council resolution 740 (XXVIII). By the same resolution the Council transmitted to the General Assembly at its fourteenth session the analytical summary of various suggested means of accelerating economic growth in less developed countries through international action (E/3259), and called upon States Members of the United Nations or members of the specialized agencies inter alia to continue to examine the possibility of contributing financial resources that may serve to accelerate economic development.

basis. Investment bureaux are being set up both in the provinces and at the centre for furnishing information to foreign and local investors on all aspects of Government's financial and industrial policies". Thailand, realizing that future external balance requires not only an "expanding export potential but also the maintenance of a sound economic and financial situation which will be conducive to attracting external capital", is currently revising the Industrial Promotion Act of 1954 in order to increase its effectiveness in encouraging domestic and foreign investment.

6. Among the countries that have received a large amount of private foreign investment in the post-war period, both Australia and Canada stress the importance of the free movement of capital. Australia also points to the virtual equality in its tax treatment of foreign and domestic incomes and refers to the agreements to avoid double taxation that have been concluded with its major trading partners.

C. THE FINANCING OF ECONOMIC DEVELOPMENT: INTERNATIONAL ASPECTS

- 7. Among the countries responding to resolution 1316 (XIII), all those that have provided financial aid to under-developed countries in previous years-Australia, Belgium, Canada, Denmark, Hungary, Italy, Japan, the Netherlands, New Zealand, Norway, the United Kingdom and the United States of Americareaffirm their intention of continuing to do so. There is virtually unanimous support for the activities of the International Bank for Reconstruction and Development and the International Monetary Fund in facilitating the international movement of capital and helping, directly or indirectly, to finance development, and most of the replies indicate approval of the recent increase in the subscriptions of Member States to these agencies. There is also a considerable measure of support for the Special Fund: for 1959, Canada reports its intention to contribute \$2 million; Denmark, the equivalent of \$335,000; Hungary, 500,000 forints; and Italy, the equivalent of \$600,000; while New Zealand also pledges a "substantial contribution". Over and above their provision of public moneys on loan or grant, many of these countries restate their policy of facilitating the outflow of private capital.
- 8. While continuing to extend financial aid through United Nations and other international channels, some of these countries point to their special responsibilities to particular areas—dependent territories, Trust Territories, members of the Commonwealth, members of the Colombo Plan, and so on. The United States refers to its own special institutions through which loans are made: the Export-Import Bank, the Development Loan Fund and the various local currency credits arising from its agricultural surplus programmes and made available to Governments for development purposes. Japan refers to its newly-established South East Asia Development Co-operation Fund and to the possibilities of using reparations payments for development purposes.
- 9. In declaring its intention to increase its contribution to the Colombo Plan for a period of three years, Canada suggests "that it is useful for donor countries, wherever possible, to provide advance indications of the probable level and form of their contributions to economic assistance programmes so as to enable the less developed countries to make full

use of this information for the purpose of their own economic planning".

- 10. In a statement of its "general lines of policy" the Netherlands not only declares its support of increased lending operations by the International Bank for Reconstruction and Development, of the Special Fund and of the flow of private capital to the less developed countries, but also advocates "the speedy establishment, under the auspices of the United Nations, of a fund to assist in the financing of projects in the economic and social infra-structure of less developed countries". The setting up of such a "capital development fund" would also meet with a "positive attitude" from Denmark.
- 11. The need for some source of "long-term development loans on flexible repayment terms" is also recognized by the United States. To this end the United States reports the establishment in 1957 of the Development Loan Fund which "finances both public and private projects basic for growth that cannot qualify for loans from established banking institutions". It also refers to cases in which the International Bank for Reconstruction and Development "has had to disapprove applications for loans, not because the development projects involved were without merit, but because repayment of the loans entirely in hard currency would have placed undue strain on the borrowing countries" and concludes that if "financing for such projects could come from a new institution affiliated with the Bank which could make loans repayable in softer currencies, projects such as these might well become feasible". The United States believes that it would be "essential to the success of such an institution that it receive broad financial support from the industrialized countries which are members of the International Bank". With that inview "the United States is actively studying ways in which an International Development Association might operate and has had informal conversations with other members on this subject". Encouragement from this preliminary exploration would lead to more formal steps.
- 12. The United States also reports that it "is prepared to consider how it might co-operate with regional development programmes in areas where the Governments concerned clearly desire such regional programmes and are willing to join in their financial support, and where such programmes appear to offer real advantages over bilateral programmes". An Inter-American banking institution is in the process of formation. Under suitable circumstances an "Arab development institution" might also be feasible.

D. TECHNICAL ASSISTANCE

13. The replies received from Governments indicate unanimous support for technical assistance operations as a means of accelerating the process of economic growth in the less developed countries. Contributions to existing programmes, both multilateral and bilateral, seem likely—on the basis of the replies of major donor countries—to be at least maintained in the immediate future. There are indications, indeed, that some increase in this type of assistance may be expected as a result of new schemes and organizational arrangements recently contemplated or completed.

14. Belgium reports that a permanent technical cooperation committee will be set up in Brussels in the
near future. Its main function will be "to co-ordinate
the various forms of action undertaken by the public
and private sectors in the field of the economic development of the new countries". Similar action has
been taken in Italy, where "in order to facilitate the
utilization and the assignment of Italian experts for
technical assistance to less developed countries an
Italian National Committee for International Technical Assistance has been recently set up... The task
of this Committee is the promotion of the co-operation among governmental administrations and Italian
industrial firms having special experience in this
field".

15. Canada is embarking on a five-year programme of aid to the West Indies as well as technical assistance for Commonwealth countries in Africa and elsewhere that are not receiving such assistance through other Canadian programmes. In the course of 1959, Japan intends to establish a number of training centres to help improve technical skills in various fields in the Asian region: industry in India and Iran, agriculture in Pakistan, telecommunications in Thailand, fishery in Ceylon, handicrafts in Malaya. The dispatch of medical service wagons to selected countries is also contemplated. India has been a provider as well as a recipient of technical assistance, and after reviewing the training facilities it has made available to other South-East Asian countries under the Colombo Plan, it states that it hopes to continue further international co-operation for economic and technical progress to the mutual advantage of the participants.

16. Hungary reports that it is now in a position to offer technical assistance in a number of special fields, including agriculture, sanitation, telecommunications, geophysics and oil prospecting as well as the food, pharmaceutical and railway equipment industries. The Netherlands states its policy in a more general fashion: "To assist in making Netherlands experts available for advisory and, if desired, other services in the less developed countries, and in providing nationals of those countries with training facilities."

17. Confirming its continued support of United Nations operations in the less developed countries, Norway states that it will endeavour to increase gradually the annual contributions to these programmes, taking into consideration other commitments in the field of technical and economic assistance, such as the United Nations-Indian-Norwegian economic co-operation project for fishery improvement in Kerala and the Scandinavian hospital project in Korea. New Zealand also reaffirms its continuing support of technical assistance operations, organized through the Colombo Plan as well as the United Nations, and indicates its willingness to consider any request for assistance from less developed countries within the framework of these programmes, especially in the fields of education, health and agriculture. Education and agriculture-along with engineering and navigation-are also among the fields in which Denmark intends to continue to make local facilities available for the training of personnel from less developed countries.

18. The United Kingdom points to the directions in which it is expanding the amount of technical assistance being made available to the less developed coun-

tries. There will be an increase in the funds contributed to the Colombo Plan for the seven years ending in 1963, to the Central Treaty Organization [Baghdad Pact] region for the five years ending in 1961 and to the Foundation for Mutual Assistance in Africa South of the Sahara. There will be active participation in a new Commonwealth scheme for the interchange of university scholars and fellows, of whom 1,000 are to be in classes at any one time, half of them in the United Kingdom. Special arrangements have been made to help international organizations and Governments requesting help in recruiting a steadily increasing number of technicians, experts and teachers for service in under-developed countries.

19. Over and above its continuing support of United Nations technical assistance operations to the extent of 40 per cent of total contributions, the United States reports that it "will continue to press its own programme of technical assistance, through the International Cooperation Administration, even more vigorously than in the past". Further support is also promised for "effective regional programmes of technical co-operation", notably through the Organization of American States and the Colombo Plan of whose Council for Technical Co-operation the United States has recently become a full member.

E. SCIENTIFIC CO-OPERATION

20. Closely associated with technical assistance, scientific co-operation receives a similarly wide measure of approval in the replies of Governments responding to General Assembly resolution 1316 (XIII). This approval seems to be based in part on a recognition of the role played by research in the technological development of the industrial countries themselves and in part on a realization that many of the problems which underlie requests for technical assistance call in the first instance for basic research and laboratory experimentation for their solution.

21. Australia repeats the view 4/ that led to its sponsorship of a draft resolution, on which General Assembly resolution 1260 (XIII) was based, on the subject of co-ordinating the results of scientific research-namely, "that the stage has now been reached when the Economic and Social Council should examine the role of the United Nations and the specialized agencies in relation to the advancement of science and consider methods of stimulating research in the most needed directions, and also methods of achieving a wider application, dissemination and understanding of the new discoveries, taking account of the great inequalities that exist in the scientific resources of various countries". Belgium reports that, through various cultural agreements, collaboration between Belgian universities and scientific institutions and those in less developed countries is becoming closer. with a consequential increase in the number of exchanges of professors and scientists.

22. In Canada—"itself a developing country"—the National Research Council and universities "and scientific institutions generally are actively pursuing research into the scientific and technological aspects of economic development". The results are com-

4/ See Official Records of the General Assembly, Thirteenth Session, Third Committee, 845th meeting.

municated not only through international publications and conferences, but also through an expanding number of technical assistance programmes in which these institutions participate. Italy points out that in its programme of assistance through training and education, "particular attention has been given to the granting of scholarships in the scientific and technical fields". At present under study is a research centre in Naples "for the training of foreign experts particularly interested in agriculture and economic development fields". Japan also indicates its intention to continue and expand its programme of scientific and technical co-operation, one of the chief aspects of which is the training provided for students from South-East Asia and the Middle East in such fields as medicine and agriculture as well as science and technology.

23. The United Kingdom lists the official bodies that continue to conduct research in fields that are of particular concern to many of the less developed countries, especially within the Commonwealth, which may apply for advice and assistance in the solution of specific problems. To co-ordinate this assistance and increase its usefulness a new body called the Overseas Research Council has recently been established: "It will advise Ministers on questions of cooperation in scientific research overseas and will also provide a central point to which Commonwealth Governments and research institutions can refer for advice and information." Along with this new Council, a special Panel on Research in Africa has been created "to advise generally on the possibilities of the greater utilization of existing scientific resources in attacking the problems of under-developed territories, particularly in tropical Africa" and in particular to collaborate with its counterpart in the United States.

- 24. The United States emphasizes the important place that institutions of higher learning continue to play in its technical assistance operations in less developed countries. Much of this work involves an interchange of staff between one or more universities in the United States and a university in the underdeveloped country, often for an extended period. In 1958, some 184 United States universities were engaged in international programmes of various types and in 1959 the American Council on Education began to explore means of extending this participation. The National Academy of Sciences is also due to report on the possibilities of further co-operation in scientific and technological development in Africa south of the Sahara, especially in the fields of education, agriculture and sanitation and public health. In these latter fields the United States is participating in wider international programmes, one to eliminate malaria and another-still in its preliminary stage-to attack diarrhoeal diseases by the provision of pure drinking water.
- 25. The proliferation of research bodies and the expansion which is taking place in the use of university facilities and staff in undertaking technical investigations on an international basis point up the need referred to by Norway in suggesting the compilation of a "central register of institutions" prepared to participate in co-operative programmes to solve "scientific and technological problems of particular concern to the less developed countries".

DOCUMENT A/C.2/L.432/ADD.1

Financial implications of the draft resolution contained in document A/C.2/L.432 Note by the Secretary-General

[Original text: English] [24 November 1959]

- 1. The draft resolution in document A/C.2/L.432 would request the Secretary-General to convene during 1960 a group of experts to study the question of the development of the petroleum industry in the under-developed countries, and to work out a survey on the possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries for submission to the General Assembly at its fifteenth session.
- 2. On the assumption that the group, consisting of not more than seven experts, would meet for about ten days in New York, and that the normal rate of \$25 a day would be payable to each expert, it is estimated that the convening of such a group would involve an expenditure of about \$10,100, of which some \$8,000 would be needed for travel and \$2,100 for subsistence payments to the experts. This estimate is exclusive of expenses for language and documentation services.

DOCUMENT A/C.2/L.435/ADD.2

Financial implications of the draft resolution contained in document A/C.2/L.435

Note by the Secretary-General

[Original text: English] [24 November 1959]

1. The draft resolution in document A/C.2/L.435 would request the Secretary-General, in consultation with Member States, the regional economic commissions, the Food and Agriculture Organization of the

United Nations and the other specialized agencies concerned, to report to the Economic and Social Council in 1962 on the measures taken by the United Nations to assist Member States in carrying out their

land reform programmes. The draft resolution would further request the Secretary-General to examine the results of the land reform programmes in the under-developed countries in the light of the reports submitted by Members, and the effects which the programmes have had on the economic development of those countries, and to report to the General Assembly at its seventeenth session.

2. The Secretary-General will be able to carry out the necessary consultations and to report to the Economic and Social Council in accordance with the first request contained in the draft resolution, but the evaluation of the results and effects of land reform programmes will need the services of a high-level consultant for a period of about six months to coordinate the work of the Secretariat so that a report may be made to the General Assembly at its seventeenth session. It would also be desirable for the consultant to visit certain countries. The cost of his services together with the cost of travel would probably amount to \$10,000 (remuneration: \$6,000; travel on recruitment and in the field: \$4,000). This estimate is exclusive of expenses for language and documentation services.

DOCUMENT A/C.2/L.437/REV.1/ADD.1

Financial implications of the draft resolution contained in document A/C.2/L.437/Rev.1 Note by the Secretary-General

[Original text: English]
[21 November 1959]

- 1. The draft resolution in document A/C.2/L.437/Rev.1 would request the Secretary-General to appoint a group of not more than seven experts to examine the feasibility of establishing machinery, within the framework of the United Nations, designed to assist in offsetting the effects of large fluctuations in commodity prices on balances of payments and to submit its report and recommendations to the Commission on International Commodity Trade at its eighth session, and would request the Economic and Social Council to comment on and transmit the report to the General Assembly.
- 2. On the assumption that the group of seven experts would meet in New York in 1960 for a total period of from three to four weeks, and that the normal rate of \$25 a day would be payable, it is estimated that the convening of such a group of experts would involve an expenditure of some \$13,000 of which about \$8,000 would be needed for travel and \$5,000 for subsistence payments to the experts appointed.

DOCUMENT A/C.2/L.439/ADD.3

Financial implications of the draft resolution contained in document A/C.2/L.439 Note by the Secretary-General

[Original text: English] [17 November 1959]

- 1. The draft resolution in document A/C.2/L.439, while noting that in terms of Economic and Social Council resolution 741 (XXVIII) the Secretary-General was to report on the techniques of long-term projections, would request the Secretary-General to arrange for a preliminary investigation into the methods and techniques to be employed in carrying out a comprehensive, co-ordinated and continuing study of problems of resources, requirements and production methods and to report to the Council at its thirtieth session.
- 2. The Economic and Social Council, by resolution 741 (XXVIII), instituted a new programme for the evaluation of long-term economic projections. The present proposal would carry this evaluation further
- as there would be, in addition to a summary of work done on projections to date, an evaluation of the work done, proposals for improving the programme at the national level, and proposals for carrying out the programme in a global framework.
- 3. Whereas it was initially envisaged that an expenditure of \$18,000 was involved (A/C.5/777, para. 25), it is now believed that the fuller study contemplated would result in an expenditure of some \$25,000, of which \$20,000 would relate to the employment of four consultants working together for a period not exceeding four months. The balance of the requirement (\$5,000) continues to relate to essential staff travel.

DOCUMENT A/C.5/812

Financial implications of draft resolution VII submitted by the Second Committee in document A/4321 Note by the Secretary-General

[Original text: English] [2 December 1959]

Further to the information contained in document A/C.2/L.435/Add.2 concerning the financial implications of the draft resolution on agrarian reform, which was adopted in an amended form by the Second Committee at its 635th meeting (A/4321, para. 114, draft resolution VII), the Secretary-General wishes to report that, under the programme of work contemplated, the services of an outside expert would be required in the latter half of 1960. Hence, the additional expense of \$10,000 (remuneration: \$6,000; travel on recruitment and in the field: \$4,000) would increase the requirements to be met from the 1960 appropriations for temporary assistance. Requirements for 1961 would become known only as the project proceeds. Appropriate provision as necessary would be made in the initial budget estimates for that year.

DOCUMENT A /4318

Financial implications of draft resolutions IV, VII and IX submitted by the Second Committee in document A/4321

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[2 December 1959]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the financial implications of draft resolution IV on international measures to assist in offsetting fluctuations in commodity prices, draft resolution VII on agrarian reform and draft resolution IX on world economic development, recommended by the Second Committee in its report (A/4321).

INTERNATIONAL MEASURES TO OFFSET FLUCTU-ATIONS IN COMMODITY PRICES

2. The Secretary-General, in his statement of financial implications (A/C.2/L.437/Rev.1/Add.1), estimates an expenditure of \$13,000 in 1960 in respect of the group of experts of not more than seven members to be appointed under the draft resolution. The Advisory Committee concurs in this estimate.

AGRARIAN REFORM

- 3. The statement of financial implications submitted by the Secretary-General in respect of the draft resolution on agrarian reform is contained in document A/C.2/L.435/Add.2, supplemented by document A/C.5/812. Expenditure in 1960 is estimated at \$10,000; requirements for 1961, it is stated, would become known only as the project proceeds and would be taken into account in the initial budget estimates for that year.
- 4. The estimate of \$10,000 for 1960 relates to the services of an outside expert and comprises \$6,000 for remuneration and \$4,000 for travel on recruitment and in the field. The Advisory Committee concurs in the estimate.

WORLD ECONOMIC DEVELOPMENT

5. In his statement of financial implications (A/C.2/L.439/Add.3), the Secretary-General states that the draft resolution before the Second Committee would carry further the programme to be instituted under Economic and Social Council resolution 741 (XXVIII) of 31 July 1959 in respect of which an amount of

\$18,000 was included in the Secretary-General's revised estimates resulting from the decisions of the Council (A/C.5/777). In the light of the draft resolution, the Secretary-General estimates the total cost of the expanded project at \$25,000, which would include the \$18,000 envisaged earlier.

6. In considering the earlier estimate, the Advisory Committee had expressed some reservations $\frac{5}{2}$ about the composition of the estimate and had suggested that this might be one of the areas in which the reductions recommended at that time $\frac{6}{2}$ could be applied. On the basis of the more precise information now available regarding the manner in which the expanded work programme will be undertaken, the Advisory Committee is prepared to concur in the new estimate, subject to paragraph 8 below.

RECOMMENDATIONS OF THE ADVISORY COMMITTEE

7. The Advisory Committee recommends that the Fifth Committee might inform the General Assembly that the adoption of the three draft resolutions cited above would entail expenditures in 1960 not exceeding the amounts noted below:

1960 estimate

(United States dollars)

8. The Advisory Committee further recommends that, subject to the adoption of the three draft resolutions by the General Assembly, additional provision should be included in the 1960 budget, as follows:

^{5/} See annex fascicle relating to agenda item 44, document A/4223, paras. 13 and 15.

^{6/} Idem, para. 19.

At the same time, the Committee trusts that every effort will be made, within the level of the increased appropriations, to keep expenditures as low as possible.

DOCUMENT A /4321

Report of the Second Committee

[Original text: English]
[4 December 1959]

1. The General Assembly, at its 803rd plenary meeting on 22 September 1959, allocated the following items of its agenda to the Second Committee:

Item 30:

"Economic development of under-developed countries:

- (a) Report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of underdeveloped countries in accordance with General Assembly resolution 1316 (XIII);
- (b) Progress in the field of financing the economic development of under-developed countries."

Item 12:

"Report of the Economic and Social Council (chapters II, III, IV and V)".

- 2. The Second Committee dealt with part B of chapter III of the report of the Economic and Social Council under agenda items 29 (Progress and operations of the Special Fund) and 31 (Programmes of technical assistance), and its reports (A/4245 and A/4287)\(^2\)/ were considered by the General Assembly at its 841st plenary meeting on 20 November 1959.
- 3. The Committee had agreed at its 582nd meeting to have a single general debate on items 30 and 12 which would be followed by the discussion of the various draft resolutions submitted. The present report, therefore, deals with item 30 (Economic development of under-developed countries) and with item 12 (Report of the Economic and Social Council (chapters II, III, part A; IV and V)).
- 4. The Committee considered these items during thirty-four meetings, held on 28 October and 2 November and from 5 November to 4 December 1959 (605th, 609th and 612th to 643rd meetings). The first eighteen meetings were devoted to the general debate, in which sixty-seven delegations took part, following an introductory statement by the Under-Secretary for Economic and Social Affairs (A/C.2/L.422).
- 5. The Committee had before it the report of the Economic and Social Council (A/4143); an analytical summary of various suggested means of accelerating economic growth in less developed countries through international action, which had been submitted by the Secretary-General to the Economic and Social Council (E/3259) and transmitted to the General Assembly under cover of document A/4211; and a report by the Secretary-General on measures taken by the Governments of Member States to further the economic development of under-developed countries in accordance with General Assembly resolution 1316 (XIII) (A/4220 and Corr.1 and addenda).

- 6. The following proposals were received by the Committee:
- (a) Draft resolution submitted by Denmark, Greece, Italy, Japan, the Netherlands, Norway, the Philippines, the Sudan and Sweden (A/C.2/L.440 and Add.1) entitled "International Development Association";

Amendments to the above draft resolution submitted by Uruguay (A/C.2/L.444, A/C.2/L.444/Rev.1, A/C. 2/L.444/Rev.2).

[See paras, 7-15 below,]

(b) Draft resolution submitted by Bulgaria, Czechoslovakia and Poland (A/C.2/L.429, A/C.2/L.429/Rev. 1, A/C.2/L.429/Rev.2) entitled "The strengthening and development of the world market and the improvement of the trade conditions of the economically less developed countries";

Amendments to the above draft resolution or to the revised draft resolution, submitted by Liberia (A/C. 2/L.445), by the United Kingdom of Great Britain and Northern Ireland (A/C.2/L.447, A/C.2/L.447/Rev.1) and by India (A/C.2/L.448, A/C.2/L.448/Rev.1), and an oral amendment submitted by New Zealand at the 634th meeting.

[See paras. 16-31 below.]

(c) Draft resolution submitted by Argentina, Chile, France and Greece (A/C.2/L.436, A/C.2/L.436/Rev.1, A/C.2/L.436/Rev.2) entitled "Development of international trade and international commodity problems":

Amendments to the second revised text of the above draft resolution submitted by the Netherlands (A/C.2/L.449) and by Ecuador (A/C.2/L.450).

[See paras, 32-42 below.]

(d) Draft resolution submitted by Brazil, Burma, Cambodia, Ceylon, Ethiopia, Ghana, Indonesia, Pakistan, the United Arab Republic and Yugoslavia (A/C. 2/L.437 and Add.1-2, A/C.2/L.437/Rev.1 and Corr.1, A/C.2/L.437/Rev.1/Add.1) entitled "International measures to assist in offsetting fluctuations in commodity prices";

Amendment to the above draft resolution submitted by Uruguay (A/C.2/L.451).

[See paras, 43-52 below.]

(e) Draft resolution submitted by Afghanistan, Bolivia, Burma, Cambodia, Ceylon, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Ethiopia, the Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, the Netherlands, Norway, Pakistan, Panama, Paraguay, the Philippines, Saudi Arabia, the Sudan,

^{7/} See the annex fascicles relating to agenda item 29 and agenda item 31, respectively.

Thailand, Tunisia, Turkey, the United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia (A/C.2/L.431 and Add.1) entitled "United Nations capital development fund";

[See paras. 53-56 below.]

(f) Draft resolution submitted by Albania, Czechoslovakia and Romania (A/C.2/L.432 and Add.1) and revised texts sponsored also by Uruguay (A/C.2/L.432/Rev.1, A/C.2/L.432/Rev.2) entitled "Possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries".

Amendments to the original text of the above draft resolution submitted by Uruguay (A/C.2/L.443).

ISee paras, 57-67 below,1

(g) Draft resolution submitted by Bolivia, Cuba, Mexico and Venezuela (A/C.2/L.435 and Add.1-2, A/C.2/L.435/Rev.1) entitled "Agrarian reform".

[See paras. 68-73 below.]

(h) Draft resolution submitted by Ceylon, the Federation of Malaya, Haiti, Iran, Liberia, Mexico, Thailand, Tunisia, Turkey and the United States of America (A/C.2/L.438) entitled "Industrial development banks and corporations".

[See paras. 74-79 below.]

(i) Draft resolution submitted by Austria, Bolivia, Burma, Cambodia, Ceylon, Costa Rica, Cuba, Denmark, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Norway, the Netherlands, Panama, the Philippines, Saudi Arabia, Sweden, Thailand, Tunisia, the United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia (A/C.2/L.439 and Add.1-4) entitled "World economic development".

[See paras, 80-85 below.]

(j) Draft resolution submitted by Bulgaria and Czechoslovakia (A/C.2/L.441, A/C.2/L.441/Rev.1) entitled "Development of scientific and technical cooperation and exchange of experience".

Amendment to the above draft resolution submitted by Australia (A/C.2/L.452) and oral amendment submitted by the representative of the United Kingdom at the 639th meeting.

[See paras. 86-94 below.]

(k) Draft resolution submitted by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay and Venezuela (A/C.2/L.442 and Corr.1) entitled "Latin American common market".

[See paras. 95-99 below.]

(1) Draft resolution submitted by Bolivia, Brazil, Burma, Ceylon, Colombia, Costa Rica, Cuba, El Salvador, the Federation of Malaya, France, Ghana, Haiti, India, Indonesia, Iraq, Italy, Jordan, Lebanon, Libya, Mexico, Morocco, the Netherlands, Nicaragua, Pakistan, Panama, Saudi Arabia, the Sudan, Tunisia, the United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia (A/C.2/L.434, A/C.2/L.434/

Rev.1) entitled "Commission for industrial development".

Amendments to the above draft resolution submitted by Afghanistan, Argentina, Chile, Guatemala, Liberia and Spain (A/C.2/L.446), by Canada (A/C.2/L.454) and by Ireland (A/C.2/L.456).

[See paras. 100-113 below.]

- (a) International Development Association
- 7. The draft resolution submitted by Denmark, Greece, Italy, the Netherlands, Norway, the Philippines, the Sudan and Sweden (A/C.2/L.440), joined by Japan (A/C.2/L.440/Add.1), which was received by the Committee at its 624th meeting, read as follows:

"The General Assembly,

- "Mindful of the determination of the United Nations, as expressed in its Charter, to promote social progress and better standards of life in larger freedom and, for these ends, to employ international machinery for the promotion of economic and social advancement of all peoples,
- "Recalling the General Assembly's interest in new forms of international financing for the purpose of accelerating the economic development of underdeveloped countries,
- "1. Welcomes the decision in principle taken at the recent annual meeting of the Board of Governors of the International Bank for Reconstruction and Development to establish an International Development Association as an affiliate of the Bank.
- "2. Believes that the new affiliate of the International Bank for Reconstruction and Development will provide under-developed countries with types of financing not hitherto available from a multilateral agency and which, while stimulating economic development, would tend to ease their balance of payments position,
- "3. Expresses the hope that adequate provisions will be made and appropriate procedures adopted for a close working relationship and effective coordination and consultation between the International Development Association and the United Nations.
- "4. Requests the Secretary-General to transmit to the President of the International Bank for Reconstruction and Development, for communication to the Executive Directors of the Bank, the records of the debates of the General Assembly on this subject at its present session."
- 8. The Committee considered this draft resolution at its 627th and 628th meetings.
- 9. Uruguay submitted an amendment (A/C.2/L.444) by which the following words would be added at the end of operative paragraph 3: "and the appropriate specialized agencies".
- 10. At the 628th meeting the representative of Uruguay submitted a revised amendment (A/C.2/L.444/Rev.1) which would leave operative paragraph 3 unchanged and insert a new operative paragraph immediately after it, reading as follows:
 - "Also calls attention to the desirability of establishing appropriate relations between the International Development Association and the existing specialized agencies, as suitable".

- 11. The representative of Argentina suggested that the word "Believes" in operative paragraph 2 should be replaced by "Expresses the hope"; and the representative of Belgium that the words "a multilateral agency" be replaced by "multilateral agencies".
- 12. The sponsors accepted the amendment by Uruguay and the suggestions by Argentina and Belgium, the amendment by Uruguay having been slightly modified (A/C.2/L.444/Rev.2) to read as follows:
 - "Calls attention to the desirability of appropriate relations between the International Development Association and the specialized agencies and the International Atomic Energy Agency, as suitable".
- 13. The sponsors also accepted a proposal by Argentina that operative paragraph 1 should become the final preambular paragraph, the word "Welcomes" being changed to "Welcoming".
- 14. The Committee then adopted the draft resolution (A/C.2/L.440 and Add.1), as amended, by 57 votes to none, with 11 abstentions.
- 15. The Committee therefore recommends to the General Assembly the adoption of draft resolution I (see paragraph 114 below).
- (b) Strengthening and development of the world market and improvement of the trade conditions of the economically less developed countries
- 16. The draft resolution submitted by Bulgaria, Czechoslovakia and Poland (A/C.2/L.429) was received by the Committee at the 613th meeting.
 - 17. The draft resolution read as follows:
 - "The General Assembly,
 - "Guided by the principles set forth in the Charter of the United Nations and basing itself in particular upon the tasks of extending international economic co-operation and of bringing about the full employment of the population and conditions for economic and social progress and development;
 - "Considering that world trade is the natural and reliable basis for the development of peaceful communion between States;
 - "Desiring to promote the development and extension of the single world market, the easing of conditions for the exchange of goods and the creation of the stability and welfare essential for the peaceful and friendly relations between nations;

11 A

- "1. Recommends that all countries Members of the United Nations should, individually or jointly, make efforts towards the development and extension of the world market by means of promotion and expansion of trade among all countries, regardless of their social or political systems;
- "2. Expresses itself in favour of the creation within the United Nations of a single universal international trade organization, open to all interested countries, as also of the establishment of regional trade organizations which would include all the countries in the different regions of the world, since that would constitute a contribution towards the extension of international trade and the consolidation of the world market;

- "3. Requests the Secretary-General to prepare a report on possible measures for the strengthening and development of the world market, taking into account the exchange of views at the present session and also any observations on this matter which Governments may wish to submit;
- "4. <u>Decides</u> to include the question of the strengthening and development of a world market in the agenda of its fifteenth session.

"B

- within the United Nations, measures to promote the stabilization of the commodity markets and the development of trade between the highly developed and less developed countries on a mutually beneficial basis, in particular through the extension of the practice of concluding long-term trade and payments agreements and also international commodity agreements;
- "2. Recommends that the industrially developed and the economically less developed countries should encourage by means of reciprocal agreements the export of machinery and industrial equipment to the less developed countries on the basis of medium-term or long-term credits at low interest rates, which the recipient countries could repay with counterpart deliveries of raw materials, the products of their industries or other kinds of reimbursement which they have at their disposal.
- 18. Liberia submitted amendments (A/C.2/L.445) by which paragraphs 2, 3 and 4 of operative part A of the draft resolution would be replaced by the following paragraphs:
 - "2. Requests the Secretary-General to prepare a report on the possibility of the creation within the United Nations of a single universal trade organization, open to all interested countries;
 - "3. <u>Invites</u> the Secretary-General to submit this report to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session."
- 19. Amendments were also submitted by the United Kingdom of Great Britain and Northern Ireland (A/C. 2/L.447) as follows:
- (a) In the first preambular paragraph, the words "and basing itself in particular upon the tasks of extending" would be replaced by "and wishing to extend"; and the words "of bringing about full employment of the population and conditions for" would be replaced by "to bring about full employment and to foster";
- (b) In the second preambular paragraph, the words "the natural and reliable basis for" would be replaced by "a natural and reliable factor in";
- (c) In the third preambular paragraph, the words "of the single world market, the easing of conditions for the exchange of goods and the creation of" would be replaced by "of trade, to ease the exchange of goods and to create", and the words "for the peaceful" by "for peaceful".
- (d) All the operative paragraphs would be deleted and replaced by the following text:

"A

- "1. Recommends that all States Members of the United Nations should individually and jointly continue their efforts to promote and extend trade between all States regardless of their economic systems;
- "2. Reaffirms its belief that international organizations concerned with the regulation and development of international trade have consistently contributed to the extension of multilateral world commerce and have facilitated in an indispensable manner the freeing of channels of trade between all types of economy;
- "3. Requests the Secretary-General to take the views of Member Governments on this subject expressed at the present session fully into consideration when preparing the World Economic Survey, 1959, for consideration at the thirtieth session of ECOSOC and the fifteenth session of the General Assembly.

"B

- "1. Considers that the United Nations and the specialized agencies concerned are doing useful work in promoting the stabilization of the commodity markets and the development of reciprocally beneficial multilateral trade;
- "2. Recommends that the industrially developed and the economically less developed countries should encourage by means of freely negotiated credit arrangements the export of machinery and industrial equipment to the less developed countries on mutually acceptable terms."
- 20. India also submitted amendments (A/C.2/L.448) by which:
- (a) The word "single" would be deleted from the third preambular paragraph;
- (b) Paragraph 2 of part A would be revised to read as follows:
 - "Considers that it would be desirable for the United Nations to work out measures to promote the participation in a universal international trade organization by all interested countries, since this would constitute a contribution towards the extension of international trade and the development of the world market":
- (c) In paragraph 1 of part B, the words "and non-discriminatory" would be inserted after the words "mutually beneficial", and the words "and payments" would be deleted;
- (d) In paragraph 2 of part B, the words "reciprocal agreements" would be replaced by "mutually beneficial and non-discriminatory arrangements"; the words "counterpart deliveries" would be replaced by "exports"; and the phrase "and which do not restrict their freedom to buy and sell in the best market" would be added at the end of the paragraph.
- 21. At the 630th meeting the sponsors submitted a revised text of the draft resolution (A/C.2/L.429/Rev.1) in which the amendments submitted by Liberia (A/C.2/L.445) and certain of the amendments submitted by the United Kingdom (A/C.2/L.447) and India (A/C.2/L.448) had been incorporated. In the revised

text, the words "the single world market" in the third preambular paragraph were replaced by the word "trade", so that the paragraph read as follows:

"Desiring to promote the development and extension of trade, to ease the exchange of goods and to create the stability and welfare essential for peaceful and friendly relations between nations;"

and the operative parts of the draft resolution read as follows:

۳A

- "1. Recommends that all States Members of the United Nations should, individually and jointly, make efforts to promote and extend trade between all countries, regardless of their economic systems;
- "2. Reaffirms its belief that international organizations concerned with the regulation and development of international trade should consistently contribute to the extension of multilateral world commerce, and should take every possible step to expand trade between countries having different economic systems;
- "3. Requests the Secretary-General to prepare a report on the possibility of establishing, within the framework of the United Nations, a single world trade organization, open to all interested countries;
- "4. Requests the Secretary-General to submit this report to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session.

"B

- "1. Considers that the United Nations and the specialized agencies concerned should expand the useful work which they are doing in promoting the stabilization of the commodity markets and the development of reciprocally beneficial multilateral trade:
- "2. Considers that it would be desirable to work out, within the United Nations, measures to promote the stabilization of the commodity markets and the development of trade between the highly-developed and the less developed countries on a reciprocally beneficial and non-discriminatory basis, in particular through the extension of the practice of concluding long-term trade and international commodity agreements:
- "3. Recommends that the industrially developed and the economically less developed countries should encourage, by means of freely negotiated credit arrangements on a reciprocally beneficial and non-discriminatory basis, the export of machinery and industrial equipment to the less-developed countries, consideration being given in that connexion to the granting to under-developed countries of medium-term or long-term credits at low interest rates, which the recipient countries could repay with exports of raw materials, the products of their industries, or other kinds of reimbursement which they have at their disposal."
- 22. The United Kingdom then submitted revised amendments (A/C.2/L.447/Rev.1) by which:
- (a) The title would be amended to read "The extension and expansion of reciprocally beneficial world trade among all types of economies";

- (b) Paragraph 1 of part A would be reworded to read:
 - "1. Recommends that all States Members of the United Nations should, individually and jointly, continue their efforts to promote and extend mutually beneficial trade between all States, regardless of their economic systems";
- (c) In paragraph 2 of part A, the word "consistently" would be replaced by "continue to"; the words "take every possible step to expand" by "facilitate the expansion of", and the words "between countries having different economic systems" by "among all types of economies";
- (d) Paragraphs 3 and 4 of part A would be replaced by the following single paragraph:
 - "3. Requests the Secretary-General to take the views of Member Governments on this subject expressed at the present session fully into consideration when preparing the World Economic Survey, 1959, for consideration at the thirtieth session of the Economic and Social Council and the fifteenth session of the General Assembly";
- (e) In part B, paragraph 2, the words "in particular through the extension of the practice of concluding long-term trade and international commodity agreements" would be deleted;
- (f) In part B, paragraph 3, the words "continue to" would be inserted between the words "should" and "encourage"; the words "by means of freely negotiated credit arrangements on a reciprocally beneficial and non-discriminatory basis" would be deleted; and the following words would be inserted after the words "to the less developed countries": "including where appropriate by the provision of credit on mutually acceptable terms both in its grant and in its reimbursement"; the remainder of the paragraph would be deleted.
- 23. India also submitted revised amendments (A/C. 2/L.448/Rev.1) by which:
- (a) Paragraph 3 of part A would be replaced by the following text:
 - "Requests the Secretary-General to prepare a report on the possibility of extending arrangements for international trade co-operation so as to encourage wider participation by Member States, irrespective of their economic systems or stages of development"; and
- (b) Paragraph 3 of part B would be replaced by the following text:
 - "Recommends that the industrially developed and the economically less developed countries should continue to encourage, by means of freely negotiated credit arrangements, the export of machinery and industrial equipment to the less developed countries, without any restriction on the freedom of these countries to buy and sell in the best market."
- 24. When the Committee resumed discussion of the three-Power draft resolution at its 634th meeting, the sponsors indicated that they had accepted the following changes in operative part A of the draft:
 - (a) Paragraph 1 was revised to read:
 - "Recommends that all States Members of the United Nations should, individually and jointly, con-

- tinue their efforts to promote and extend mutually beneficial trade between all States regardless of their economic systems";
- (b) In paragraph 2, the word "consistently" was replaced by "continue to"; the words "take every possible step to expand" by "facilitate the expansion of"; and the words "between countries with different economic systems" by "between States regardless of their economic systems";
- (c) In paragraph 3, the final clause beginning with the words "establishing, within the framework" was replaced by the following: "extending arrangements for international trade co-operation so as to encourage wider participation by Member States, irrespective of their economic systems or stages of development, taking fully into consideration all the views expressed and proposals submitted at the present session on this subject".
- 25. The representative of the United Kingdom then withdrew his delegation's amendments (A/C.2/L.447/Rev.1) except the amendment which would delete the words "in particular through the extension of the practice of concluding long-term trade and international commodity agreements" in paragraph 2 of part B.
- 26. The representative of Iraq proposed that the first part of paragraph 3 of part A should be modified as follows: "Requests the Secretary-General to prepare a report on the ways and means of promoting the expansion of international trade co-operation so as to encourage...".
- 27. The representative of New Zealand proposed that paragraph 2 of part B should be amended as follows:
- (a) By the insertion of the words "and other appropriate forums" after the words "within the United Nations";
- (b) By the replacement of the last phrase beginning with "in particular through" by the following: "where appropriate through the practice of concluding long-term agreements, international commodity agreements and study groups".
- 28. At the 635th meeting, a second revised text of the three-Power draft resolution (A/C.2/L.429/Rev.2) was circulated. It incorporated certain amendments proposed by the United Kingdom to paragraphs 2, 3 and 4 of part A (A/C.2/L.447/Rev.1), by Iraq to paragraph 3 of part A, by India to paragraph 3 of part A and paragraph 3 of part B (A/C.2/L.448/Rev.1) and by New Zealand to paragraph 2 of part B.
- 29. Part A, paragraph 3, would therefore read as follows:
 - "3. Requests the Secretary-General, taking fully into consideration all the views expressed and proposals submitted on this subject at the present session of the General Assembly, to prepare a report on the ways and means of promoting wider trade co-operation among States, irrespective of their economic systems and stages of development, including, inter alia, consideration of all the arrangements for such co-operation".
- Part B, paragraph 2, had been further modified to read:

- "2. Considers that it would be desirable to work out, within the United Nations and other appropriate forums, measures to promote the stabilization of the commodity markets and the development of trade between the highly developed and the less developed countries on a reciprocally beneficial and non-discriminatory basis, including, where appropriate, short-, medium- or long-term trade agreements, international commodity agreements and the establishment of international study groups".
- 30. At the same meeting the Committee voted on the revised three-Power draft resolution (A/C.2/L.429/Rev.2) as follows:

Paragraph 2 of part B, which was voted upon separately at the request of the representative of the United States of America, was adopted by 70 votes to none, with 3 abstentions.

The draft resolution as a whole was adopted by 72 votes to none, with 1 abstention.

- 31. The Committee therefore recommends to the General Assembly the adoption of draft resolution II (see paragraph 114 below).
- (c) Development of international trade and international commodity problems
- 32. The draft resolution submitted by Argentina, Chile, France and Greece (A/C.2/L.436) was received by the Committee at its 624th meeting. The text of the draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 1324 (XIII) of 12 December 1958 and noting Economic and Social Council resolution 726 (XXVIII) of 27 July 1959,

"Convinced that economic and social progress throughout the world, especially in the under-developed areas, depends largely on a steady increase in international trade,

"Bearing in mind that exports of a small number of products constitute the main source of revenue for many countries, particularly in the underdeveloped areas,

"Considering that excessive fluctuations in commodity prices affect the volume of export receipts and the budgetary resources of many countries, and in the case of the under-developed countries are likely to hamper the sound and stable development of the economy.

"Convinced that a policy of economic assistance to the under-developed countries will not be fully effective unless the excessive instability of commodity prices is remedied, and that to seek a solution to this problem should be one of the main concerns of all Member States,

"Noting the approval by the Economic and Social Council of the programme of work of the Commission on International Commodity Trade, and in particular the detailed study of national and international measures to deal with fluctuations in primary commodity markets,

"Noting further that the Contracting Parties to the General Agreement on Tariffs and Trade have undertaken a study of the problem of long-term expansion of trade and in particular of the exports of countries producing primary commodities,

- "Considering however that the procedures of multilateral financial assistance do not always enable countries that have suffered from a sharp and sudden drop in the prices of the raw materials they export to overcome the deficit in their balance of payments rapidly without thereby hampering the execution of their development programmes,
- "1. Appeals anew to the Governments of Member States to continue their efforts to solve the problems relating to commodity production and trade, in particular by the negotiation of agreements between the principal producers and the principal consumers of the same product and by participation in international study groups;
- "2. Takes note with appreciation of Economic and Social Council resolution 726 (XXVIII) approving the report and programme of work submitted by the Commission on International Commodity Trade;
- "3. Invites the Governments of Member States to extend the greatest possible assistance to the Commission on International Commodity Trade so that it may carry out its programme of work quickly and effectively:
- "4. Further invites the Governments of Member States:
- "(a) To contribute to the greatest possible extent, either unilaterally or in the competent international organizations, to the progressive abolition of discrimination, quantitative limitations and other restrictive practices likely to hamper the development of international trade, particularly with respect to commodities;
- "(b) To take account in formulating their economic and financial policy of the effect that it may have on the exports of the primary producing countries;
- "5. Requests the Commission on International Commodity Trade to give particular attention, in carrying out its programme of work, to the study of the most suitable means of giving temporary assistance to countries encountering serious payment difficulties as a result of a sharp and sudden drop in the prices of their raw material exports, with a view to enabling them to take the necessary measures without thereby interrupting or delaying the execution of their economic development programmes."
- 33. The Committee considered the four-Power draft resolution at its 627th, 630th, 631st and 632nd meetings:
- 34. At its 631st meeting the Committee received a revised text (A/C.2/L.436/Rev.1) of the draft resolution which differed from the original text as follows:
- (\underline{a}) The third preambular paragraph was revised to read as follows:
 - "Bearing in mind that exports of a relatively small number of primary commodities constitute the main source of revenue for many countries, particularly in the under-developed areas";
- (b) In the fifth preambular paragraph, the words "a solution" were replaced by the word "solution", so that the paragraph read as follows:

- "Convinced that a policy of economic assistance to the under-developed countries will not be fully effective unless the excessive instability of commodity prices is remedied, and that to seek solutions to this problem should be one of the main concerns of all Member States";
- (c) The last phrase of the eighth preambular paragraph reading "without thereby hampering the execution of their development programmes" was revised to read "and at the same time to carry out their development programmes";
- (d) The last part of operative paragraph 1, beginning with the words "in particular by", was replaced by the phrase "including where appropriate the negotiation of agreements between the principal producers and the principal consumers of the same product or the participation in international study groups";
- (e) The following clause was added at the end of operative paragraph 2: "and expresses the hope that the Commission in the course of its studies will give careful attention to the types of comprehensive commodities schemes referred to in part I, chapter 3, of the World Economic Survey, 1958";
- (f) A new operative paragraph 4, reading as follows, was inserted:
 - "Recommends that the regional economic commissions, the specialized agencies concerned, especially the Food and Agriculture Organization of the United Nations, the Contracting Parties to the General Agreement on Tariffs and Trade and the study groups dealing specifically with commodity problems give particular attention to the problems of countries dependent to a high degree on the export of a small number of primary commodities";
- (g) Operative paragraph 4 was renumbered 5, and revised to read as follows:

"Urges the Governments of Member States:

- "(a) To contribute to the greatest possible extent, either unilaterally or in the competent international organizations, to the progressive abolition of discrimination, quantitative limitations and other restrictive practices which are no longer justified by balance of payments difficulties and are likely to hamper the sound development of international commodity trade;
- "(b) To take account in formulating their economic and financial policy of the effect that it may have on the export possibilities of the primary producing countries";
- (h) Operative paragraph 5, now renumbered 6, was revised to read as follows:
 - "Requests the Commission on International Commodity Trade to give particular attention, in carrying out its programme of work, to the study of the most suitable means for giving temporary assistance to countries encountering serious payment difficulties as a result of a sharp and sudden drop in the prices of their raw material exports, with a view to enabling them to take the necessary measures and at the same time continue to carry out their economic development programmes."
- 35. Various oral suggestions having been made at the 631st meeting, the sponsors accepted the following changes:

- (a) In the third preambular paragraph, the words "revenue for" were replaced by the words "foreign exchange earnings of";
- (b) In the fifth preambular paragraph, the words "will not be fully effective unless the excessive instability of commodity prices is remedied" were replaced by the words "will be more effective if the excessive instability of commodity markets is remedied";
- (c) In the sixth preambular paragraph, the words "and in particular" were replaced by the word "including";
- (d) In operative paragraph 1, the words "in their mutual interest" were inserted after the words "the principal producers and the principal consumers of the same product";
- (e) In operative paragraph 3, the words "so that it may" were replaced by the words "in order to help it".
- (f) In operative paragraph 5 (a), the word "such" was inserted before "discrimination"; the words "which are no longer" were replaced by the words "as are no longer"; and the words "are likely to hamper" by "which hinder";
- (g) In operative paragraph 5 (b), the words "and financial" were deleted, and the word "possibilities" was replaced by "opportunities".
- 36. The operative part of the revised draft resolution (A/C.2/L.436/Rev.2) therefore read as follows:
 - "1. Appeals anew to the Governments of Member States to continue their efforts to solve the problems relating to commodity production and trade, including where appropriate the negotiation of agreements between the principal producers and the principal consumers of the same product in their mutual interest, or participation in international study groups;
 - "2. Takes note with appreciation of Economic and Social Council resolution 726 (XXVIII) approving the report and programme of work submitted by the Commission on International Commodity Trade, and expresses the hope that the Commission in the course of its studies will give careful attention to the types of comprehensive commodities schemes referred to in part I, chapter 3, of the World Economic Survey, 1958;
- "3. <u>Invites</u> the Governments of Member States to extend the greatest possible assistance to the Commission on International Commodity Trade in order to help it carry out its programme of work quickly and effectively;
- "4. Recommends that the regional economic commissions, the specialized agencies concerned, especially the Food and Agriculture Organization of the United Nations, the Contracting Parties to the General Agreement on Tariffs and Trade and the study groups dealing specifically with commodity problems give particular attention to the problems of countries dependent to a high degree on the export of a small number of primary commodities;
 - "5. Urges the Governments of Member States:
- "(a) To contribute to the greatest possible extent, either unilaterally or in the competent international

organizations, to the progressive abolition of such discrimination, quantitative limitations and other restrictive practices as are no longer justified by balance of payments difficulties and which hinder the sound development of international commodity trade;

- "(b) To take into account, in formulating their economic policy, the effect that it may have on the export opportunities of the primary producing countries;
- "6. Requests the Commission on International Commodity Trade to give particular attention, in carrying out its programme of work, to the study of means for giving temporary assistance to countries encountering serious payment difficulties as a result of a sharp and sudden drop in the prices of their raw material exports, with a view to enabling them to take the necessary measures and at the same time continue to carry out their economic development programmes."
- 37. At the 632nd meeting, the sponsors accepted an amendment submitted by the Netherlands (A/C.2/L.449) whereby the words "participation in existing international commodity agreements or" would be inserted in operative paragraph 1 after the word "appropriate".
- 38. The representative of Italy suggested, and the sponsors accepted, the deletion of the words "by balance of payments difficulties" in operative paragraph 5 (a).
- 39. The representative of Australia then proposed that the words "by balance of payments difficulties" be restored to the text of operative paragraph 5 (a).
- 40. Ecuador submitted an amendment (A/C.2/L.450) to operative paragraph 5 (a) which would replace the last phrase, beginning with the words "such discrimination", by the following clause: "all such discrimination, quantitative limitations and other restrictive practices as are prejudicial to the sound development of international commodity trade".
- 41. The Committee then voted on the revised draft resolution (A/C.2/L.436/Rev.2), as amended, and on the amendments to it as follows:

The amendment submitted by Ecuador (A/C.2/L.450) was adopted by 37 votes to 14, with 21 abstentions;

The Ecuadorian amendment having been adopted, no vote was taken on the amendment submitted by Australia (see paragraph 39 above);

The seventh preambular paragraph, on which a separate vote had been requested by Romania, was adopted by 55 votes to none, with 15 abstentions;

The eighth preambular paragraph, on which a separate vote had been requested by the United States, was adopted by 56 votes to none, with 13 abstentions;

Operative paragraph 1, on which a separate vote had been requested by the United States, was adopted by 70 votes to none, with 2 abstentions;

Operative paragraph 5 (a), as amended, was adopted by 53 votes to none, with 17 abstentions;

The revised draft resolution as a whole, as amended, was adopted by 72 votes to none, with 1 abstention.

- 42. The Committee therefore recommends to the General Assembly the adoption of draft resolution III (see paragraph 114 below).
- (d) International measures to assist in offsetting fluctuations in commodity prices
- 43. The draft resolution submitted by Brazil, Ceylon, Ethiopia, Indonesia, Pakistan and Yugoslavia (A/C.2/L.437) was received by the Committee at its 624th meeting. Burma, Cambodia and the United Arab Republic later joined the sponsors (A/C.2/L.437/Add.1 and 2).
 - 44. The draft resolution read as follows:
 - "The General Assembly,
 - "Recalling its resolution 1324 (XIII) and Economic and Social Council resolution 726 (XXVIII),

"Bearing in mind the responsibilities laid upon Member States by the Preamble, Article 1, paragraph 3, Article 13, paragraph 1, and Article 55 of the Charter of the United Nations to promote international co-operation in the economic field, higher standards of living, full employment, and conditions of economic and social progress,

"Taking into account the harmful potentialities of the widening gap between the levels of per caput income in developed and under-developed countries,

"Having examined the report of the Economic and Social Council on international commodity problems and the report of the Commission on International Commodity Trade on its seventh session, particularly paragraph 62 thereof relating to compensatory financing,

"Commending the work programme drawn up by the Commission on International Commodity Trade at its seventh session and approved by the Economic and Social Council,

"Considering the necessity of devising means to combat large fluctuations in commodity prices viewed in the context of a general fall in the price levels of primary commodities, the rising price levels of manufactured goods, and the resulting decline in the terms of trade against the underdeveloped countries,

"Considering that such fluctuations hamper world trade,

"Considering further the repercussions of adverse trade balances on the capacity of the underdeveloped countries to contribute to their own development,

"Recognizing the imperative necessity of urgent and effective measures to enable the under-developed countries to initiate and sustain their development programmes at adequate levels,

"1. Requests the Secretary-General to appoint a group of (not more than seven) experts to examine, in order to assist the Economic and Social Council and the Commission on International Commodity Trade in their consideration of commodity problems, the feasibility of establishing machinery within the United Nations designed to assist in offsetting the effects of large fluctuations in commodity prices on balances of payments, with especial reference to compensatory financing, and to submit its report

- and recommendations to the Commission on International Commodity Trade at its eighth session and the Economic and Social Council for comment and transmission to the General Assembly;
- "2. Further requests the Secretary-General to invite the International Monetary Fund and the Food and Agriculture Organization of the United Nations to participate in the work of the group of experts in a consultative capacity."
- 45. The Committee considered this draft resolution at its 627th, 631st and 634th meetings.
- 46. At the 631st meeting, Pakistan, on behalf of the sponsors, revised operative paragraph 1 to read as follows:
 - "1. Requests the Secretary-General to appoint a group of (not more than seven) experts to assist the Commission on International Commodity Trade in its consideration of commodity problems by examining the feasibility of establishing machinery, within the framework of the United Nations, designed to assist in offsetting the effects of large fluctuations in commodity prices on balances of payments, with especial reference to compensatory financing, and to submit its report and recommendations to the Commission on International Commodity Trade at its eighth session, and requests the Economic and Social Council to comment on and transmit this report to the General Assembly".
- 47. Ghana joined the sponsors of the revised draft resolution (A/C.2/L.437/Rev.1). A statement prepared by the Secretary-General (A/C.2/L.437/Rev.1/Add.1) on the financial implications of the draft resolution was before the Committee.
- 48. At the 634th meeting, Uruguay introduced an amendment (A/C.2/L.451) to the revised draft resolution which would replace operative paragraphs 1 and 2 by the following text:
 - "1. <u>Declares</u> that it considers it urgently necessary to study the possibility of establishing some system or machinery within the United Nations designed to assist in offsetting the effects of large fluctuations in commodity prices and their consequences on balances of payments, with especial reference to compensatory financing;
 - "2. <u>Declares further</u> that it considers it desirable to this end:
- "(a) That the Commission on International Commodity Trade should seek the advice of internationally qualified 'experts'—not more than one for each commodity—and shall inform the Secretary-General of their appointment so that he may take any necessary action;
- "(b) That that Commission should submit the reports and recommendations of the experts, together with its own report, to the Economic and Social Council for transmission by the latter, with its conclusions, to the General Assembly;
- "(c) That the Secretary-General should invite the International Monetary Fund and the Food and Agriculture Organization of the United Nations to participate in the work of the group of experts in a consultative capacity."
- 49. Following clarifications by several of the sponsors, Uruguay withdrew the foregoing amendment.

- 50. Pakistan, on behalf of the sponsors, accepted the following further changes (A/C.2/L.437/Rev.1/Corr.1) to the text of the revised draft resolution:
- (a) In the sixth preambular paragraph, the words "viewed in the context of" were replaced by "when accompanied by";
- (b) In operative paragraph 1, the words "at its eighth session" were replaced by "by its ninth session"; and the word "especial" by "special".
- 51. The Committee then adopted the revised draft resolution (A/C.2/L.437/Rev.1), as amended, by 60 votes to none, with 11 abstentions.
- 52. The Committee therefore recommends to the General Assembly the adoption of draft resolution IV (see paragraph 114 below).
 - (e) United Nations capital development fund
- 53. At its 619th meeting the Committee received a draft resolution submitted by Afghanistan, Bolivia, Burma, Cambodia, Ceylon, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Ethiopia, the Federation of Malaya, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, the Netherlands, Norway, Pakistan, Panama, Paraguay, the Philippines, Saudi Arabia, the Sudan, Thailand, Tunisia, Turkey, the United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia (A/C.2/ L.431) and by Guinea (A/C.2/L.431/Add.1). By it, the General Assembly would, in the preamble, (1) bear in mind the determination expressed in the Preamble of the Charter of the United Nations to promote social progress and better standards of life in larger freedom and to employ international machinery for the promotion of economic and social advancement of all peoples, (2) consider the economic development of the under-developed countries as an essential condition for promoting world peace, stability and prosperity, (3) be mindful that the general problem of the economic development of the under-developed countries concerned, and was of paramount importance to, both developed and under-developed countries, (4) consider the importance of using United Nations machinery for financially assisting the acceleration of the economic development of the under-developed countries. especially in the field of their economic and social infrastructure, which was basic to the substantial expansion of production and to the growth of their economies, (5) recognize that the flow of international capital and assistance had not been commensurate with the magnitude, diversity and urgency of the needs of the under-developed countries; (6) believe that improved economic conditions of highly developed countries would make it possible for them to provide an additional contribution towards accelerating the economic development of under-developed countries; (7) bear in mind the previous resolutions of the General Assembly and of the Economic and Social Council on the establishment of a United Nations capital development fund for financing the economic development of the under-developed countries.
- 54. In the operative part, the Assembly would: (1) call upon Member States to give further consideration to General Assembly resolutions 1317 (XIII) and 1219 (XII), section III, and Economic and Social Council resolution 740 (XXVIII), and to reappraise their respective positions as regards extending material sup-

port for the early establishment of a United Nations capital development fund; (2) request the Secretary-General to examine in consultation with Member States, ways and means of making further progress towards the early establishment of a United Nations capital development fund; (3) invite the Secretary-General to report on this matter to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session.

- 55. After a short discussion, the Committee adopted the draft resolution (A/C.2/L.431 and Add.1) by 63 votes to none, with 12 abstentions.
- 56. The Committee therefore recommends to the General Assembly the adoption of draft resolution V (see paragraph 114 below).
- (f) Possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries
- 57. The draft resolution submitted by Albania, Czechoslovakia and Romania (A/C.2/L.432) was received by the Committee at its 619th meeting.
 - 58. The draft resolution read as follows:

"The General Assembly,

"Considering that in order to accelerate the economic development of the under-developed countries the most effective means have to be utilized and the efforts have to be focused on the factors capable of giving a substantial stimulus to this development,

"Taking into account that petroleum plays today and will further play an important role in the world economy,

"Noting that the discussions which have taken place during the symposium on the development of petroleum resources held in New Delhi under the auspices of the Economic Commission for Asia and the Far East, as well as those at the twenty-seventh and twenty-eighth sessions of the Economic and Social Council, showed the particular interest of numerous under-developed countries for the development of their petroleum industry, as well as for the obtaining and manufacturing of the equipment necessary to attain this aim,

"Noting also that many countries are interested in the organization of a broad exchange of technical and economic information and in the training of scientific and technical personnel,

"Recalling General Assembly resolution 1319 (XIII) and Economic and Social Council resolutions 711 B (XXVII) and 740 B (XXVIII),

"Requests the Secretary-General:

- "(a) To include the question of the development of the petroleum industry in the United Nations programmes for the development of under-developed countries (industrialization and power resources);
- "(b) To prepare for the twenty-ninth session of the Economic and Social Council the information mentioned in paragraph 1 of Economic and Social Council resolution 740 B (XXVIII);
- "(c) To convene during 1960, shortly after the twenty-ninth session of the Council, an <u>ad hoc</u> group of experts from the countries concerned, in order

to study on the basis of the relevant documents, such as the debates and the reports of the thirteenth and fourteenth sessions of the General Assembly and of the twenty-seventh, twenty-eighth and twenty-ninth sessions of the Council, the question of the development of the petroleum industry of the underdeveloped countries and the ways and means aiming at the fulfilment of this goal through a broader international co-operation, in particular:

- "(i) The possibility of organizing a broad international co-operation for the training of personnel and the exchange of information and experience in the field of the extraction and processing of petroleum;
- "(ii) The possibility of obtaining and manufacturing petroleum equipment by under-developed countries possessing petroleum resources;
- (d) To work out, on the basis of the documents and recommendations issued by the above-mentioned ad hoc group of experts, a survey on the 'Possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries' and to submit it to the General Assembly at its fifteenth session."
- 59. Uruguay submitted amendments (A/C.2/L.443) by which:
- (a) The following paragraph would be added after the third paragraph of the preamble:
 - "Recalling General Assembly resolution 626 (VII) of 21 December 1952, which stated 'the need for encouraging the under-developed countries in the proper use and exploitation of their natural wealth and resources',";
- (b) After sub-paragraph (c) (ii) of the operative paragraph, the following would be added:
 - "(iii) The possibility that under-developed countries may obtain assistance from international public capital—through existing agencies or through some new and special agency—in order to discover their possible petroleum wealth or deposits and commence their exploitation".
- 60. A statement prepared by the Secretary-General (A/C.2/L.432/Add.1) on the financial implications of the draft resolution was before the Committee.
- 61. The Committee considered the draft resolution at its 621st, 633rd and 636th meetings.
- 62. At the 633rd meeting, the sponsors, joined by Uruguay, submitted a revised text (A/C.2/L.432/Rev.1), embodying the amendments submitted by Uruguay (A/C.2/L.443). In the preamble, the fifth paragraph became the first; the paragraph proposed in the first Uruguayan amendment became the second paragraph of the preamble; and the word "particular" was deleted from the third paragraph, which had become the fifth. In the operative part, sub-paragraphs (b), (c) and (d) were revised.
- 63. The revised draft resolution therefore read as follows:

"The General Assembly,

"Recalling General Assembly resolution 1319 (XIII) and Economic and Social Council resolutions 711 B (XXVII) and 740 B (XXVIII).

"Recalling further General Assembly resolution 626 (VII) of 21 December 1952 which stated "the need for encouraging the under-developed countries in the proper use and exploitation of their natural wealth and resources",

"Considering that in order to accelerate the economic development of the under-developed countries the most effective means have to be utilized and the efforts have to be focused on the factors capable of giving a substantial stimulus to this development,

"Taking into account that petroleum plays today and will further play an important role in the world economy,

"Noting that the discussions which have taken place during the symposium on the development of petroleum resources held in New Delhi under the auspices of the Economic Commission for Asia and the Far East, as well as those at the twenty-seventh and twenty-eighth sessions of the Economic and Social Council, showed the interest of numerous under-developed countries for the development of their petroleum industry, as well as for the obtaining and manufacturing of the equipment necessary to attain this aim,

"Noting also that many countries are interested in the organization of a broad exchange of technical and economic information and in the training of scientific and technical personnel,

"Requests the Secretary-General:

- "(a) To include the question of the development of the petroleum industry in the United Nations programmes for the development of under-developed countries (industrialization and power resources);
- "(b) To study further, on the basis of the information to be prepared under Economic and Social Council resolution 740 B (XXVIII) and other relevant United Nations documents and debates in the United Nations organs, the question of the development of the petroleum industry of the less developed countries and the possibilities of international co-operation and assistance through the United Nations in this field;
- "(c) To consult Member Governments on their interest and possibilities of such co-operation, including:
- "(i) The possibility of organizing a broad international co-operation for the training of personnel and the exchange of information and experience in the field of the extraction and processing of petroleum:
- "(ii) The possibility of obtaining and manufacturing petroleum equipment by under-developed countries possessing petroleum resources;
- "(iii) The possibility that under-developed countries may obtain assistance from international public capital—through existing agencies or through some new and special agency—in order to discover their possible petroleum wealth or deposits and commence their exploitation.
- "(d) To prepare, on the basis of the above-mentioned study and consultation with Member Governments a preliminary survey on the 'Possibilities of

- international co-operation in the field of the development of the petroleum industry in the underdeveloped countries' and to submit it to the General Assembly at its fifteenth session."
- 64. At the 636th meeting, the sponsors submitted a further revision of this draft resolution (A/C.2/L.432/Rev.2), in which the third, fourth, fifth and sixth preambular paragraphs were changed to read as follows:

"Considering the importance to many underdeveloped countries of the effective development of their petroleum resources,

"Recognizing that the discussions which took place during the symposium on the development of petroleum resources held in New Delhi under the auspices of the Economic Commission for Asia and the Far East, as well as those at the twenty-seventh and twenty-eighth sessions of the Economic and Social Council, showed the interest of numerous under-developed countries in the development of their petroleum industry.

"Noting the action taken by the Economic and Social Council, at its twenty-eighth session, in inviting the Secretary-General to make available particulars of the specific ways in which programmes under the auspices of the United Nations can assist in developing petroleum supplies,

"Recalling that the Secretary-General is authorized to include the question of the development of the petroleum industry in the United Nations programmes for the development of under-developed countries with regard to industrialization and energy resources".

- 65. The operative part of the draft resolution was changed to read as follows:
- "1. Requests the Secretary-General to transmit to the Economic and Social Council, for its consideration, the various views expressed on this subject, including those relating to financial aspects, during the fourteenth session of the General Assembly;
- "2. Expresses the hope that the information to be supplied to the Council by the Secretary-General will enable the Council, as provided by its resolution 740 B (XXVIII), to determine what additional assistance to Governments is called for within the framework of the existing technical assistance and development activities of the United Nations and its specialized agencies."
- 66. The Committee adopted the revised draft resolution (A/C.2/L.432/Rev.2) by 54 votes to none, with 2 abstentions.
- 67. The Committee therefore recommends to the General Assembly the adoption of draft resolution VI (see paragraph 114 below).

(g) Agrarian reform

68. At the 624th meeting a draft resolution submitted by Bolivia, Cuba and Mexico (A/C.2/L.435), later joined by Venezuela (A/C.2/L.435/Add.1), was before the Committee. A statement of the financial implications of the draft resolution was submitted by the Secretary-General (A/C.2/L.435/Add.2). At its 635th meeting the Committee began consideration of

the draft resolution in a revised form (A/C.2/L.435/Rev.1), which read as follows:

"The General Assembly,

- "Recalling its resolutions 401 (V) of 20 November 1950, 524 (VI) of 12 January 1952, 625 A (VII) of 21 December 1952, and 826 (IX) of 11 December 1954, and Economic and Social Council resolutions 370 (XIII) of 7 September 1951, 512 C (XVII) of 30 April 1954, 649 B (XXIII) of 2 May 1957 and 712 (XXVII) of 17 April 1959 on agrarian reform,
- "Recognizing the importance to certain underdeveloped countries of the transformation of their agrarian structure, in order:
- " (\underline{a}) To improve the combination of the factors of production, the mobility of labour and the technical skills of the rural population, thus raising the level of agricultural productivity,
- "(b) To secure a more satisfactory distribution of agricultural income and to raise levels of consumption and saving among rural inhabitants,
- "(c) To create and extend the domestic market for various industrial and agricultural products,
- "(d) To achieve the conditions necessary for industrial development, the diversification of agriculture and the balanced integration of industry with agriculture,
- "Noting that certain countries are at present carrying out different programmes of agrarian reform tending towards achievement of the abovementioned objectives,
- "Recalling also paragraph 3 of Economic and Social Council resolution 712 (XXVII), which requests the Secretary-General to prepare the report on the progress of land reform for the Council in 1962 along the lines of the prospectus contained in paragraph 57 of the report submitted at the twenty-seventh session, taking into consideration the sources of information listed in paragraphs 59 and 60 of the report and the views which Members may express in the Council and the General Assembly,
- "1. Declares that it will continue to support Member States which are carrying out their agrarian reform in conformity with the resolutions of the General Assembly and the Economic and Social Council;
- *2. Requests the Secretary-General, the regional economic commissions, the Food and Agriculture Organization of the United Nations, and the other organs and agencies of the United Nations, in consultation with Member States:
- "(a) To consider the best ways in which the United Nations can continue to give increasingly effective support to the land reform programmes put into operation by its Members;
- "(b) To report to the Economic and Social Council at its session in 1962 on the measures taken by the United Nations to assist Member States in carrying out their land reform programmes, and requests the Council in turn to report to the General Assembly at its seventeenth session;
- "3. Recommends that the International Bank for Reconstruction and Development give renewed atten-

- tion to these programmes and, in conformity with paragraph 4 of resolution 826 (IX), 'give sympathetic consideration to loan applications from underdeveloped countries for development projects which are designed to implement their programmes of agrarian reform, including projects designed to bring new lands under agricultural cultivation, and invites the Bank, consistent with its maintenance as a self-supporting entity, to consider making any such loans on terms of interest and amortization designed to place the smallest feasible burden on the borrowing countries';
- "4. Reiterates the hope that, in accordance with paragraph 5 of resolution 826 (IX), 'high priority will be given' by the Technical Assistance Board and the other organs and agencies concerned 'to requests for United Nations technical assistance for the purpose of studying or carrying out land reform programmes';
- "5. Expresses the hope that the Special Fund, together with any new organs which may be set up by the United Nations or any of its agencies, will, in the spirit of the present resolution and of earlier resolutions on the same subject, offer the greatest financial support possible, on the most favourable terms compatible with their resources, to projects connected with the execution of agrarian reform programmes by countries members of such organizations;
- "6. Further requests the Secretary-General, in consultation with Member States and the abovementioned organizations, to examine the results of the land reform programmes in the under-developed countries in the light of the reports submitted by Member States, and the effects which the programmes have had on the economic development of those countries, and to report to the General Assembly at its seventeenth session, making appropriate recommendations, and to the Economic and Social Council in 1962."
- 69. The sponsors made the following changes in the text of the draft resolution before discussion in the Committee began:
- (\underline{a}) Operative paragraph 1 was revised to read as follows:
 - "Declares that it will continue to support the programmes of agrarian reform which Member States are carrying out in conformity with the Charter of the United Nations and the resolutions of the General Assembly and of the Economic and Social Council";
- (b) In operative paragraph 2 (b), after the words "land reform programmes" the following words were inserted: "and to improve such assistance, including the relevant comments and analyses,";
- (c) In operative paragraph 5, the words "financial support possible" were replaced by "possible assistance".
- 70. In the light of the discussion, during which various suggestions were made, the sponsors agreed to the following additional modifications:
- (a) In sub-paragraph (a) of the second preambular paragraph, the words "land distribution," were added after the words "To improve";

- (b) In the introductory clause of operative paragraph 2, the words "in consultation with" were inserted before the words "the regional economic commissions"; and the words "in consultation with Member States" were changed to read "as well as with the Governments of Member States";
- (\underline{c}) Operative paragraph 2 (\underline{b}) was revised to read as follows:

"To report to the Economic and Social Council in 1962 on possible improvements in such support, including the relevant comments and analyses, and requests the Council in turn to report to the General Assembly at its seventeenth session";

(d) In operative paragraph 3, the quotation at the end of the paragraph was deleted and the paragraph was revised to read as follows:

"Recommends that the International Bank for Reconstruction and Development give renewed attention to these programmes, in conformity with paragraph 4 of General Assembly resolution 826 (IX)";

- (e) In operative paragraph 4, the words "Draws the attention of Member States to the possibility of requesting technical assistance in carrying out their agrarian reform programmes and" were inserted at the beginning, and the words "by the Technical Assistance Board and other organs and agencies concerned" were deleted;
- (f) In operative paragraph 5, the words "offer the greatest possible assistance" were changed to "give as much assistance as possible";
- (g) In operative paragraph 6, the phrase "making appropriate recommendations, and to the Economic and Social Council in 1962" was replaced by the following: "along the lines of the prospectus referred to in Economic and Social Council resolution 712 (XXVII), by formulating the appropriate recommendations and observations, and to the Economic and Social Council in 1962."
- 71. The representative of the Union of Soviet Socialist Republics proposed the deletion of the words "along the lines of the prospectus referred to in Economic and Social Council resolution 712 (XXVII)" in operative paragraph 6.
- 72. The Committee then voted on the revised draft resolution (A/C.2/L.435/Rev.1), as amended by the sponsors, and on the USSR amendment, as follows:

The USSR amendment was rejected by 30 votes to 9, with 34 abstentions.

The revised draft resolution, as amended by the sponsors, was adopted by 72 votes to none, with 1 abstention.

- 73. The Committee therefore recommends to the General Assembly the adoption of draft resolution VII (see paragraph 114 below).
 - (h) Industrial development banks and corporations
- 74. The draft resolution submitted by Ceylon, the Federation of Malaya, Haiti, Iran, Liberia, Mexico, Thailand, Tunisia, Turkey and the United States of America (A/C.2/L.438) was received by the Committee at its 624th meeting.

- 75. The draft resolution read as follows:
 - "The General Assembly,

"Recalling its resolution 1318 (XIII),

"Taking into account the need for mobilizing additional capital for the economic development of the under-developed countries,

"Noting that the thirteenth annual report of the International Bank for Reconstruction and Development reveals the useful role which development banks and corporations in the under-developed countries can play in mobilizing domestic savings as well as in encouraging the flow of foreign capital, public and private, for industrial, mining and agricultural development,

"Noting further the encouraging progress that has been made in a substantial number of underdeveloped countries by establishing and utilizing industrial development banks and corporations with the valuable help of the International Bank and a number of Governments of Member States in providing technical and financial assistance to many such industrial development banks and corporations,

- "1. Invites the Governments of Member States to consider the advantages of using and encouraging industrial development banks and development corporations in accelerating their economic development;
- "2. Calls upon Member Governments in countries with highly developed economies to co-operate with under-developed countries, as appropriate, in order to encourage the formation and sound growth of industrial development banks and corporations;
- "3. Requests the Secretary-General, in preparing his report for the Economic and Social Council at its twenty-ninth session, requested by General Assembly resolution 1318 (XIII), to take account of the role of industrial development banks and corporations."
- 76. The Committee considered the draft resolution at its 627th and 636th meetings.
- 77. At the 636th meeting, the representative of the Federation of Malaya stated, on behalf of the sponsors, that the following changes which had been suggested were acceptable:
- (a) The phrase "industrial development banks and corporations" was replaced by "industrial development banks and development corporations" in the title, the fourth preambular paragraph and operative paragraphs 2 and 3;
- (b) In operative paragraph 2 the words "Governments in" were deleted, and the word "encourage" was replaced by "assist".
- 78. The Committee adopted the draft resolution (A/C.2/L.438), as amended, by 61 votes to none, with 9 abstentions.
- 79. The Committee therefore recommends to the General Assembly the adoption of draft resolution VIII (see paragraph 114 below).

(i) World economic development

80. The draft resolution submitted by Austria, Bolivia, Burma, Cambodia, Ceylon, Costa Rica, Cuba,

Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Nepal, the Netherlands, Norway, Panama, the Philippines, Saudi Arabia, Sweden, Thailand, Tunisia, the United Arab Republic, Uruguay, Venezuela and Yugoslavia (A/C.2/L.439), later joined by Morocco (A/C.2/L.439/Add.1), Yemen (A/C.2/L.439/Add.2) and Denmark (A/C.2/L.439/Add.4) was received by the Committee at its 624th meeting.

81. The draft resolution read as follows:

"The General Assembly,

"Considering that the long-term progress of the world presents problems of resources, requirements and production methods, affecting nations in all stages of development and calling for international co-operation and action on the widest possible basis,

"Having regard to the increasing needs of a rapidly growing world population, and the rising social and economic expectations of all peoples.

"Recognizing the urgent necessity of correcting economic and social imbalances existing in the world,

"Noting that the growing pace of industrialization and the rapid advance of science and technology necessitate a fresh approach to the question of the demand for, and the supply of, raw materials and other means of production,

"Believing that the social and economic needs of under-developed countries require a comprehensive approach to the economic problems of the entire world.

"Noting with appreciation the various multilateral and bilateral efforts which have been made towards meeting some of the urgent needs of the underdeveloped countries,

"Noting further that, under Economic and Social Council resolution 741 (XXVIII), the Secretary-General is to report on the techniques of long-term projections,

- "1. Believes that a comprehensive, co-ordinated and continuing study of the above problems is necessary in order that suggestions for possible international action may be considered;
- "2. Requests the Secretary-General to arrange for a preliminary investigation into the methods and techniques to be employed in carrying out such a study;
- "3. Further requests the Secretary-General to report on this matter to the Economic and Social Council at its thirtieth session and requests the Council to transmit the report, with its comments, to the General Assembly at its fifteenth session."
- 82. A statement on the financial implications of the draft resolution was submitted by the Secretary-General (A/C.2/L.439/Add.3).
- 83. At the 637th meeting India, on behalf of the sponsors, made the following changes:
- (a) In the first preambular paragraph, the words "on the widest possible basis" were deleted and the words "the widest" inserted after "calling for";

- (b) In the second preambular paragraph, the words "of all peoples" were deleted, and the words "the rising" replaced by "its rising";
- (c) In the fifth preambular paragraph, the word "entire" was deleted.
- 84. The Committee adopted the draft resolution (A/C.2/L.439 and Add.1,2 and 4), as amended, unanimously.
- 85. The Committee therefore recommends to the General Assembly the adoption of draft resolution IX (see paragraph 114 below).
- (j) Development of scientific and technical co-operation and exchange of experience
- 86. The draft resolution submitted by Bulgaria and Czechoslovakia (A/C.2/L.441) was received by the Committee at its 626th meeting.
 - 87. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 1301 (XIII) on measures aimed at the implementation and promotion of peaceful and neighbourly relations among States and its resolution 1260 (XIII) on the co-ordination of the results of scientific research, as well as Economic and Social Council resolution 727 A (XXVIII) on United Nations measures for promoting international exchange of scientific and technical experience,

"Being aware of the importance of international economic co-operation in the strengthening of peaceful relations among nations,

"Recognizing the particular importance of further promotion of mutual exchange of scientific and technical experience for economic development, constant rise of productivity and standards of living of the population in the entire world and particularly in the less developed countries which are in great need of such assistance,

"Appreciating the efforts made and results thus far achieved in different forms of such exchange in the organs of the United Nations, especially the regional economic commissions, and in the specialized agencies,

"Bearing in mind the role and activities of the United Nations Educational, Scientific and Cultural Organization in the field of scientific co-operation,

"Bearing in mind also the desirability of further intensified development of such co-operation, particularly in the field of applied science and industrial technology,

- "1. Recommends the Member States to increase the exchange of scientific and technical experience among themselves by way of bilateral and multilateral agreements or action and calls especially upon the economically and technologically most advanced countries to render their help and support by all possible means to the less developed countries in acquiring scientific and technical knowledge that would make possible an accelerated development and an increase in living standards;
- "2. Calls upon the Governments of Member States to take part, as far as their possibilities permit, in multilateral action undertaken to this end and to

take initiatives in embarking upon exchange of scientific and technical experience also on a bilateral basis;

- "3. Requests the Secretary-General to clarify, in consultation with the Director-General of UNESCO, the possibilities of further useful and desirable expansion of international contacts as well as exchange of knowledge and experience in the field of applied science and technology through the United Nations and the specialized agencies, including the development, within the United Nations framework, of appropriate machinery for technical co-operation and dissemination of industrial know-how;
- "4. Requests the Secretary-General to report on this subject to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session."
- 88. The Committee considered the draft resolution at its 638th and 639th meetings. Czechoslovakia, on behalf of the sponsors, reported the following changes:
- (a) A reference to Economic and Social Council resolution 740 C (XXVIII) on the economic development of the under-developed countries was inserted at the end of the first preambular paragraph;
- (b) The last part of operative paragraph 3, beginning with the words "through the United Nations...", was modified to read: "through the United Nations, the specialized agencies and the International Atomic Energy Agency, including the adequacy, within the United Nations framework, of machinery for technical co-operation and dissemination of industrial know-how".
- 89. Australia submitted an amendment (A/C.2/L.452) by which operative paragraphs 1, 2 and 3 would be replaced by the following text:
 - "1. Emphasizes the value of an increase in the international exchange of scientific and technical experience, where appropriate by way of bilateral and multilateral agreements, and calls especially upon the economically and technically most advanced countries to render their help and support by all possible means to the less developed countries in acquiring scientific and technical knowledge that would make possible an accelerated development and an increase in living standards;
 - "2. Recommends that the Governments of Member States encourage the further exchange of scientific and technical experience and support, as far as possible, international action undertaken to this end;
 - "3. Requests the Secretary-General to consider, in consultation with the Director-General of UNESCO, and in the light of the survey being prepared under resolution 1260 (XIII), the adequacy within the United Nations framework of existing machinery for technical co-operation and for the dissemination of scientific, technical and industrial know-how."
 - 90. At the 639th meeting, the Committee received a revised text (A/C.2/L.441/Rev.1) of the draft resolution which embodied the amendments submitted by Australia and the following further modifications:

- (a) In the third preambular paragraph, the words "and of the importance of a" were inserted after "for economic development";
- (b) In operative paragraph 1, as amended by Australia, the following words were deleted: "where appropriate by way of bilateral and multilateral agreements"; "render their"; and "by all possible means to";
- (c) In operative paragraph 2, as amended by Australia, the words "among countries" were added after "technical experience";
- (d) In operative paragraph 3, as amended by Australia: the words "the Director-General of" were deleted; the words "other appropriate specialized agencies and the International Atomic Energy Agency" were inserted after "UNESCO"; and, after the words "resolution 1260 (XIII)", the following was inserted: "the possibilities of further useful and desirable expansion of international contacts as well as exchange of knowledge and experience in the field of applied science and technology and".
- 91. The representative of the United Kingdom proposed that in operative paragraph 4 the word "thirtieth" should be replaced by "thirty-first" and the word "fifteenth" by "sixteenth".
- 92. The Committee adopted the United Kingdom amendment by 20 votes to 17, with 25 abstentions.
- 93. The Committee then adopted the revised draft resolution (A/C.2/L.441/Rev.1), as amended, unanimously.
- 94. The Committee therefore recommends the adoption of draft resolution X (see paragraph 114 below).
 - (k) Latin American common market
- 95. The draft resolution submitted by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay and Venezuela (A/C.2/L.442 and Corr.1) was received by the Committee at its 627th meeting.
 - 96. The draft resolution read as follows:
 - "The General Assembly,

"Recalling Economic and Social Council resolution 679 C (XXVI) in which the Council considers it desirable gradually and progressively to establish a Latin American regional market on multilateral and competitive bases,

"Taking note of resolution 6 (II) of the Trade Committee of the Economic Commission for Latin America, whose report was adopted by the Commission at its eighth session in resolution 168 (VIII), in which the Committee decided 'to intensify efforts conducing to the increase of economic co-operation among the countries of the region, with a view to constituting a Latin American common market', 8

"Considering that the Economic and Social Council at its twenty-eighth session examined the report of the Economic Commission for Latin America and expressed its appreciation of the part the Commission had played in preparing plans for the establishment of a common market in the region,

^{8/} See Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 4, annex III.

- "1. Expresses its hope that the common market will be organized in such a way as to help to expand and diversify trade among the Latin American countries and between them and other regions of the world, and to accelerate their national and regional economic development, with a consequent rise in the level of living of their peoples;
- "2. Expresses its appreciation of the work to this end being carried out by the Economic Commission for Latin America;
- "3. Recommends that the Commission continue to assign high priority to work being done in this field."
- 97. At the 638th meeting, Argentina, on behalf of the sponsors, stated that in the third preambular paragraph the word "when" should be inserted after the opening words "Considering that", and the words "and expressed its appreciation" should be replaced by "appreciation was expressed".
- 98. At the 639th meeting, the Committee adopted the draft resolution (A/C.2/L.442 and Corr.1), as orally revised by the sponsors, by 61 votes to none, with 7 abstentions.
- 99. The Committee therefore recommends to the General Assembly the adoption of draft resolution XI (see paragraph 114 below).
 - (1) Commission for industrial development
- 100. The draft resolution submitted by Bolivia, Brazil, Burma, Ceylon, Colombia, Costa Rica, Cuba, El Salvador, the Federation of Malaya, France, Ghana, Haiti, India, Indonesia, Iraq, Italy, Jordan, Lebanon, Libya, Mexico, Morocco, the Netherlands, Nicaragua, Pakistan, Panama, Saudi Arabia, the Sudan, Tunisia, the United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia (A/C.2/L.434) was received by the Committee at its 621st meeting.
 - 101. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 521 (VI) and 522 (VI) of 12 January 1952 and 1033 (XI) of 26 February 1957, and Economic and Social Council resolutions 461 (XV) of 23 April 1953, 560 (XIX) of 7 April 1955, 597 A (XXI) of 4 May 1956, 618 (XXII) of 6 August 1956, 649 A (XXIII) of 2 May 1957, 674 A (XXV) of 1 May 1958, 709 (XXVII) of 17 April 1959,

"Mindful of the aim expressed in the Preamble of the Charter 'to employ international machinery for the promotion of the economic and social advancement of all peoples', and of Articles 55 and 56 of the Charter,

"Convinced that:

- "(a) The high rate of growth of population in a certain number of under-developed countries has created a serious disequilibrium between the present level of production of those countries and the needs of their populations,
- "(b) It is urgent to foster the industrial development of under-developed countries so that the rate of growth of their production may attain a permanently higher level which would overtake the rate of increase of their populations,

- "(c) Industrialization will enable the diversification of the economies of under-developed countries and assure a more balanced economic and social structure, and a high rate of economic development.
- "(d) It is important to attain the self-sustaining stage of economic development which involves the maximum reinvestment of the increases of income,

"Recognizing that instability in the foreign exchange earnings of the under-developed countries, due to fluctuations in world commodity prices and in general economic activity in the more advanced countries, makes it particularly important to encourage industrialization as an essential part of development programmes or plans,

"Confident that the acceleration of the industrial development of under-developed countries by diversifying the economic structure of these countries will contribute to the achievement of an expanding world economy,

"Considering that the process of industrial development calls for a wider dissemination of advanced technological knowledge which is not available at present to the needed extent in the under-developed countries,

"Convinced of the need to expand the means of providing advice and assistance by the United Nations to under-developed countries in the planning and execution of their industrial development, to accelerate the process of industrialization and to keep the General Assembly informed of the pace of their industrial growth,

"Recommends that, in accordance with Article 68 of the Charter of the United Nations, the Economic and Social Council, at its twenty-ninth session, give consideration to the prompt establishment of a commission for industrial development."

- 102. The Committee considered this draft resolution at its 640th, 641st and 642nd meetings.
- 103. Afghanistan, Argentina, Chile, Guatemala, Liberia and Spain submitted amendments (A/C.2/L.446) by which:
- (a) The following paragraph would be added between the sixth and seventh paragraphs of the preamble:
 - "Noting with appreciation the activities of the United Nations regional economic commissions in the field of economic growth and industrialization in their respective regions";
- (b) The words "without prejudicing the activities of the regional economic commissions in this connexion" would be added at the end of the operative paragraph.
- 104. At the 640th meeting, the representative of New Zealand proposed orally that the words "a commission for industrial development" in the operative paragraph should be replaced by the words "appropriate institutional machinery".
- 105. Canada submitted an amendment (A/C.2/L.454) by which the words "and taking into account the views

expressed during the discussion on this question at the present session of the General Assembly" would be added at the end of the operative paragraph following the second six-Power amendment (A/C.2/L.446).

- 106. The representative of Portugal proposed orally that:
- (a) Sub-paragraphs (a) and (b) of the third preambular paragraph should be combined and revised to read as follows:

"The high rate of growth of population in a certain number of under-developed countries requires an acceleration of the industrial development of underdeveloped countries so that the rate of growth of their production may attain a permanently higher level which would overtake the rate of increase of their populations";

- (b) The words "advice and assistance" in the last preambular paragraph should be replaced by the words "advice, information and assistance".
- 107. At the 641st meeting, the representative of Ireland proposed that:
- (a) The word "enable" in sub-paragraph (\underline{c}) of the third preambular paragraph should be replaced by the word "promote";
- (b) The words "appropriate institutional machinery such as" should be inserted in the operative paragraph after the words "the prompt establishment of"; this proposal was submitted as a formal amendment (A/C.2/L.456).
- 108. The representative of Yugoslavia proposed orally that the words "permanently higher level" in sub-paragraph (b) of the third preambular paragraph should be replaced by the words "steadily increasing level".
- 109. Brazil, on behalf of the sponsors, accepted the amendments and other proposals submitted by the six Powers (A/C.2/L.446), Canada (A/C.2/L.454), Portugal and Yugoslavia, as well as the first oral proposal by Ireland.
- 110. Since Ireland had submitted its second proposal as an amendment (A/C.2/L.456), New Zealand did not press its oral proposal.
- 111. The representative of Ceylon, on behalf of the sponsors, stated that the original text of the operative paragraph, as drafted, taken together with the amendment by Canada (A/C.2/L.454)—accepted by the sponsors—reserved to the Economic and Social Council adequate freedom in its consideration of new machinery in the field of industrialization. On the suggestion of the representative of the Netherlands, the representative of Ireland, accepting this interpretation, withdrew his amendment on the understanding that his reasons for so doing would be indicated in the Committee's report on items 30 and 12.
- 112. At the 642nd meeting the Committee adopted the revised draft resolution (A/C.2/L.434/Rev.1) unanimously.
- 113. The Committee therefore recommends to the General Assembly the adoption of draft resolution XII (see paragraph 114 below).

Recommendations of the Second Committee

114. The Second Committee therefore recommends to the General Assembly the adoption of draft resolutions I to XII below:

Ι

INTERNATIONAL DEVELOPMENT ASSOCIATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

II

STRENGTHENING AND DEVELOPMENT OF THE WORLD MARKET AND IMPROVEMENT OF THE TRADE CONDITIONS OF THE ECONOMICALLY LESS DEVELOPED COUNTRIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Ш

DEVELOPMENT OF INTERNATIONAL TRADE AND INTERNATIONAL COMMODITY PROBLEMS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

IV

INTERNATIONAL MEASURES TO ASSIST IN OFF-SETTING FLUCTUATIONS IN COMMODITY PRICES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

v

UNITED NATIONS CAPITAL DEVELOPMENT FUND

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below,]

vī

POSSIBILITIES OF INTERNATIONAL CO-OPERA-TION IN THE FIELD OF THE DEVELOPMENT OF THE PETROLEUM INDUSTRY IN THE UNDER-DEVELOPED COUNTRIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

VII

AGRARIAN REFORM

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

VIII

INDUSTRIAL DEVELOPMENT BANKS AND DEVELOPMENT CORPORATIONS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ΙX

WORLD ECONOMIC DEVELOPMENT

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Х

DEVELOPMENT OF SCIENTIFIC AND TECHNICAL CO-OPERATION AND EXCHANGE OF EXPERIENCE

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ΧI

LATIN AMERICAN COMMON MARKET

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

XII

COMMISSION FOR INDUSTRIAL DEVELOPMENT

[Text adopted by the General Assembly without change, See "Action taken by the General Assembly" below.]

DOCUMENT A /4326

Financial implications of draft resolutions IV, VII and IX submitted by the Second Committee in document A/4321

Report of the Fifth Committee

[Original text: English] [3 December 1959]

1. At its 758th meeting, held on 3 December 1959, the Fifth Committee considered the financial implications of draft resolution IV on international measures to assist in offsetting fluctuations in commodity prices, draft resolution VII on agrarian reform and draft resolution IX on world economic development, recommended by the Second Committee in its report (A/4321, paragraph 114). For this purpose, the Fifth Committee had before it the pertinent statements of financial implications (A/C.2/L.435/Add.2, A/C.2/L.437/Rev.1/Add.1, A/C.2/L.439/Add.3) which had been before the Second Committee when that Committee considered the several draft resolutions, a subsequent note by the Secretary-General (A/C.5/812)

and a report by the Advisory Committee on Administrative and Budgetary Questions (A/4318).

2. The Fifth Committee decided, without objection, to inform the General Assembly that the adoption of the three draft resolutions cited above would entail expenditures in 1960 not exceeding the amounts noted below:

1960 estimate

Draft resolution IV. International mea-	d States dollars
sures to assist in offsetting fluctuations	
in commodity prices	13,000
Draft resolution VII. Agrarian reform	10,000
Draft resolution IX. World economic	
development	25,000

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted draft resolutions I, II, III, IV, V, VI, VII, VIII, IX, X, XI and XII submitted by the Second Committee (A/4321, para. 114). For the final texts, see resolutions 1420 (XIV), 1421 (XIV), 1422 (XIV), 1423 (XIV), 1424 (XIV), 1425 (XIV), 1426 (XIV), 1427 (XIV), 1428 (XIV), 1429 (XIV), 1430 (XIV) and 1431 (XIV), respectively, below.

Resolutions adopted by the General Assembly

1420 (XIV). INTERNATIONAL DEVELOPMENT ASSOCIATION

The General Assembly,

Mindful of the determination of the United Nations, as expressed in its Charter, to promote social progress and better standards of life in larger freedom and, for these ends, to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling the General Assembly's interest in new forms of international financing for the purpose of accelerating the economic development of underdeveloped countries,

Welcoming the decision in principle taken at the recent annual meeting of the Board of Governors of the International Bank for Reconstruction and Development to establish an International Development Association as an affiliate of the Bank.

1. Expresses the belief that the new affiliate of the International Bank for Reconstruction and Develop-

ment will provide under-developed countries with types of financing which have not hitherto been available from multilateral agencies and which, while stimulating economic development, would tend to ease their balance of payments position;

- 2. Expresses the hope that adequate provisions will be made and appropriate procedures adopted for a close working relationship and effective co-ordination and consultation between the International Development Association and the United Nations;
- 3. <u>Calls attention</u> to the desirability of appropriate relations between the International Development Association and the specialized agencies and the International Atomic Energy Agency, as suitable;
- 4. Requests the Secretary-General to transmit to the President of the International Bank for Reconstruction and Development, for communication to the Executive Directors of the Bank, the records of the debates of the General Assembly on this subject at its present session.

846th plenary meeting, 5 December 1959.

1421 (XIV). STRENGTHENING AND DEVELOPMENT OF THE WORLD MARKET AND IMPROVEMENT OF THE TRADE CONDITIONS OF THE ECO-NOMICALLY LESS DEVELOPED COUNTRIES

The General Assembly,

<u>Guided</u> by the principles set forth in the Charter of the <u>United</u> Nations and wishing to extend international economic co-operation, to bring about full employment and to foster economic and social progress and development,

Considering that world trade is a natural and reliable factor in the development of peaceful relations between States,

Desiring to promote the development and extension of trade, to ease the exchange of goods and to create the stability and welfare essential for peaceful and friendly relations between nations,

I

- 1. Recommends that all Member States should, individually and jointly, continue their efforts to promote and extend mutually beneficial trade between all States, regardless of their economic systems;
- 2. Reaffirms its belief that international organizations concerned with the regulation and development of international trade should continue to contribute to the extension of multilateral world commerce and should facilitate the expansion of trade between States regardless of their economic systems;
- 3. Requests the Secretary-General, taking fully into consideration all the views expressed and proposals submitted on this subject at the present session of the General Assembly, to prepare a report on the ways and means of promoting wider trade cooperation among States, irrespective of their economic systems and stages of development, including, inter alia, the consideration of all the arrangements for such co-operation;
- 4. Requests the Secretary-General to submit this report to the Economic and Social Council at its

thirtieth session and to the General Assembly at its fifteenth session;

П

- 1. <u>Considers</u> that the United Nations and the specialized agencies concerned should expand the useful work which they are doing in promoting the stabilization of the commodity markets and the development of reciprocally beneficial multilateral trade;
- 2. <u>Considers</u> that it would be desirable to work out, within the United Nations and other appropriate forums, measures to promote the stabilization of the commodity markets and the development of trade between the highly developed and the less developed countries on a reciprocally beneficial and non-discriminatory basis, including, where appropriate, short-, medium- or long-term trade agreements, international commodity agreements and the establishment of international study groups;
- 3. Recommends that the industrially developed and the economically less developed countries should continue to encourage, by means of freely negotiated credit arrangements, the export of machinery and industrial equipment to the less developed countries, without any restriction on the freedom of these countries to buy and sell in the best market.

846th plenary meeting, 5 December 1959.

1422 (XIV). DEVELOPMENT OF INTERNATIONAL TRADE AND INTERNATIONAL COMMODITY PROBLEMS

The General Assembly,

Recalling its resolution 1324 (XIII) of 12 December 1958 and noting Economic and Social Council resolution 726 (XXVIII) of 24 July 1959,

<u>Convinced</u> that economic and social progress throughout the world, especially in the under-developed areas, depends largely on a steady increase in international trade,

Bearing in mind that exports of a relatively small number of primary commodities constitute the main source of foreign exchange earnings of many countries, particularly in the under-developed areas,

Considering that excessive fluctuations in commodity prices affect the volume of export receipts and the budgetary resources of many countries, and in the case of the under-developed countries are likely to hamper the sound and stable development of the economy,

Convinced that a policy of economic assistance to the under-developed countries will be more effective if the excessive instability of commodity markets is remedied, and that to seek solutions to this problem should be one of the main concerns of all Member States.

Noting the approval given by the Economic and Social Council to the programme of work of the Commission on International Commodity Trade, including the detailed study of national and international measures to deal with fluctuations in primary commodity markets,

Noting further that the Contracting Parties to the General Assembly on Tariffs and Trade have undertaken a study of the problem of the long-term expansion of trade, and in particular of the exports of countries producing primary commodities,

Considering however that the procedures of multilateral financial assistance do not always enable countries that have suffered from a sharp and sudden drop in the prices of the raw materials they export to overcome rapidly the deficit in their balance of payments and at the same time to carry out their development programmes,

- 1. Appeals anew to the Governments of Member States to continue their efforts to solve the problems relating to commodity production and trade, including, where appropriate, participation in existing international commodity agreements or the negotiation of agreements between the principal producers and the principal consumers of the same product, in their mutual interest, or participation in international study groups;
- 2. Takes note with appreciation of Economic and Social Council resolution 726 (XXVIII) approving the report and programme of work submitted by the Commission on International Commodity Trade (E/3225), and expresses the hope that the Commission in the course of its studies will give careful attention to the types of comprehensive commodity schemes referred to in part I, chapter 3, of the World Economic Survey, 1958 (E/3244);
- 3. <u>Invites</u> the Governments of Member States to extend the greatest possible assistance to the Commission on International Commodity Trade in order to help it carry out its programme of work quickly and effectively;
- 4. Recommends that the regional economic commissions, the specialized agencies concerned, especially the Food and Agriculture Organization of the United Nations, the Contracting Parties to the General Agreement on Tariffs and Trade and the international study groups dealing with commodity problems give particular attention to the problems of countries dependent to a high degree on the export of a small number of primary commodities;
 - 5. Urges the Governments of Member States:
- (a) To contribute to the greatest possible extent, either unilaterally or in the competent international organizations, to the progressive abolition of all such discrimination, quantitative limitations and other restrictive practices as are prejudicial to the sound development of international commodity trade;
- (b) To take into account, in formulating their economic policy, the effect that it may have on the export opportunities of the primary producing countries;
- 6. Requests the Commission on International Commodity Trade to give particular attention, in carrying out its programme of work, to the study of means for giving temporary assistance to countries encountering serious payment difficulties as a result of a sharp and sudden drop in the prices of their raw material exports, with a view to enabling them to take the necessary measures and at the same time continue to carry out their economic development programmes.

846th plenary meeting, 5 December 1959,

1423 (XIV). INTERNATIONAL MEASURES TO ASSIST IN OFFSETTING FLUCTUATIONS IN COMMODITY PRICES

The General Assembly,

Recalling its resolution 1324 (XIII) of 12 December 1958 and Economic and Social Council resolution 726 (XXVIII) of 24 July 1959,

Bearing in mind the responsibilities laid upon Member States by the Preamble, by Article 1, paragraph 3, by Article 13, paragraph 1, and by Article 55 of the Charter of the United Nations to promote international co-operation in the economic field, higher standards of living, full employment, and conditions of economic and social progress,

Taking into account the harmful potentialities of the widening gap between the levels of per caput income in developed and under-developed countries,

 ${
m \underline{Having}}$ <u>examined</u> the report of the Economic and Social Council on international commodity problems (A/4143, chap. II, sect. II) and the report of the Commission on International Commodity Trade on its seventh session (E/3225), particularly paragraph 62 thereof relating to compensatory financing,

Commending the work programme drawn up by the Commission on International Commodity Trade at its seventh session and approved by the Economic and Social Council,

Considering the necessity of devising means to combat large fluctuations in commodity prices when accompanied by a general fall in the price levels of primary commodities and the rising price levels of manufactured goods, and the resulting decline in the terms of trade against the under-developed countries.

Considering that such fluctuations hamper world trade.

Considering further the repercussions of adverse trade balances on the capacity of the under-developed countries to contribute to their own development,

Recognizing the imperative necessity of urgent and effective measures to enable the under-developed countries to initiate and sustain their development programmes at adequate levels,

- 1. Requests the Secretary-General to appoint a group of not more than seven experts to assist the Commission on International Commodity Trade in its consideration of commodity problems by examining the feasibility of establishing machinery, within the framework of the United Nations, designed to assist in offsetting the effects of large fluctuations in commodity prices on balances of payments, with special reference to compensatory financing, and to submit its report and recommendations to the Commission on International Commodity Trade by its ninth session, and requests the Economic and Social Council to comment on and transmit this report to the General Assembly;
- 2. <u>Further requests</u> the Secretary-General to invite the International Monetary Fund and the Food and Agriculture Organization of the United Nations to participate in the work of the group of experts in a consultative capacity.

846th plenary meeting, 5 December 1959.

1424 (XIV). UNITED NATIONS CAPITAL DEVELOP-MENT FUND

The General Assembly,

Bearing in mind the determination expressed in the Preamble of the Charter of the United Nations to promote social progress and better standards of life in larger freedom and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Considering the economic development of the underdeveloped countries as an essential condition for promoting world peace, stability and prosperity,

Mindful that the general problem of the economic development of the under-developed countries concerns, and is of paramount importance to, both developed and under-developed countries.

Considering the importance of using United Nations machinery for financially assisting the acceleration of the economic development of the under-developed countries, especially in the field of their economic and social infrastructure, which is basic to the substantial expansion of production and to the growth of their economies,

Recognizing that the flow of international capital and assistance has not been commensurate with the magnitude, diversity and urgency of the needs of the under-developed countries,

Believing that improved economic conditions of highly developed countries will make it possible for them to provide an additional contribution towards accelerating the economic development of underdeveloped countries,

Bearing in mind the previous resolutions of the General Assembly and of the Economic and Social Council on the establishment of a United Nations capital development fund for financing the economic development of the under-developed countries.

- 1. Calls upon Member States to give further consideration to General Assembly resolutions 1317 (XIII) of 12 December 1958 and 1219 (XII), section III, of 14 December 1957 and Economic and Social Council resolution 740 (XXVIII) of 31 July 1959, and to reappraise their positions as regards extending material support for the early establishment of a United Nations capital development fund;
- 2. Requests the Secretary-General to examine, in consultation with the Governments of Member States, ways and means of making further progress towards the early establishment of a United Nations capital development fund;
- 3. <u>Invites</u> the Secretary-General to report on this matter to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session.

846th plenary meeting, 5 December 1959.

1425 (XIV). POSSIBILITIES OF INTERNATIONAL CO-OPERATION IN THE FIELD OF THE DEVELOP-MENT OF THE PETROLEUM INDUSTRY IN THE UNDER-DEVELOPED COUNTRIES

The General Assembly,

Recalling its resolution 1319 (XIII) of 12 December 1958 and Economic and Social Council resolutions

711 B (XXVII) of 17 April 1959 and 740 B (XXVIII) of 31 July 1959,

Recalling further General Assembly resolution 626 (VII) of 21 December 1952, which recognized the need for encouraging the under-developed countries in the proper use and exploitation of their natural wealth and resources,

Considering the importance to many under-developed countries of the effective development of their petroleum resources.

Recognizing that the discussions which took place during the symposium on the development of petroleum resources held in New Delhi under the auspices of the Economic Commission for Asia and the Far East, as well as those at the twenty-seventh and twenty-eighth sessions of the Economic and Social Council, showed the interest of numerous underdeveloped countries in the development of their petroleum industries.

Noting the action taken by the Economic and Social Council, at its twenty-eighth session, in inviting the Secretary-General to make available particulars of the specific ways in which programmes under the auspices of the United Nations can assist in developing petroleum supplies,

Recalling that the Secretary-General is authorized to include the question of the development of the petroleum industry in the United Nations programmes for the development of under-developed countries with regard to industrialization and energy resources,

- 1. Requests the Secretary-General to transmit to the Economic and Social Council, for its consideration, the various views expressed on this subject, including those relating to financial aspects, during the present session of the General Assembly;
- 2. Expresses the hope that the information to be supplied to the Economic and Social Council by the Secretary-General will enable the Council, as provided by its resolution 740 B (XXVIII), to determine what additional assistance to Governments is called for within the framework of the existing technical assistance and development activities of the United Nations and the specialized agencies.

846th plenary meeting, 5 December 1959.

1426 (XIV). AGRARIAN REFORM

The General Assembly,

Recalling its resolutions 401 (V) of 20 November 1950, 524 (VI) of 12 January 1952, 625 A (VII) of 21 December 1952 and 826 (IX) of 11 December 1954, and Economic and Social Council resolutions 370 (XIII) of 7 September 1951, 512 C (XVII) of 30 April 1954, 649 B (XXIII) of 2 May 1957 and 712 (XXVII) of 17 April 1959 on agrarian reform,

Recognizing the importance to certain under-developed countries of the transformation of their agrarian structure, in order:

(a) To improve land distribution, the combination of the factors of production, the mobility of labour and the technical skills of the rural population, thus raising the level of agricultural productivity,

- (b) To secure a more satisfactory distribution of agricultural income and to raise levels of consumption and saving among rural inhabitants,
- (c) To create and extend the domestic market for various industrial and agricultural products,
- (\underline{d}) To achieve the conditions necessary for industrial development, the diversification of agriculture and the balanced integration of industry with agriculture,

Noting that certain countries are at present carrying out different programmes of agrarian reform tending towards the achievement of the above-mentioned objectives,

Recalling also paragraph 3 of Economic and Social Council resolution 712 (XXVII), which requests the Secretary-General to prepare the report on the progress of land reform for the Council in 1962 along the lines of the prospectus contained in paragraph 57 of the report submitted at the twenty-seventh session, 9/ taking into consideration the sources of information listed in paragraphs 59 and 60 of the report and the views which Members may express in the Council and the General Assembly,

- 1. <u>Declares</u> that it will continue to support the programmes of agrarian reform which Member States are carrying out in conformity with the Charter of the United Nations and the resolutions of the General Assembly and of the Economic and Social Council;
- 2. Requests the Secretary-General, in consultation with the regional economic commissions, the Food and Agriculture Organization of the United Nations, and the other organs and agencies of the United Nations, as well as with the Governments of Member States:
- (a) To consider the best ways in which the United Nations can continue to give increasingly effective support to the land reform programmes put into operation by its Members;
- (b) To report to the Economic and Social Council in 1962 on possible improvements in such support, including relevant comments and analyses, and requests the Council in turn to report to the General Assembly at its seventeenth session;
- 3. Recommends that the International Bank for Reconstruction and Development give renewed attention to these programmes, in conformity with paragraph 4 of General Assembly resolution 826 (IX);
- 4. <u>Draws the attention</u> of Member States to the possibility of requesting technical assistance in carrying out their agrarian reform programmes and reiterates the hope that, in accordance with paragraph 5 of resolution 826 (IX), high priority will be given to requests for United Nations technical assistance for the purpose of studying or carrying out land reform programmes;
- 5. Expresses the hope that the Special Fund, together with any new organs which may be set up by the United Nations or any of its agencies, will, in the spirit of the present resolution and of earlier resolutions on the same subject, give as much assistance as possible, on the most favourable terms com-

9/ Official Records of the Economic and Social Council, Twenty-seventh Session, Annexes, agenda item 5, document E/3208.

patible with their resources, to projects connected with the execution of agrarian reform programmes by countries members of such organizations;

6. Further requests the Secretary-General, in consultation with the Governments of Member States and the above-mentioned organizations, to examine the results of the land reform programmes in the under-developed countries in the light of the reports submitted by Member States, and the effects which the programmes have had on the economic development of those countries, and to report to the Economic and Social Council in 1962 and to the General Assembly at its seventeenth session, along the lines of the prospectus referred to in Council resolution 712 (XXVII), formulating appropriate recommendations and observations.

846th plenary meeting, 5 December 1959.

1427 (XIV). INDUSTRIAL DEVELOPMENT BANKS AND DEVELOPMENT CORPORATIONS

The General Assembly,

Recalling its resolution 1318 (XIII) of 12 December 1958,

Taking into account the need for mobilizing additional capital for the economic development of the under-developed countries,

Noting that the thirteenth annual report of the International Bank for Reconstruction and Development (E/3198 and Add.1) reveals the useful role which industrial development banks and development corporations in the under-developed countries can play in mobilizing domestic savings as well as in encouraging the flow of foreign capital—public and private—for industrial, mining and agricultural development,

Noting further the encouraging progress that has been made in a substantial number of under-developed countries by establishing and utilizing industrial development banks and development corporations with the valuable help of the International Bank for Reconstruction and Development and a number of the Governments of Member States in providing technical and financial assistance to many such banks and corporations,

- 1. <u>Invites</u> the Governments of Member States to consider the advantages of using and encouraging industrial development banks and development corporations in accelerating their economic development;
- 2. <u>Calls upon Member States</u> with highly developed economies to co-operate with under-developed countries, as appropriate, in order to assist the formation and sound growth of industrial development banks and development corporations;
- 3. Requests the Secretary-General, in preparing his report for the Economic and Social Council, at its twenty-ninth session, requested by General Assembly resolution 1318 (XIII), to take account of the role of industrial development banks and development corporations.

846th plenary meeting, 5 December 1959.

1428 (XIV). WORLD ECONOMIC DEVELOPMENT

The General Assembly,

Considering that the long-term progress of the world presents problems of resources, requirements and production methods, affecting nations in all stages of development and calling for the widest international co-operation and action,

<u>Having regard</u> to the increasing needs of a rapidly growing world population, and its rising social and economic expectations,

Recognizing the urgent necessity of correcting economic and social imbalances existing in the world,

Noting that the growing pace of industrialization and the rapid advance of science and technology necessitate a fresh approach to the question of the demand for, and the supply of, raw materials and other means of production,

Believing that the social and economic needs of under-developed countries require a comprehensive approach to the economic problems of the world,

Noting with appreciation the various multilateral and bilateral efforts which have been made towards meeting some of the urgent needs of the underdeveloped countries,

Noting further that, under Economic and Social Council resolution 741 (XXVIII) of 31 July 1959, the Secretary-General is to report on the techniques of long-term economic projections,

- 1. <u>Believes</u> that a comprehensive, co-ordinated and continuing study of the above-mentioned problems is necessary in order that suggestions for possible international action may be considered;
- 2. Requests the Secretary-General to arrange for a preliminary investigation into the methods and techniques to be employed in carrying out such a study;
- 3. Further requests the Secretary-General to report on this matter to the Economic and Social Council at its thirtieth session and requests the Council to transmit the report, with its comments, to the General Assembly at its fifteenth session.

846th plenary meeting, 5 December 1959.

1429 (XIV). DEVELOPMENT OF SCIENTIFIC AND TECHNICAL CO-OPERATION AND EXCHANGE OF EXPERIENCE

The General Assembly,

Recalling its resolution 1301 (XIII) of 10 December 1958 on measures aimed at the implementation and promotion of peaceful and neighbourly relations among States and its resolution 1260 (XIII) of 14 November 1958 on the co-ordination of the results of scientific research, as well as Economic and Social Council resolutions 727 A (XXVIII) of 27 July 1959 and 740 C (XXVIII) of 31 July 1959 on United Nations measures for promoting the international exchange of scientific and technical experience and on the economic development of under-developed countries, respectively,

Being aware of the importance of international economic co-operation in the strengthening of peaceful relations among nations,

Recognizing the particular importance of further promotion of the mutual exchange of scientific and technical experience for economic development, and the importance of a constant rise of productivity and standards of living of the population in the entire world and particularly in the less developed countries which are in great need of such assistance,

Appreciating the efforts made and the results thus far achieved in different forms of such exchange in the organs of the United Nations, especially the regional economic commissions, and in specialized agencies,

Bearing in mind the role and activities of the United Nations Educational, Scientific and Cultural Organization in the field of scientific co-operation,

Bearing in mind also the desirability of further intensified development of such co-operation, particularly in the field of applied science and industrial technology,

- 1. Emphasizes the value of an increase in the international exchange of scientific and technical experience, and calls especially upon the economically and technically most advanced countries to help and support the less developed countries in acquiring scientific and technical knowledge that would make possible an accelerated development and an increase in living standards;
- 2. Recommends that the Governments of Member States should encourage the further exchange of scientific and technical experience among countries and support, as far as possible, international action undertaken to this end;
- 3. Requests the Secretary-General to consider, in consultation with the United Nations Educational, Scientific and Cultural Organization, other appropriate specialized agencies and the International Atomic Energy Agency, and in the light of the survey being prepared under General Assembly resolution 1260 (XIII), the possibilities of a further useful and desirable expansion of international contacts as well as an exchange of knowledge and experience in the field of applied science and technology, and the adequacy within the United Nations framework of existing machinery for technical co-operation and for the dissemination of scientific, technical and industrial know-how;
- 4. Requests the Secretary-General to report on this subject to the Economic and Social Council at its thirty-first session and to the General Assembly at its sixteenth session.

846th plenary meeting, 5 December 1959.

1430 (XIV). LATIN AMERICAN COMMON MARKET

The General Assembly,

Recalling section I of Economic and Social Council resolution 679 C (XXVI) of 10 July 1958, in which the Council considers it desirable gradually and progressively to establish a Latin American regional market on multilateral and competitive bases,

Taking note of resolution 6 (II) of 19 May 1959 of the Trade Committee of the Economic Commission

for Latin America, contained in the Committee's report approved by the Commission in its resolution 168 (VIII) of 22 May 1959, in which the Committee decided to intensify efforts conducive to the increase of economic co-operation among the countries of the region, with a view to constituting a Latin American common market,

Considering that, when the Economic and Social Council, at its twenty-eighth session, examined the report of the Economic Commission for Latin America (E/3246/Rev.2), appreciation was expressed of the part the Commission had played in preparing plans for the establishment of a common market in the region,

- 1. Expresses the hope that the common market will be organized in such a way as to help to expand and diversify trade among the Latin American countries and between them and other regions of the world, and to accelerate their national and regional economic development, with a consequent rise in the level of living of their peoples;
- 2. Expresses its appreciation of the work to this end being carried out by the Economic Commission for Latin America;
- 3. Recommends that the Economic Commission for Latin America should continue to assign high priority to the work being done in this field.

846th plenary meeting, 5 December 1959.

1431 (XIV). COMMISSION FOR INDUSTRIAL DEVELOPMENT

The General Assembly,

Recalling its resolutions 521 (VI) and 522 (VI) of 12 January 1952 and 1033 (XI) of 26 February 1957, and Economic and Social Council resolutions 461 (XV) of 23 April 1953, 560 (XIX) of 7 April 1955, 597 A (XXI) of 4 May 1956, 618 (XXII) of 6 August 1956, 649 A (XXIII) of 2 May 1957, 674 A (XXV) of 1 May 1958 and 709 (XXVII) of 17 April 1959,

Mindful of the aim expressed in the Preamble of the Charter of the United Nations to employ international machinery for the promotion of the economic and social advancement of all peoples, and of Articles 55 and 56 of the Charter,

Convinced that:

(a) The high rate of growth of population in a certain number of under-developed countries re-

quires an acceleration of the industrial development of under-developed countries so that the rate of growth of their production may attain a steadily increasing level which would overtake the rate of increase in their populations,

- (b) Industrialization will promote the diversification of the economies of under-developed countries and assure a more balanced economic and social structure and a high rate of economic development,
- (c) It is important to attain the self-sustaining stage of economic development which involves the maximum reinvestment of the increases of income,

Recognizing that instability in the foreign exchange earnings of the under-developed countries, due to fluctuations in world commodity prices and in general economic activity in the more advanced countries, makes it particularly important to encourage industrialization as an essential part of development programmes or plans,

<u>Confident</u> that the acceleration of the industrial development of under-developed countries by diversifying the economic structure of these countries will contribute to the achievement of an expanding world economy,

Considering that the process of industrial development calls for a wider dissemination of advanced technological knowledge which is not at present sufficiently available in the under-developed countries,

Noting with appreciation the activities of the United Nations regional economic commissions in the field of economic growth and industrialization in their respective regions,

Convinced of the need to expand the means of providing advice, information and assistance by the United Nations to under-developed countries in the planning and execution of their industrial development, to accelerate the process of industrialization and to keep the General Assembly informed of the pace of their industrial growth,

Recommends that, in accordance with Article 68 of the Charter of the United Nations, the Economic and Social Council, at its twenty-ninth session, give consideration to the prompt establishment of a commission for industrial development, without prejudicing the activities of the regional economic commissions in this connexion, and taking into account the views expressed during the discussion on this question at the present session of the General Assembly.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

<u>Note</u>. This check list includes all the documents mentioned during the consideration of agenda items 30 and 12 which are not reproduced in the present fascicle.

Document No.

Title

Observations and references

A/4132/Add.1

Introduction to the annual report of the Secretary-General on the work of the Organization (16 June 1958 - 15 June 1959)

Official Records of the General
Assembly, Fourteenth Session, Supplement No.1A

A/4143

Report of the Economic and Social Council (1 August 1958 - 31 July 1959)

Ibid., Supplement No.3

Document No.	Title	Observations and references
A/4211	Note by the Secretary-General transmitting to the General Assembly the analytical summary of various suggested means of accelerating economic growth in less developed countries through international action (E/3259)	Mimeographed
A/4220 (part II) and Corr.1 and Add.1-4	Report of the Secretary-General on measures taken by the Governments of Member States to further the economic development of under-developed countries in accordance with General Assembly resolution 1316 (XIII): replies from Governments	Ditto
A/C.1/L.234	Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70
A/C.2/L.422	Statement made by the Under-Secretary for Economic and Social Affairs at the 605th meeting of the Second Committee on 28 October 1959	Mimeographed; for summary see A/C.2/SR.605, paras.1 to 22
A/C.2/L.429	Strengthening and development of the world market and improvement of the trade conditions of the economically less developed countries: Bulgaria, Czechoslovakia and Poland: draft resolution	See A/4321, paras. 16 and 17
A/C.2/L.429/ Rev.1	Strengthening and development of the world market and improvement of the trade conditions of the economically less developed countries: Bulgaria, Czechoslovakia and Poland: revised draft resolution	See A/4321, para. 21
A/C.2/L.429/ Rev.2	Strengthening and development of the world market and improvement of the trade conditions of the economically less developed countries: Bulgaria, Czechoslovakia and Poland: revised draft resolution	Adopted without change. See A/ 4321, para. 114, draft resolu- tion II
A/C,2/L.431 and Add,1	United Nations capital development fund: Afghanistan, Bolivia, Burma, Cambodia, Ceylon, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Netherlands, Norway, Pakistan, Panama, Paraguay, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	<u>Idem</u> , draft resolution V
A/C.2/L.432	Possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries: Albania, Czechoslovakia and Romania: draft resolution	See A/4321, paras. 57 and 58
A/C.2/L.432/ Rev.1	Possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries: Albania, Czechoslovakia, Romania and Uruguay: revised draft resolution	See A/4321, para. 62
A/C.2/L.432/ Rev.2	Possibilities of international co-operation in the field of the development of the petroleum industry in the under-developed countries: Albania, Czechoslovakia, Romania and Uruguay: revised draft resolution	Adopted without change. See A/ 4321, para. 114, draft resolu- tion VI
A/C.2/L.434	Commission for industrial development: Bolivia, Brazil, Burma, Ceylon, Colombia, Costa Rica, Cuba, El Salvador, Federation of Malaya, France, Ghana, Haiti, India, Indonesia, Iraq, Italy, Jordan, Lebanon, Libya, Mexico, Morocco, Netherlands, Nicaragua, Pakistan, Panama, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	See A/4321, paras. 100 and 101
A/C.2/L.434/ Rev.1	Commission for industrial development: Bolivia, Brazil, Burma, Ceylon, Colombia, Costa Rica, Cuba, El Salvador, Federation of Malaya, France, Ghana, Haiti, India, Indonesia, Iraq, Italy, Jordan, Lebanon, Libya, Mexico, Morocco, Netherlands, Nicaragua, Pakistan, Panama, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia: revised draft resolution	Adopted without change. See A/4321, para. 114, draft resolution XII
A/C.2/L.435 and Add.1	Agrarian reform: Bolivia, Cuba, Mexico and Venezuela: draft resolution	Replaced by A/C.2/L.435/Rev. 1
A/C.2/L.435/ Rev.1	Agrarian reform: Bolivia, Cuba, Mexico and Venezuela: revised draft resolution	See A/4321, para. 68
A/C.2/L.436	Development of international trade and international commodity prob- lems: Argentina, Chile, France and Greece: draft resolution	See A/4321, para. 32

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Document No.	Title	Observations and references
A/C.2/L.436/	Development of international trade and international commodity prob-	See A/4321, para. 34
Rev.1	lems: Argentina, Chile, France and Greece: revised draft resolution	C 1/4004 05 and 00
A/C.2/L.436/ Rev.2	Development of international trade and international commodity prob- lems: Argentina, Chile, France and Greece: revised draft resolution	See A/4321, paras. 35 and 36
A/C.2/L.437 and Add.1 and 2	International measures to assist in offsetting fluctuations in commodity prices: Brizil, Burma, Cambodia, Ceylon, Ethiopia, Indonesia, Pakistan, United Arab Republic and Yugoslavia: draft resolution	See A/4321, paras. 43 and 44
A/C.2/L.437/ Rev.1	International measures to assist in offsetting fluctuations in commodity prices: Brazil, Burma, Cambodia, Ceylon, Ethiopia, Ghana, Indonesia, Pakistan, United Arab Republic and Yugoslavia: revised draft resolution	See A/4321, paras. 46 and 47
A/C.2/L.437/ Rev.1/Corr.1	Amendments to document A/C.2/L.437/Rev.1	See A/4321, paras. 43 and 46
A/C.2/L.438	Industrial development banks and corporations: Ceylon, Federation of Malaya, Haiti, Iran, Liberia, Mexico, Thailand, Tunisia, Turkey and United States of America: draft resolution	See A/4321, paras. 74 and 75
A/C.2/L.439 and Add.1, 2 and 4	World economic development: Austria, Bolivia, Burma, Cambodia, Ceylon, Costa Rica, Cuba, Denmark, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Norway, Netherlands, Panama, Philippines, Saudi Arabia, Sweden, Thailand, Tunisia, United Arab Republic, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	See A/4321, paras. 80 and 81
A/C.2/L.440 and Add.1	International Development Association: Denmark Greece, Italy, Japan, Netherlands, Norway, Philippines, Sudan and Sweden: draft resolution	See A/4321, para. 7
A/C.2/L.441	Development of scientific and technical co-operation and exchange of experience: Bulgaria and Czechoslovakia: draft resolution	See A/4321, paras. 86 and 87
A/C.2/L.441/ Rev.1	Development of scientific and technical co-operation and exchange of experience: Bulgaria and Czechoslovakia: revised draft resolution	See A/4321, para. 90
A/C.2/L.442 and Corr.1	Latin-American common market: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay and Venezuela: draft resolution	See A/4321, paras. 95 and 96
A/C.2/L.443	Uruguay: amendments to document A/C.2/L.432	See A/4321, para. 59
A/C.2/L.444	Uruguay: amendment to document A/C.2/L.440 and Add.1	See A/4321, para. 9
A/C.2/L.444/ Rev.1	Uruguay: revised amendment to document A/C.2/L.440 and Add.1	See A/4321, para. 10
A/C.2/L.444/ Rev.2	Uruguay: revised amendment to document A/C.2/L.440 and Add.1	See A/4321, para. 12
A/C.2/L.445	Liberia: amendments to document A/C.2/L.429	See A/4321, para. 18
A/C.2/L.446	Afghanistan, Argentina, Chile, Guatemala, Liberia and Spain: amendments to document A/C.2/L.434	See A/4321, para. 103
A/C.2/L.447	United Kingdom of Great Britain and Northern Ireland: amendments to document A/C.2/L.429	See A/4321, para. 19
A/C.2/L.447/ Rev.1	United Kingdom of Great Britain and Northern Ireland: revised amendments to document A/C.2/L.429/Rev.1	See A/4321, para. 22
A/C.2/L.448	India: amendments to document A/C.2/L.429	See A/4321, para. 20
A/C.2/L.448/ Rev.1	India: revised amendments to document A/C.2/L.429/Rev.1	See A/4321, para. 23
A/C.2/L.449	Netherlands: amendment to document A/C.2/L.436/Rev.2	See A/4321, para. 37
A/C.2/L.450	Ecuador: amendment to document A/C.2/L.436/Rev.2	See A/4321, para. 40
A/C.2/L.451	Uruguay: amendment to document A/C.2/L.437/Rev.1	See A/4321, paras. 48 and 49
A/C.2/L.452	Australia: amendments to document A/C.2/L.441	See A/4321, para. 89
A/C.2/L.454	Canada: amendment to document A/C.2/L.434	See A/4321, para. 111
A/C.2/L.455 and Add.1	Draft report of the Second Committee	Same text as A/4321
A/C.2/L.456	Ireland: amendments to document A/C.2/L.434	See A/4321, para. 107
A/C.5/777	Report of the Secretary-General	Official Records of the General Assembly, Fourteenth Ses- sion, Annexes, agenda item 44

Document No.	Title	Observations and references
E/3197	Note by the Secretary-General transmitting to the Council the report of the International Monetary Fund for the year ended 30 April 1958	Mimeographed. For the report of the Fund, see International Monetary Fund, Annual Report of the Executive Directors for the fiscal year ended April 30, 1958 (Washington, D.C.)
E/3197/Add.1 and Corr.1	Note by the Secretary-General transmitting to the Council a summary of the activities of the Fund from 1 May to 31 December 1958	Mimeographed
E/3198	Note by the Secretary-General transmitting to the Council the annual report of the International Bank for Reconstruction and Development for the fiscal year ended 30 June 1958	Mimeographed. For the report of the Bank, see International Bank for Reconstruction and Development, Thirteenth Annual Report, 1957-1958 (Washington, D.C.)
E/3198/Add.1	Note by the Secretary-General transmitting to the Council a summary of developments in the Bank from 1 July 1958 to 31 January 1959	Mimeographed
E/3225	Report of the Commission on International Commodity Trade on its seventh session	Official Records of the Eco- nomic and Social Council, Twenty-eighth Session, Sup- plement No. 6
E/3244	World Economic Survey, 1958	United Nations publication, Sales No.: 59. II. C.1
E/3258 and Corr.1-2 and Add.1-2	International co-operation for the development of under-developed countries: interim report under General Assembly resolution 1316 (XIII)	Mimeographed
E/3259	Analytical summary of various suggested means of accelerating eco- nomic growth in less developed countries through international action: report by the Secretary-General	Official Records of the Eco- nomic and Social Council, Twenty-eighth Session, An- nexes, agenda item 5
E/3260/Add.1	Programme appraisal, 1959-1964: work of the United Nations in the economic, social, human rights and related fields: note by the Secretary-General	Mimeographed
E/AC.6/L. 235	Industrialization and sources of energy: Afghanistan and Bulgaria: draft resolution	Ditto

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 31: Programme of technical assistance*

- (g) Report of the Economic and Social Council;
- (b) United Nations assistance in public administration: report of the Secretary-General;
- $\overline{(c)}$ Confirmation of the allocation of funds under the Expanded Programme of Technical Assistance

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DOCUMENTS A/4212 AND ADD.1

Document A/4212**

Technical assistance in public administration

Provision of operational, executive and administrative personnel: report of the Secretary-General

[Original text: English] [14 September 1959]

1

1. By resolution 1256 (XIII) of 14 November 1958 the General Assembly approved the launching of an experimental programme to provide a new type of technical assistance. The Secretary-General was auhorized to make available to Governments, at their request, the services of internationally recruited experts to perform duties of operational, executive or administrative character as temporary members of the public services of the countries concerned. He was also authorized to subsidize, to the extent necessary, the costs involved in the employment of such experts. The programme was to be conducted on a modest scale, without increase in administrative costs and in full co-operation with the specialized agencies. This interim report on the progress of the experiment

is submitted in compliance with the above-mentioned resolution.

Π

- 2. It will be useful at the outset to recall, briefly, the origin of the programme and the consultations and discussions which preceded its acceptance by the General Assembly.
- 3. As initially organized, the United Nations technical assistance in the field of public administration took the form of the provision of fellowships, the establishment of training centres and the appointment of experts to assist Governments in an advisory capacity. Before long, however, it became apparent that these forms of assistance did not fully meet the requirements of many of the under-developed countries, especially those which had recently acquired independence and were faced with a grave shortage of the trained personnel necessary to run their administrative machinery. For such countries advisers alone were not enough. They needed officers actually to perform the necessary operational and executive functions until local personnel could be trained sufficiently to take over. It was to meet these special needs that the Secretary-General presented to the Economic and Social Council, at its twenty-fourth session in July 1957, his proposals for the establishment of an "international administrative service".1/ As desired by the Council, the proposals were trans-

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Second Committee, 592nd to 604th, 606th to 608th, 610th and 611th meetings (item 31 (a) and (b)), 640th meeting (item 31 (c)); and ibid., Plenary Meetings, 841st meeting (item 31 (a) and (b)) and 846th meeting (item 31 (c)).

^{**}Incorporating document A/4212/Corr.1.

¹/Official Records of the Economic and Social Council, Twenty-fourth Session, Annexes, agenda item 4, document E/3017.

mitted to Member Governments and to the specialized agencies for their comments. At the twenty-sixth session of the Council in 1958, the Secretary-General presented a report analysing the comments received from fifty-seven Governments and seven specialized agencies. 2/ These comments showed that there was overwhelming support for the basic principle that technical assistance should be made available for the performance of operational and executive functions to the countries which needed assistance in this form. The Secretary-General's proposals, clarified and modified in the light of the many valuable and constructive suggestions contained in the comments received from Member Governments, were again fully discussed in the Technical Assistance Committee (TAC) and the Council, which adopted a resolution recommending the introduction of this new type of technical assistance "on a limited and experimental basis" (resolution 681 (XXVI)). The proposals were subsequently reviewed in all their aspects by the Second and Fifth Committees of the General Assembly, whose final approval was recorded in the form of resolution 1256 (XIII) already mentioned.

4. The discussions at all these stages showed that a small number of Member States thought it constitutionally improper that executive or administrative functions should be performed in any country by persons who were not nationals of that country and that a few others felt that aid in the performance of such functions might be given within the framework of the existing programmes. It was clear, however, that a great majority of the Member States were wholly in favour of separate and supplemental arrangements for giving this type of assistance.

III

- 5. Within the Secretariat, the responsibility for the experimental programme for the provision of operational, executive and administrative personnel (conveniently referred to as OPEX) was vested at first in the Technical Assistance Administration. With the Secretariat reorganization which became effective on 1 February 1959, the responsibility for the over-all policy and co-ordination was transferred to the newly created Office for Public Administration, the necessary operational and administrative support being given by the Bureau of Technical Assistance Operations in the Department of Economic and Social Affairs. In view of the importance of the programme, however, it has throughout been conducted under the direct, continuous and personal supervision of the Secretary-General.
- 6. Steps were taken immediately after the passage of General Assembly resolution 1256 (XIII) to draw the attention of the Governments participating in the technical assistance programmes to the possibility which was now open of securing qualified personnel for the discharge of operational and executive functions. The immediate response showed that there was keen and wide interest in taking advantage of the new programme and that the number of requests would far exceed the number of appointments permissible with the resources made available.
- 7. In the case of many Governments, however, the process of clarifying the full implications of the re-

- lationships between the United Nations, the requesting Governments and the officer whose services were to be supplied under the OPEX programme took a longer time than had been hoped. Personal discussions and exchange of letters were found necessary in a few cases to remove all possible doubts in the minds of the requesting Governments in regard to the interpretation of the provisions relating to the minimun privileges and immunities which were considered necessary to attract well qualified persons to accept service under the OPEX programme. Though these matters did not at any stage present any real difficulty, they did cause a certain amount of delay in the formulation and presentation of requests.
- 8. Some time-consuming correspondence also became necessary in a few cases for clarification of the requests received, for ensuring that the functions to be performed would be truly operational and executive, and for ascertaining precisely the contribution the requesting Governments were prepared to make in the form of salaries, allowances and other privileges and facilities.
- 9. Knowing that the limited scale of the OPEX programme would enable the United Nations to meet only a part of their needs for operational and executive personnel, several Governments found it necessary to review their requirements in order to select from a wide range of possibilities the requests which they should press with special emphasis. This also added to the delay in the presentation of requests.
- 10. It would, of course, have been possible to accelerate the implementation of the programme by accepting and acting upon the requests from Governments in the order in which they were received. For obvious reasons, however, the adoption of such a course would have been unfair to Governments who had had to delay the presentation of their requests for the reasons already mentioned. Indeed the Secretary-General felt bound to move slowly at first and to have a wider range of selection both among countries and among posts so as to ensure that, even at the experimental stage, the benefit of this new programme would be distributed with due regard to equity and priority of needs. The Secretary-General is confident that, even at the cost of some delay and failure to utilize in full the resources available in the current year, the care exercised by the Governments concerned in the formulation and presentation of their requests and the policy of deliberation adopted by the United Nations Secretariat will ensure that the experimental programme will have the fairest possible trial and the best possible results.

IV

11. It was apparent from the very beginning that the demand for OPEX assistance would far exceed the supply permissible at the experimental stage of the programme. This expectation was more than amply confirmed as the weeks went on and the number of requests mounted. By 10 September 1959 a total of 106 requests had been received from as many as thirty countries. It has been confirmed in several instances that many more requests would have been received but for the fact that Governments were aware that the programme had been expressly sanctioned as an experiment "on a modest scale". Some Governments, knowing that they were rather late in presenting their

^{2/}Ibid., Twenty-sixth Session, Annexes, agenda item 9, document E/3121.

requests during 1959, have expressed the hope that the requests would be met in 1960.

- 12. Somewhat more detailed information relating to the number and nature of requests received is set out in annex III. Although it was considered unnecessary and perhaps also inappropriate to mention all the countries which had asked for OPEX assistance and to specify the requests they had made, the variety and range covered by the requests cited furnish ample evidence that the need for operational and executive personnel is wide-spread, though the particular sectors in which it is most acutely felt may vary from country to country. Owing to linguistic difficulties, it is difficult sometimes to translate accurately the title and description of the post as used in the requesting country. It should be noted, however, that care has been taken in each case to ensure that the duties to be performed by the officers asked for are truly operational and description of the posts as used in the requesting taken to ensure, as contemplated by General Assembly resolution 1256 (XIII), that such duties should include the training of nationals to assume as early as possible the responsibilities temporarily assigned to the OPEX
- 13. The policy adopted in the selection of the requests to be taken up for action has already been explained in the preceding section. In effect the Secretary-General had to select from among the large number of requests received a small group of "possibles" and, out of these, a still smaller group of "probables". It was realized that some delays, difficulties or "casualties" are inevitable in the field of technical assistance recruitment. Even the OPEX programme has its share of these. For example, one OPEX officer unfortunately died soon after he had taken up his duties. In another instance the appointment did not materialize because of budgetary difficulties experienced by the Government concerned. In a third case, the officer nominated by the United Nations and accepted by the requesting Government had to decline the offer because he had, in the meantime, accepted a long-term contract under another employer. To allow for such unforeseen contingencies it was thought desirable to continue recruitment action in respect of a number of posts slightly in excess of twenty-five, but the number of appointments actually made in 1959 will not exceed that figure.
- 14. The present stage reached in the process of recruitment, nomination, acceptance and appointment in each of the cases taken up is set out in annex IV. The Secretary-General is confident that before the end of the current year the full quota of twenty-five OPEX officers will have taken up their duties in the field.
- 15. Two cognate points relating to the OPEX operations might be mentioned here. First, in approving the scheme, the General Assembly had expressly stipulated that the experimental programme should be conducted without any increase in administrative costs. The Secretary-General is happy to confirm that the operation has been conducted solely with the aid of the existing machinery and that there has been no increase in administrative costs, except in such minor matters as postage and cables. Secondly, resolution 1256 (XIII) also provided that whenever any request for OPEX assistance fell within the competence of a specialized agency, no action should be taken without prior consultation and agreement with that agency.

This provision has been strictly adhered to, and the Secretary-General would like to take this opportunity to express his warm appreciation of the co-operation and assistance extended by the specialized agencies in this respect.

v

- 16. A complete evaluation of the OPEX experiment could hardly have been possible on only a few months' experience, even if implementation of the programme had not been retarded to some extent owing to the circumstances explained earlier. Indeed even General Assembly resolution 1256 (XIII) called only for a report "on the progress" of the experiment rather than for a complete evaluation of the results. Nevertheless, some conclusions of importance have already emerged.
- 17. The fact that there is a significant need in the under-developed countries for operational and executive personnel is clearly established by the number and character of the requests received. That assistance from the United Nations to meet this need would be warmly welcomed by many Governments has also been proved. Indeed the Secretary-General regards it as unfortunate that the possibilities of meeting the expressed needs were so severely restricted.
- 18. It is also clear that the recruitment of well qualified and acceptable experts to meet requests for operational and executive assistance has not presented any serious difficulty. As regards emoluments, working conditions, privileges and immunities, the model agreement devised gives quite adequate protection to the interests of the Governments as well as the OPEX officers. Fears had been expressed in some quarters that highly qualified and competent persons might hesitate to accept assignments where they would have to work under the orders of foreign Governments and as temporary members of their public services. Experience has shown that these fears were unfounded; indeed there is some reason to believe that, to many persons, the opportunity to execute and administer the very measures which they themselves recommend would make an OPEX assignment more attractive than a purely advisory role.
- 19. The only questions which cannot as yet be answered with the full backing of experience are whether the new relationship between the internationally recruited experts and the Governments under whose orders they serve will work smoothly and effectively, and whether, apart from the fact that individual cases of maladjustments due to temperamental and other factors are likely to arise in any system, there is anything in this new relationship that may cause unforeseen difficulties. Nothing has occurred so far to give any cause for apprehension on this score. It is obvious, however, that no firm conclusion can be reached until a sufficient number of OPEX officers have worked in the field for a sufficiently long period.
- 20. In the light of these considerations the Secretary-General made the following specific suggestions at a meeting of TAC during the twenty-eighth session of the Economic and Social Council:
- (a) That the OPEX officers appointed in 1959 on contracts for one year in the first instance may, in all cases where the employing Government so desires, be retained through another year;

- (b) That some increase in the number of appointments be authorized to meet urgent requirements of Governments during 1960;
- (c) That a definitive report, with recommendations as to the future of this service, be presented by the Secretary-General to the Economic and Social Council at its summer session in 1960.
- 21. The text of the Secretary-General's statement containing these suggestions was circulated to the members of TAC and the Economic and Social Council. 3/
- 22. In the discussions in TAC, the expression of views on behalf of the members participating followed the same pattern as during the discussions, referred to in section II of this report, which preceded the approval of the experimental programme in 1958. Those who were opposed to the OPEX programme on "constitutional" grounds continued to maintain the same attitude. Those who recognized the need for operational and executive assistance but considered it unnecessary to have a separate special programme for the purpose also expressed similar views and deprecated any increase in the scope of the programme before a complete evaluation of the results of the experiment could be made. The majority of members, however, clearly approved the programme and the manner in which it was being implemented and were in favour of allowing adequate time and scope for the experiment to prove itself. A draft resolution in these terms was recommended by TAC and adopted by the Council on 30 July 1959 as resolution 739 (XXVIII).

VΙ

23. Reference may conveniently be made at this stage to the financial implications of the programme. During the discussions preceding the General Assembly's approval in 1958, it had been stated on more than one occasion on behalf of the Secretary-General that it was intended to make about twenty to twentyfive appointments during the experimental stage. Since a part of the emoluments of the OPEX officers is payable by the employing Governments, it was expected that the average financial burden on the United Nations would be of the order of \$10,000 per officer per year, and an appropriation of \$250,000 was accordingly asked for. During the discussions in the Second Committee, the Advidory Committee on Administrative and Budgetary Questions and the Fifth Committee it was pointed out by some members that the implementation of the new scheme would necessarily involve some delays in recruitment. The sum actually appropriated was therefore reduced to \$200,000. In fact, the implementation of the Programme has indeed been much slower than was expected, though to a large extent for reasons different from those which had been anticipated. Since recruitment for a number of posts is still in progress and the precise dates on which the officers recruited will take up their duties cannot be forecast, it is difficult to calculate the total sum which will be spent on the payment of salaries during 1959. Moreover, the expenditure on the provision of an OPEX officer includes in the first year the cost of travel for the officer and his dependents, which varies according to the place of origin and the

place of destination. For these reasons the Secretary-General is regretfully unable at this stage to present any firm estimate as regards the sum which will remain unspent out of the allocation of \$200,000 for the first year. It may be assumed, however, that the amount will be substantial, as more than half of the appointments will have commenced in the second half of the year and most of them in the last quarter. This fact may perhaps have created an impression in some quarters that with an appropriation of \$200,000 for the year 1960 it would be possible for the Secretary-General to make the further appointments which he considers necessary to meet urgent requirements of Governments.

24. Fortunately, it is easier to make reliable estimates of the cost of continuing, throughout the year 1960. all the OPEX officers appointed in 1959 since such employment will be for the full twelve months in each case and no variable elements of travel costs are involved. Annex V sets out a calculation in respect of the eleven cases for which reasonably firm figures are already available. The wide differences in the costs in individual cases are due to the fact that the share of the emoluments of the OPEX officers which is paid by the employing Government varies from country to country. Though this factor introduces some uncertainty in calculations based on averages, these eleven cases, among them, represent a fair sample and justify the conclusion that the United Nations cost of maintaining, through the whole of 1960, all the twentyfive OPEX experts expected to be appinted in 1959 will be significantly higher than \$200,000. Some provision will also have to be made for unforeseen demands such as medical treatment, emergency leave travel, etc. It is clear therefore that even a small increase in the size of the experiment, as asked for by the Secretary-General for meeting urgent requirements of Governments, would need a substantially increased appropriation in 1960. The Secretary-General accordingly proposes to present at the appropriate time a request for increased budgetary allocation for this purpose.

ANNEXES

Annex I

Resolution adopted by the General Assembly

1256_{*}(XIII). UNITED NATIONS TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION

[For the text of the resolution, see Official Records of the General Assembly, Thirteenth Session, Supplement No. 18].

Annex II

Resolution adopted by the Economic and Social Council

739 (XXVIII). TECHNICAL ASSISTANCE IN PUBLIC ADMINISTRATION

[For the text of the resolution, see Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 1].

 $^{3/\}underline{\text{Ibid.}}$, Twenty-eighth Session, Annexes, agenda item 7, document E/3230/Add.1.

Annex IV

Progress of recruitment of OPEX officers

1. Countries for which OPEX officers have been or are being recruited as on 14 October 1959:

> Bolivia, Burma, Ethiopia, Federation of Malaya, Guinea, Jamaica, Laos, Libya, Nepal, Panama, Paraguay, Sudan, Tunisia and Viet-Nam.

2. Progress of recruitment and appointment of OPEX officers as on 14 October 1959:			
	Post	Country of origin	Date of commencement
(<u>a</u>) O	fficers already on duty:		
(i)	General Manager, National Broadcasting Corporation	United Kingdom	1 January 1959
(ii)	Air Traffic Controller	Belgium	2 9 April 1959
(iii)	Director of Studies, National Administrative Training Centre	France	6 July 1959
(iv)	Director of Administration, Ministry of Finance	France	31 July 1959
(v)	General Manager, Tin and Tungsten Mines	U.S.A.	6 August 1959
(vi)	Economist, Ministry of Finance	United Kingdom	29 September 1959
(vii)	Chief Statistician	United Kingdom	6 October 1959
(viii)	Manager, Jute Mills	Netherlands	10 October 1959
(ix)	Manager, Industrial Development Corporation.	United States	12 October 1959
	ppointments finalized:		
	Manager, National Bank	United Kingdom	24 October 1959
(ii)	Electronics Officer, Meteorological Office	India	Not yet fixed
	andidates approved by Government, appointments	_	
	Chief, Olive Oil Bureau	France	
(11)	Legal Officer, Ministry of Foreign Affairs	Sweden	
(<u>d</u>) C	andidates submitted, awaiting government accepta	ince:	
(i)	Finance Officer, Ministry of Education		
(ii)	Director, Geological Survey		
(iii)	Director of Repairs and Maintenance of Road Gui	ilding Equipment	
(iv)	Inspector General of Administrative Affairs		
	Public Health Administrator		
	Telecommunications Engineer		
(vii)	Director of Posts and Telecommunications		
(<u>e</u>) U	nder recruitment:		
(i)	Chief of Economic Studies and Project Evaluation	n Office	
(ii)	Chief of Industrial Research and Analysis Office		
(iii)	(iii) Director of Economic Planning		

- (iv) Deputy Assistant Director, Geodetic Survey Department
- (v) Hydrological Engineer
- (vi) Engineer, Department of Water and Forests
- (vii) Technical Administrator of National Airport
- (viii) Director, Fishery Operations and Techniques

Annex III

Number and nature of OPEX requests received up to 14 October 1959

1. Regional distribution of countries from which requests have been received:

(<u>a</u>) Africa	6
(b) Asia and the Far East	9
(c) Europe and the Middle East	6
(d) Latin America (including the Caribbean area)	12
	33

- 2. Total number of requests received: 112.
- 3. Number of OPEX requests classified by fields of activity (with typical examples of posts to be manned):

	Number of requests received	Examples of posts
Agriculture and fisheries	19	Director, Animal Husbandry Division;
		Director, Fisheries Operations and Techniques
Banking and finance	4	Manager, National Bank; Secretary, Ministry of Finance
Civil aviation	2	Air Traffic Controller
Economic planning and development	17	Director of Economic Planning; Economist, Development Council
Industrial development and operation	22	Manager, Jute Mills; Manager, Tin and Tungsten Mines
Meteorology	1	Electronics Officer, Meteorologi- cal Service
Posts and telecommunications (including ra-		
dio broadcasting)	9	Director of Posts and Telecommu- nications; General Manager, National Broad- casting Corporation
Public administration	16	Director of Administration, Minis- try of Finance; Inspector General of Administra- tive Affairs
Public health	7	Public Health Administrator; Sanitary Engineer, Ministry of Health
Social security administration	1	Social Security Programme Administrator
Social welfare and community development .	5	Co-ordinator, Community Development; Director of Social Welfare
Statistics	6	Assistant Director of Statistics; Census Commissioner
Transport and communications	3	Director, Repair and Maintenance of Road Equipment
TOTAL	112	

\$

Annex V

Probable costa/to the United Nations in 1960 of the eleven continuing appointments for which reliable estimates were available by 1 September 1959

Post	U.S. dollars
No. 1	6,550
No. 2	6,750
No. 3	10,650
No. 4	10,150
No. 5	12,200
No. 6	3,650
No. 7	8,700
No. 8	9,400
No. 9	10,400
No. 10	12,250
No. 11	9,750
TOTAL	100,450

^{2/}The figures do not include any provision for possible leave or emergency travel.

Document A/4212/Add.1

Addendum

[Original text: English] [16 October 1959]

- 1. In his report to the General Assembly (A/4212)on the provision of operational, executive and administrative personnel to requesting Governments under General Assembly resolution 1256 (XIII) of 14 November 1958, the Secretary-General has referred to the recommendations presented by him to the Economic and Social Council at its twenty-eighth session that the experimental OPEX programme be continued for another year and that some increase in the number of appointments be authorized to meet urgent requirements of Governments during 1960. These recommendations were endorsed by the majority of the members of the Economic and Social Council. The object of the present document is to present a more precise picture of the budgetary requirements in 1960.
- 2. As stated in the report (A/4212, paragraph 14), recruitment operations already in hand are designed to provide the full quota of twenty-five OPEX officers before the end of 1959. Efforts are being made to reach this target, and recruitment actions now in process will result in at least twenty OPEX appointments before the end of December 1959 and five more appointments by the end of January 1960.
- 3. Under the terms of the standard agreements with recipient Member Governments for OPEX personnel, the subsidy from programme funds is intended to make up the difference between the (international) salary of

the OPEX appointee and the salary paid by the recipient Government to its own officials of corresponding rank. On the basis of experience during 1959, the average annual United Nations subsidy towards salary costs per individual is of the order of \$9,000. The travel costs of the OPEX expert and his dependents to and from the duty station and social security costs can be estimated to be of the order of \$2,000 in each case.

4. On the basis of these figures, the cost of merely continuing the twenty-five officers in the field up to the end of 1960 would amount to \$231,250 as shown below:

(a) Salary (subsidy) costs in respect of 2 officers for a full twelve months (20 × travel costs of these appointments w been met in 1959)	\$9,000; rill have	180,000
(b) Salary (subsidy) costs for eleven mor travel costs in respect of the 5 OPEX who would take up duty in January 19	officers	
1 0	\$	
Salaries $(5 \times \$8,250) \dots \dots$	41,250	
Travel etc. (5 \times \$2,000)	10,250	
Travel etc. (5 \times \$2,000)	10,000	
TOTAL	51,250	51,250
	TOTAL	231,250

- 5. The Secretary-General has included a provision of \$200,000 for the OPEX programme in his initial estimates for 1960. It will be seen from the foregoing paragraphs that this amount will not be sufficient to cover during 1960 even the twenty-five appointments already made or being processed and that it will not leave the possibility of a small increase in the scope of the experiment as recommended by the Economic and Social Council.
- 6. The Secretary-General would accordingly propose that the amount to be appropriated in 1960 for the OPEX programme should be increased to \$300,000. Taking into account possible delays in recruitment, this additional amount would enable the Secretary-General to make some ten more OPEX appointments during 1960. But, having regard to the views expressed by Member Governments in the Economic and Social Council, the Secretary-General would further suggest that the scope of the programme be determined by the actual amounts made available by the General Assembly, without a limit as to the number of appointments.
- 7. In so far as 1959 is concerned, the Secretary-General has explained that, owing in part to the policy of deliberation which it was found desirable to adopt and in part to normal recruitment delays, substantial savings in the amounts appropriated for 1959 are anticipated (A/4212, paragraph 23). By mid-October eleven OPEX officers should be in the field and on the most conservative estimate at least nine more will have taken up their posts by 31 December 1959. The actual requirements in 1959 will amount to about half of the \$200,000 appropriated.

DOCUMENT A /4269

Budget estimates of the Technical Assistance Board secretariat for 1960: report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [12 November 1959]

INTRODUCTION

1. Following the practice of recent years, the Advisory Committee on Administrative and Budgetary Questions has considered the 1960 budget estimates of the Technical Assistance Board (TAB) secretariat, which have been submitted by the Executive Chairman of TAB in document E/TAC/91. The Advisory Committee welcomes this opportunity of examining these estimates in relation to its review of the administrative budget of the Special Fund and the regular budgets of the United Nations, the specialized agencies and the International Atomic Energy Agency (IAEA), all of which have a close bearing on the administrative and financial arrangements and procedures in respect of the Expanded Programme of Technical Assistance and, therefore, of the TAB secretariat.

GENERAL COMMENTS

- 2. Over the past few years, there have been important developments in the evolution of the TAB secretariat, with particular reference to its field offices. While the basic function of TAB, under the authority of the Economic and Social Council, the Technical Assistance Committee (TAC) and the Administrative Committee on Co-ordination (ACC), is the development of a unified technical assistance programme and its co-ordination among the United Nations and the other organizations participating in the programme, there has been a gradual evolution of the practical purposes to which the TAB system of field offices and resident representatives has been applied, particularly in the past year. Thus, in addition to their basic responsibilities related to the development and integration of country programmes of technical assistance, the field offices of TAB have also been used in connexion with the regular programmes of some of the organizations, the Aid to Member States (Participation) programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the field activities of IAEA and, occasionally, for the provision of good offices on ad hoc problems in the field. During the past several months, the services of these field offices have also been employed in behalf of the activities of the Special
- 3. The developments described above raise the important question of the further evolution of the field organization of the United Nations family, particularly in respect of economic and social matters. While the existing TAB system has been utilized for various purposes, not limited to those initially envisaged for that system, the future need might be for a field organization where Expanded Programme functions would constitute only one no doubt a significant one of
- 4/ For the Advisory Committee's report on the 1960 budget estimates of the United Nations, see A/4170. The Committee's report on the 1960 budgets of the specialized agencies and the IAEA (A/4257) appears in the annex fascicle relating to agenda item 49. The Committee will report separately on the 1960 administrative budget of the Special Fund.

- several responsibilities. The Advisory Committee has previously drawn attention in this regard to the fact that questions of field organization and arrangements would be a major preoccupation of the United Nations and the agencies in the next few years and to the inadvisability of seeking to meet the field needs of different organizations and programmes through a multiplicity of networks of field offices. 5/In addition to being uneconomical, such a multiplicity of field structures would tend to present a confusing picture of the United Nations system which is, and should be, a united effort towards common and interrelated objectives.
- 4. The Advisory Committee is happy to learn, therefore, that these questions are already engaging the attention of the Secretary-General of the United Nations and the executive heads of the other organizations in the system, and that, as a first step, TAB is undertaking for ACC a factual study of the structure and present responsibilities of the TAB field offices. The Advisory Committee will follow this study with interest; the Committee hopes too that ACC will arrange for similar studies of other existing field structures with a view to the gradual development of more integrated arrangements and organization reflecting the over-all needs of all field programmes.
- 5. Attention might be invited in this context to a subsidiary problem, namely, that of making the most appropriate and economical physical arrangements for the housing and servicing of field offices. The Advisory Committee has touched on this matter in its report on the 1960 budget estimates of the United Nations (see A/4170, paragraphs 71 74).

BUDGETARY SITUATION IN 1959

6. The Advisory Committee is informed that the increase in the responsibilities and work-load of the TAB field offices has resulted in a strain on the existing resources and facilities of those offices and in a tight budgetary situation in the current year. The Committee understands further that certain special steps, such as a more restrictive use of funds provided for travel, supplies and equipment, have been taken in an attempt to meet other essential requirements within the present budget authorization. Nevertheless, as at 30 September 1959, obligations under part I (Headquarters secretariat) and part II (Other joint administrative costs) amounted to \$515,472 against an approved budget of \$531,000 for the whole year; at the same date, obligations under part III (Field offices) totalled 1,026,903,6 against an approved budget of 1,461,300for the whole year.

ESTIMATES FOR 1960

- 7. The total of the estimates proposed for 1960 amounts to \$2,221,100 (net of staff assessment), an
- 5/See annex fascicle relating to agenda item 49, document A/4172, para. 44.
- $\underline{6}$ /Because of the lag in processing field accounts, this figure may be less than the true amount of obligations at 30 September 1959.

increase of \$228,800 over the amount approved for 1959, of which \$150,000 is to be met by a subvention from the Special Fund. Of the total increase, \$200,500 relates to field offices; similarly, the whole of the Special Fund subvention arises in connexion with field offices. The Advisory Committee understands that the major part of the increase in the estimates is a reflection partly of the additional work-load of existing field offices and partly of the need for new field offices.

8. The comments below are given under the three parts which make up the total estimates.

Part I. Headquarters secretariat

- 9. The estimates under part I for the Headquarters secretariat amount to a total of \$523,000 on a net basis, representing an increase of some \$25,000 \$19,000 under established posts and \$6,000 under common staff costs over the 1959 provision. While the number of established posts remains the same as in 1959 (20 in the Professional and higher categories and 28 in the General Service category), the increase of \$19,000 in the monetary provision under that account is due in the main to a decrease in the deduction for turnover of staff, 7/ within-grade increments and the increase in the post adjustment 8/ for Professional and higher-level staff in New York.
- 10. The estimates do not take account of the further adjustment in the salaries of General Service staff in New York. 9/The Advisory Committee trusts, however, that the relatively small additional requirement for this purpose in the TAB secretariat will be met from the provision included in these estimates.

Part II. Other joint administrative costs

11. The Advisory Committee does not desire to offer comment on the estimate of \$36,300 (net) under part II in respect of other joint administrative costs.

Part III. Field offices

- 12. The 1960 estimates under part III for field offices amount to \$1,661,800 (net of staff assessment), or an increase of \$200,500 over the 1959 provision. Of this increase, an amount of \$150,000 is to be financed by a subvention from the administrative budget of the Special Fund.
- 13. The manning table proposed for 1960 is compared, by categories of staff, with that approved for 1959 in the following table at right.
- 14. The Advisory Committee understands that the substantial increase in the number of local staff reflects in large part the tendency of host Governments, encouraged by the secretariat, to provide lump-sum grants towards the costs of field offices, in lieu of furnishing local staff in kind. In these circumstances, the increase in the number of such staff shown on the TAB manning table results essentially from the manner

	1960	1959
International staff		
Director (D-2)	13	9
Principal Officer (D-1)	14	14
Professional (P-5 to P-1)	33	26
General Service	23	<u>24</u>
Sub-total	83	73
Local staff		
Professional	7	7
General Service	343	160
Sub-total	350	167
GRAND TOTAL	433	240

of presentation and does not give rise to a proportionate increase in the net cost to TAB after account is taken of the additional cash contributions from the host Governments.

- 15. Among the other factors contributing to the increase reflected in the above table is the proposed opening of six new offices 10/ which account for nine international and seventeen local staff members.
- 16. As to the four additional posts at the Director (D-2) level, the Advisory Committee is informed that two of those posts relate to new offices while the other two result from reclassifications, three upward and one downward. The Committee is not entirely satisfied that there have been developments relating to the programme in the past year which would justify increasing the number of posts at the highest level in the field service of TAB from nine to thirteen, especially at a time when the whole field apparatus is under study.
- 17. The increase of some \$156,000 in the net money provision for established posts, as between 1959 and 1960, would appear to be accounted for mainly by the additional posts for the new offices and the other adjustments mentioned above, within-grade increments and the fact that the adjustment for turnover of staff is set at slightly more than 3 per cent in the 1960 estimates, as compared with some 4.5 per cent in the 1959 budget.
- 18. As to the monetary provision for other items of costs under part III, the Advisory Committee, while recognizing that the estimates reflect the increased work-load in the field offices (see paragraph 2 above), and without suggesting a formal reduction in the provision requested, believes that some savings would prove possible under such headings as supplies and materials, property and equipment, and contractual and other services.
- 19. The Advisory Committee notes with interest that, according to present forecasts, contributions from host Governments, in cash and by way of local staff and other facilities, 11/2 towards the cost of TAB field offices are estimated at a total amount of \$650,950 in 1960 as compared with \$558,750 in 1959. The Committee hopes that such contributions will increase further so that the maximum possible re-

 $[\]mathcal{U}$ The 1959 budget, with three new posts, reflected a deduction of 6 per cent; with all posts filled at the present time, a deduction of slightly more than 3 per cent is applied in the 1960 estimates.

^{§/}The New York post adjustment was increased from class
5 to class 6, effective 1 January 1959.

^{2/}See annex fascicle relating to agenda item 44, document A/C.5/794.

^{10/}Guinea, Nigeria, Republic of Korea, Saudi Arabia, Somalia and United Arab Republic (Syrian Region).

 $[\]underline{11}$ /An estimated monetary value is placed on staff and services provided in kind, and is included in the figures of contributions shown.

sources of the programme may be devoted to direct assistance.

- 20. The arrangement under which host Governments make cash contributions towards the local costs of TAB field offices presents special administrative problems to those officers in connexion with the receipt, disbursement and accounting of the related funds. Somewhat similar problems also arise in respect of the "trust funds" arrangements for the provision of technical assistance against payment. The Advisory Committee has inquired into this matter and finds that, while present procedures and controls are generally satisfactory, they require continuing attention and improvement. The Committee would recall here an earlier comment $\frac{12}{}$ in regard to the unadvisability of incurring obligations against such trust funds before sufficient contributions have been received.
- 21. As regards the proposed subvention of \$150,000 from the Special Fund budget, the Advisory Committee understands that, on the basis of a recent survey of the proportion of time and effort devoted by TAB field offices to Special Fund work, the proposed amount would represent a minimum contribution in 1960. The impact of Special Fund activities on the work-load of TAB field offices may be expected to increase for some time, although it is difficult now to forecast the degree of participation of TAB field offices in the supervision and evaluation of projects during their actual execution. The Advisory Committee would agree that it is not essential at this stage to undertake what would be a

 $\frac{12}{\text{See}}$ annex fascicle relating to agenda item 42, document A/4153, para. 6.

costly and time-consuming determination of the precise amount of work performed by TAB field offices for the Special Fund.

22. In the light of the foregoing observations, the Advisory Committee would suggest that TAC might wish to approve the 1960 estimates of the TAB secretariat as submitted. In this connexion, the special attention of the Executive Chairman of TAB might be drawn to the comments in paragraphs 10, 16, 18 and 20 above, should TAC concur in those comments.

OTHER MATTERS

23. The Advisory Committee has inquired into the probable effect on the sork-load of the TAB secretariat, both at Headquarters and in the field, of the procedure for two-year programming, which has been adopted by the Economic and Social Council on an experimental basis (resolution 735 (XXVIII)). The Committee understands that while there would be a significant increase in the work-load in the programming year (1960) as a result of the need to cover the two succeeding years, the first year of the programme period (1961) might reflect a slackening of work. On the other hand, under two-year programming, more changes and modifications might become necessary in the programme after its approval. giving rise to additional work on that account. The experience of the next two years would need to be watched and studied closely before any firm conclusions could be drawn as to the administrative and budgetary consequences of the new procedures. It should be emphasized however that, regardless of this considerations, there is adequate need for longerterm programming such as the two-year arrangement.

DOCUMENT A /4287

Report of the Second Committee

[Original text: English] [18 November 1959]

- 1. The General Assembly, at its 803rd plenary meeting on 22 September 1959, allocated to the Second Committee item 31 of its agenda, entitled:
 - "Programmes of technical assistance:
 - "(a) Report of the Economic and Social Council;
 - "(b) United Nations assistance in public administration: report of the Secretary-General;
 - "(c) Confirmation of the allocation of funds under the Expanded Programme of Technical Assistance".
- 2. The present report is concerned with agenda item 31 (\underline{a}) and (\underline{b}) .
- 3. The Committee had before it the report of the Economic and Social Council (A/4143), chapter III, sections X to XII, and a report by the Secretary-General (A/4212 and Add.1) on technical assistance in public administration. It also received the following draft resolution and amendments:

Under item 31 (a)

(1) Draft resolution submitted by Afghanistan, Argentina, Brazil, Canada, Ceylon, France, Ghana, Haiti, Italy, Liberia, the Netherlands, New Zealand, Pakistan, the Philippines, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia (A/C.2/L.413, A/C.2/L.413/Rev.1);

Amendments to the above draft resolution or revised draft resolution submitted by Bulgaria and the Byelorussian Soviet Socialist Republic (A/C.2/L.416); by Burma, Cuba, Libya, Mexico, Morocco and Venezuela (A/C.2/L.418, A/C.2/L.418/Rev.1); by Greece (A/C.2/L.419); and by Cuba (A/C.2/L.424); and a sub-amendment by the United Kingdom of Great Britain and Northern Ireland (A/C.2/L.421) to the amendment submitted by Bulgaria and the Byelorussian SSR (A/C.2/L.416).

(2) Draft resolution submitted by Australia, Burma, Ethiopia, the Federation of Malaya, Mexico, Norway and Pakistan (A/C.2/L.415):

Amendments submitted by France (A/C.2/L.420, A/C.2/L.420/Rev.1) to the above draft resolution.

Under item 31 (b)

(3) Draft resolution submitted by Afghanistan, Nepal, Panama and the Sudan (A/C.2/L.414, A/C.2/L.414/Rev.1);

Amendments to the above draft resolution or revised draft resolution submitted by the Ukrainian Soviet Socialist Republic (A/C.2/L.417); by Japan (A/C.2/L.423/; by Argentina, Costa Rica, Ecuador, El Salvador, Guatemala,

Haiti, Spain, the United Arab Republic and Uruguay (A/C.2/L.425); by Brazil and France (A/C.2/L.426); by Argentina (A/C.2/L.427); and by the United Arab Republic (A/C.2/L.428).

- 4. The Committee devoted eighteen meetings (592nd to 604th, 606th to 608th, 610th and 611th meetings) to the examination of item 31 (a) and (b). The first ten meetings were devoted to the general debate, in which sixty-seven delegations took part. At the 592nd meeting, the Executive Chairman of the Technical Assistance Board and the Commissioner for Technical Assistance made statements (distributed as documents A/C.2/L.410 and A/C.2/L.411); the Director of the Office for Public Administration made a statement at the 593rd meeting.
- I. EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE
- 5. The draft resolution submitted by Afghanistan, Argentina, Brazil, Canada, Ceylon, France, Ghana, Haiti, Liberia, the Netherlands, New Zealand, Pakistan, the Philippines, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia (A/C.2/L.413) was received by the Committee at its 601st meeting; Italy joined the sponsors at the 604th meeting.
 - 6. The draft resolution read as follows:
 - "The General Assembly,
 - "Taking note of chapter III, section XII, of the report of the Economic and Social Council (A/4143),
 - "Recalling General Assembly resolution 1255 A (XIII) and Economic and Social Council resolutions 222 (IX), 542 B (XVIII), 734 (XXVIII), 735 (XXVIII), 736 (XXVIII) and 737 (XXVIII),
 - "Bearing in mind that the year 1959 marks the tenth anniversary of the establishment of the Expanded Programme of Technical Assistance,
 - "Believing that the Expanded Programme has an important and urgent role to play in the United Nations efforts for the economic and social development of under-developed countries,
 - "Noting with satisfaction the results achieved by the Expanded Programme during its first ten years,
 - "Noting with appreciation that at the Pledging Conference on 8 October 1959 a number of countries expressed their intention of increasing their contributions for 1960,
 - "Regretting, however, that the resources at present envisaged for 1960 are not sufficient even to maintain the present level of operations,
 - "1. Commends the Executive Chairman and the members of the Technical Assistance Board for the effective manner in which the Expanded Programme of Technical Assistance is being executed;
 - "2. Takes note of the appraisal made by the Economic and Social Council and its Technical Assistance Committee, together with the Technical Assistance Board and the participating organizations, of administrative arrangements which have the purpose of achieving increased efficiency in the operations of the Expanded Programme;

- "3. Notes also the decision taken by the Economic and Social Council in its resolution 735 (XXVIII) to provide greater flexibility and longer range planning in country programming procedures;
- "4. Affirms the desirability of continuing to endeavour to make the fullest possible use of all available contributions consistent with the existing principles and procedures of the Expanded Programme;
- "5. Expresses the hope that Governments will continue to support the Expanded Programme of Technical Assistance and will so contribute to the Programme that increasing resources will be available:
- (a) To undertake and execute on a sustained basis the tasks laid upon it;
- (b) To devote urgent attention to the compelling needs of newly independent countries and countries in a similar economic and social condition without prejudice to the possibility of further assistance to other under-developed countries."
- 7. The Committee discussed this draft resolution at its 602nd, 603rd, 604th and 606th meetings.
- 8. At the 602nd meeting, Bulgaria and the Byelorussian Soviet Socialist Republic submitted an amendment (A/C.2/L.416) by which, in operative paragraph 5, the words "Governments will continue to support the Expanded Programme of Technical Assistance" would be replaced by the words "all States desiring to participate in the Expanded Programme of Technical Assistance will support it". This amendment was discussed at that meeting and at succeeding meetings (see paragraphs 13-18, below).
- 9. At the 603rd meeting, Burma, Cuba, Libya, Mexico, Morocco and Venezuela submitted amendments (A/C.2/L.418) by which:
- (a) After the fifth preambular paragraph, the following two paragraphs would be inserted:
 - "Noting that, in order to ensure more ample and effective results in the future, it would be desirable to obtain larger contributions from participating countries, particularly from those which are highly industrialized,
 - "Believing also that industrial projects and those designed to change the agricultural pattern have an important role to play in the economic development of the under-developed countries";
- (b) In operative paragraph 5, the words "especially the Governments of the highly industrialized countries" would be inserted before the words "will so contribute";
- (c) After sub-paragraph (a) of operative paragraph 5 a new sub-paragraph (b) would be inserted, reading as follows:
 - "To devote the largest possible proportion of the available funds to projects designed to develop and change the pattern of industry and agriculture".
- 10. Also at the 603rd meeting, Greece submitted an amendment (A/C.2/L.419) according to which the draft resolution in document A/C.2/L.413 would become part A and the following new text would be added as part B:
 - "The General Assembly,

- "Noting that the technical assistance programmes of the United Nations after ten years of operation have become, thanks to the constantly increasing number of countries actively participating in their execution, programmes of international technical co-operation,
- "1. Considers that, in the present circumstances, the term 'technical co-operation' would more accurately describe the nature of the assistance provided by the United Nations and the specialized agencies under the technical assistance programmes;
- "2. Expresses the wish that the term 'technical assistance' may be replaced by the term 'technical co-operation' to designate both the regular programme of technical assistance and the Expanded Programme of Technical Assistance, and requests the Economic and Social Council to consider the possibility of such a change and to report thereon to the General Assembly at its fifteenth session."
- 11. At the 604th meeting, the sponsors of the six-Power amendments agreed to revise their amendments as follows (A/C.2/L.418/Rev.1):
- (a) After the fifth preambular paragraph, the following two paragraphs would be added:

"Noting that, in order to ensure more ample and effective results in the future, it would be desirable to obtain larger contributions from the participating countries.

- "Believing that industrialization and agricultural development are among the most important aims of the under-developed countries, and that countries in this process of development need increasing technical assistance";
- (b) The introductory clause of operative paragraph 5 would be revised to read as follows:
 - "Expresses the hope that Governments will, in accordance with their financial possibilities, continue to support the Expanded Programme of Technical Assistance and so contribute to the Programme that increasing resources will be available".
- 12. The sponsors of the eighteen-Power draft resolution accepted the revised six-Power amendments (A/C.2/L.418/Rev.1) and the amendment submitted by Greece (A/C.2/L.419). The revised text of the draft resolution was circulated as document A/C.2/L.413/Rev.1.
- 13. With regard to the amendment submitted by Bulgaria and the Byelorussian SSR (A/C.2/L.416), the United Kingdom of Great Britain and Northern Ireland submitted a sub-amendment (A/C.2/L.421) which would insert the word "eligible" so that the proposed amendment would read: "all eligible States desiring to participate in the Expanded Programme of Technical Assistance will support it".
- 14. The representative of Cuba proposed orally that the amendment might be modified to read as follows:
 - "all States which, in accordance with the principles enunciated in the Preamble and Chapter IX of the Charter, in particular Article 55, are able to participate in the Expanded Programme of Technical Assistance, will support it".

- The representative of Cuba later withdrew his oral amendment in response to a statement by the representative of Yugoslavia that the ideas expressed in the amendment submitted by Bulgaria and the Byelorussian SSR and in the United Kingdom sub-amendment were implied in the original text of the eighteen-Power draft resolution.
- 15. At the 606th meeting, the representative of the United Kingdom withdrew his delegation's sub-amendment (A/C.2/L.421). Cuba submitted a new amendment (A/C.2/L.424), which would reword the introductory clause of operative paragraph 5 as follows:
 - "Expresses the hope that all States which, in a manner compatible with the principles and procedures governing the Expanded Programme of Technical Assistance, are able to participate in the Programme will support it, and that likewise all participating countries will support the Programme in accordance with their financial possibilities and will so contribute to the Programme that increasing resources will be available".
- 16. The representative of Iraq proposed the following alternative text for the introductory clause of operative paragraph 5 of the eighteen-Power draft resolution:
 - "Expresses the hope that financial support for the Expanded Programme of Technical Assistance will continue to be forthcoming so as to make increasing resources available:".
- 17. Although the sponsors of the draft resolution would have accepted either of the alternative amendments by Cuba and Iraq, they preferred to retain their own text (A/C.2/L.413/Rev.1) since Bulgaria and the Byelorussian SSR were maintaining their amendment (A/C.2/L.416). The amendments by Cuba and Iraq were then withdrawn.
- 18. The Committee voted at its 606th meeting on the amendment submitted by Bulgaria and the Byelorussian SSR (A/C.2/L.416) and on the revised eighteen-Power draft resolution (A/C.2/L.413/Rev.1), as follows:

The amendment was rejected by 34 votes to 10, with 30 abstentions.

Operative paragraph 5 of the draft resolution, which was voted upon separately at the request of Poland, was adopted by 61 votes to none, with 11 abstentions.

The Committee then unanimously adopted parts A and B of the draft resolution.

- 19. The Committee therefore recommends to the General Assembly the adoption of draft resolution I (see paragraph 40 below).
- II. UNITED NATIONS REGULAR PROGRAMME OF TECHNICAL ASSISTANCE
- 20. The draft resolution submitted by Australia, Burma, Ethiopia, the Federation of Malaya, Mexico, Norway and Pakistan (A/C.2/L.415) was received by the Committee at its 601st meeting. It provided that the General Assembly, having considered chapter III, section X, of the report of the Economic and Social Council (A/4143), would note with appreciation the activities of the Secretary-General under the United Nations regular programme of technical assistance.

- 21. At the 603rd meeting, France submitted an amendment (A/C.2/L.420) which would add to the draft resolution a second operative paragraph, reading as follows:
 - "Approves the measures taken by the Secretary-General and announced on his behalf by the Commissioner for Technical Assistance with a view to facilitating consideration of the United Nations regular programme by the Technical Assistance Committee."
- 22. At the 606th meeting, France submitted revised amendments (A/C.2/L.420/Rev.1), which would:
 - (a) Add the following paragraph to the preamble: "Recalling its resolution 200 (III),"
 - (b) Add the following paragraph to the operative part:
 - "Notes also the measures taken by the Secretary-General and announced on his behalf by the Commissioner for Technical Assistance with a view to facilitating the consideration of the regular programme by the Economic and Social Council and its Technical Assistance Committee".
- 23. At the 607th meeting, the Committee adopted the French amendments (A/C.2/L.420/Rev.1), by 66 votes to none, with 9 abstentions.
- 24. The Committee then voted as follows on the seven-Power draft resolution (A/C.2/L.415), as amended:

Operative paragraph 1, on which a separate vote was taken at the request of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic, was adopted by 68 votes to none, with 7 abstentions.

The draft resolution as a whole, as amended, was adopted unanimously.

25. The Committee therefore recommends to the General Assembly the adoption of draft resolution II (see paragraph 40 below).

III. UNITED NATIONS ASSISTANCE IN PUBLIC AD-MINISTRATION

- 26. The draft resolution submitted by Afghanistan, Nepal, Panama and the Sudan (A/C.2/L.414) was received by the Committee at its 601st meeting. It read as follows:
 - "The General Assembly,
 - "Recalling its resolution 1256 (XIII),
 - "Taking note of Economic and Social Council resolution 739 (XXVIII),
 - "Recognizing that the time that has elapsed since the establishment of the experimental programme for the provision of operational, executive and administrative personnel to Governments requesting assistance in this form has been too brief, and the range of the experimental has been too narrow to draw final conclusions,
 - "1, Resolves that the experimental programme started in 1959 should be continued on the basis of General Assembly resolution 1256 (XIII) and that the Secretary-General should be allowed adequate scope in the carrying out of the experiment within

- the limits of the resources to be made available for 1960;
- "2. Requests the Secretary-General to present to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session a report analysing in detail the progress and results of the experiment together with recommendations based thereon."
- 27. The Committee discussed this draft resolution at its 602nd, 607th, 608th, 610th and 611th meetings.
- 28. At the 602nd meeting the Ukrainian Soviet Socialist Republic submitted an amendment (A/C.2/L.417) whereby the following words in operative paragraph 1: "and that the Secretary-General should be allowed adequate scope in the carrying out of the experiment within the limits of the resources to be made available for 1960", would be replaced by the words: "within the limits of the resources made available for this purpose for 1959".
- 29. At the 606th meeting, additional amendments to this draft resolution were submitted:
- (a) An amendment by Japan (A/C.2/L.423) which would insert the words "and including whatever comments the recipient Governments may wish to make," after the word "experiment" in operative paragraph 2;
- (b) Amendments by Argentina, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Spain, the United Arab Republic and Uruguay (A/C.2/L.425), which would:
- (i) Insert the following paragraph after the last paragraph of the preamble:
 - "Recalling that several Member States have centres and institutes for training in public administration, created or expanded with the technical assistance of the United Nations";
- (ii) Insert the following new paragraph as operative paragraph 2:
 - "Recommends that, in the recruitment of officials under this programme, the Secretary-General make use, as much as possible, of the services rendered by the above-mentioned centres and institutes for training in public administration".
- 30. Further amendments to this draft resolution were submitted at the 607th meeting:
- (a) Amendments by Brazil and France (A/C.2/L.426), which would:
- (i) Replace the third preambular paragraph by the following text:
 - "Recognizing that only a very small number of qualified persons are at present in service pursuant to resolution 1256 (XIII), that none of them has as yet completed his mission and that, for these reasons, the range of the experiment has thus far been too narrow to justify drawing final conclusions";
- (ii) Add, in operative paragraph 1, the words "in 1960" after the words "should be continued", and delete the last part of the paragraph beginning with the words "and that the Secretary-General should be allowed...";
- (iii) Delete, in operative paragraph 2, the words "progress and".

- (b) Amendments by Argentina (A/C.2/L.427), which would:
- (i) Add the following paragraph at the end of the preamble:

"Noting that the resources made available for the United Nations regular programme of technical assistance and the Expanded Programme of Technical Assistance are insufficient to meet the needs reflected in the requests submitted";

(ii) Replace operative paragraph 1 by the following. text:

"Decides that the experimental programme established by resolution 1256 (XIII) shall be continued for a further year, on a payment basis, the cost of the assistance being borne by the requesting States".

- 31. The United Arab Republic submitted an amendment (A/C.2/L.428) at the 608th meeting which would insert, in operative paragraph 2, after the word "experiment" the following phrase: "and in particular the degree of success achieved in the training of nationals to assume as early as possible the responsibilities temporarily assigned to the internationally recruited staff".
- 32. At the 610th meeting, the sponsors of the draft resolution accepted the amendments submitted by Japan (A/C.2/L.423) and by the United Arab Republic (A/C.2/L.428); they also accepted, with the following modifications, the amendments submitted by Argentina, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Spain, the United Arab Republic and Uruguay (A/C.2/L.425) which would add a final preambular paragraph and a new operative paragraph as paragraph 2:
- (a) In the final preambular paragraph, the words "some of which have been" were inserted after the words "for training in public administration,";
- (b) The new operative paragraph 2 was revised to read as follows:
 - "2. Recommends that, in suggesting to recipient Governments the appointments of qualified officials under the programme, the Secretary-General should make use of all available resources and, as much as possible, of the experts who have been trained in the above-mentioned centres and institutes for public administration".
- 33. The revised four-Power draft resolution (A/C.2/L.414/Rev.1) read as follows:
 - "The General Assembly,
 - "Recalling its resolution 1256 (XIII),
 - "Taking note of Economic and Social Council resolution 739 (XXVIII),

"Recognizing that the time that has elapsed since the establishment of the experimental programme for the provision of operational, executive and administrative personnel to Governments requesting assistance in this form has been too brief, and the range of the experiment has been too narrow to draw final conclusions,

"Recalling that several Member States have centres and institutes for training in public administration, some of which have been created or

- expanded with the technical assistance of the United Nations,
- "1. Resolves that the experimental programme started in 1959 should be continued on the basis of General Assembly resolution 1256 (XIII) and that the Secretary-General should be allowed adequate scope in the carrying out of the experiment within the limits of the resources to be made available for 1960;
- "2. Recommends that, in suggesting to recipient Governments the appointments of qualified officials under the programme, the Secretary-General should make use of all available resources and, as much as possible, of the experts who have been trained in the above-mentioned centres and institutes for public administration;
- "3. Requests the Secretary-General to present to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session a report analysing in detail the progress and results of the experiment, including whatever comments the recipient Governments may wish to make, and in particular the degree of success achieved in the training of nationals to assume as early as possible the responsibilities temporarily assigned to the internationally recruited staff, together with recommendations based on this report."
- 34. The representative of Argentina stated that, in the light of the discussion, he wished to withdraw his delegation's amendment (A/C.2/L.427).
- 35. At the 611th meeting, the representative of the Ukrainian SSR withdrew his delegation's amendment (A/C.2/L.417), stating that he would abstain in the voting on the draft resolution.
- 36. At the same meeting, the representatives of Brazil and France modified their amendments (A/C.2/L.426), of which the following were accepted by the sponsors:
- (a) In the third preambular paragraph, replace the words "experimental programme" by the word "experiment", and the words "draw final conclusions" by the words "justify drawing final conclusions";
- (b) Add the words "in 1960" after the words "be continued" in operative paragraph 1.
- 37. In view of the acceptance by the sponsors of the draft resolution of the addition of the words "in 1960" in operative paragraph 1, the representatives of Brazil and France withdrew their amendment to operative paragraph 3, formerly operative paragraph 2 (see paragraph 30 above). They maintained, however, two other amendments as follows:
- (a) A revised amendment to the third preambular paragraph which would insert the words "that, for this reason," after the words "has been too brief, and";
- (b) Their amendment (see paragraph 30) whereby the last part of operative paragraph 1, beginning with the words "and that the Secretary-General should be allowed...", would be deleted.
- 38. The Committee voted at its 611th meeting on the two remaining amendments submitted by Brazil and

France and on the revised four-Power draft resolution (A/C.2/L.414/Rev.1), as amended, as follows:

The Committee adopted the first amendment by 25 votes to 24, with 28 abstentions.

The Committee rejected the second amendment by 43 votes to 27, with 9 abstentions.

The Committee adopted the draft resolution, as amended, by 61 votes to none, with 18 abstentions.

39. The Committee therefore recommends to the General Assembly the adoption of draft resolution III (see paragraph 40 below).

Recommendation of the Second Committee

40. The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

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EXPANDED PROGRAMME OF TECHNICAL ASSIST-

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

П

UNITED NATIONS REGULAR PROGRAMME OF TECHNICAL ASSISTANCE

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Ш

UNITED NATIONS ASSISTANCE IN PUBLIC ADMINISTRATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

DOCUMENT A /4288

Letter dated 19 November 1959 from the Chairman of the Fifth Committee to the President of the General Assembly

[Original text: English] [19 November 1959]

- 1. At its 745th and 746th meetings, held on 17 and 18 November 1959, the Fifth Committee considered, in connexion with the first reading of the budget estimates for 1960, 13/the provision to be made under chapter II of section 19 (Public administration) for operational, executive and administrative personnel under General Assembly resolution 1256 (XIII) of 14 November 1958. When it considered this question, the Committee was also apprised of the relevant draft resolution (A/4287, draft resolution III) adopted by the Second Committee at its 611th meeting under agenda item 31 (b).
- 2. The Committee decided, by 26 votes to 19, with 20 abstentions, to include under chapter II of section 19 for 1960, subject to the adoption of the draft resolution submitted by the Second Committee, a provision
- 13/Official Records of the General Assembly, Fourteenth Session, Supplement No. 5.

- of \$300,000. By 36 votes to none, with 28 abstentions, the Committee also approved in first reading, and subject to the adoption of the draft resolution submitted by the Second Committee, a total provision under section 19 for 1960 in the amount of \$600,000, comprising \$300,000 under chapter I and \$300,000 under chapter II.
- 3. It was understood that I would notify you of this action so that the General Assembly could be informed thereof in connexion with its consideration of the draft resolution submitted by the Second Committee. The report of the Fifth Committee on the budget estimates for $1960\frac{14}{}$ will reflect the discussion in the Fifth Committee on this matter.

(Signed) Jiří NOSEK Chairman of the Fifth Committee

DOCUMENT A /4322*

Report of the Second Committee

[Original text: English] [3 December 1959]

- 1. The General Assembly, at its 803rd plenary meeting on 22 September 1959, allocated to the Second Committee item 31 of its agenda, entitled:
 - "Programmes of technical assistance:
 - "(a) Report of the Economic and Social Council;
 - "(b) United Nations assistance in public administration: report of the Secretary-General;
- "(c) Confirmation of allocation of funds under the Expanded Programme of Technical Assistance".
- 2. As regards item 31 (c), 15/according to General Assembly resolution 831 (IX), section B, 16/the alloca-

 $[\]frac{14}{\text{See}}$ annex fascicle relating to agenda item 44, document A/4336, paras. 52-59.

^{*}Incorporating document A/4322/Corr.1.

^{15/}For the report of the Second Committee on item 31 (a) and (b), see document A/4287 above.

¹⁶/See paragraph (b) (v) of annex III to the resolution.

tion of funds authorized by the Technical Assistance Committee (TAC) to the organizations participating in the Expanded Programme of Technical Assistance is subject to confirmation by the General Assembly. In the light of this requirement, the Second Committee took the following action at its 640th meeting on 2 December 1959.

- 3. The Committee had before it a memorandum by the Secretary-General (A/C.2/204) containing the text of the draft resolution which TAC, at its 205th meeting on 27 November 1959, had requested should be transmitted to the General Assembly.
- 4. On the Chairman's suggestion, the Second Committee decided to approve without voting the following

draft resolution recommended by TAC and transmit it to the General Assembly for final adoption.

Recommendation of the Second Committee

5. The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

CONFIRMATION OF THE ALLOCATION OF FUNDS FOR THE EXPANDED PROGRAMME OF TECH-NICAL ASSISTANCE IN 1960

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted draft resolutions I, II and III submitted by the Second Committee on agenda item 31 (a) and (b) (A/4287, para. 40). For the final text, see resolution 1383 (XIV), 1384 (XIV) and 1385 (XIV) below.

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Second Committee on agenda item 31 (\underline{c}) (A/4322, para. 5). For the final text, see resolution 1432 (XIV) below.

Resolutions adopted by the General Assembly

1383 (XIV). EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

A

The General Assembly,

Taking note of chapter III, section XII, of the report of the Economic and Social Council (A/4143),

Recalling General Assembly resolution 1255 A (XIII) of 14 November 1958 and Economic and Social Council resolutions 222 (IX) of 14 and 15 August 1949, 542 B II (XVIII) of 29 July 1954, 734 (XXVIII), 735 (XXVIII), 736 (XXVIII) and 737 (XXVIII) of 30 July 1959,

Bearing in mind that the year 1959 marks the tenth anniversary of the establishment of the Expanded Programme of Technical Assistance,

Believing that the Expanded Programme has an important and urgent role to play in the United Nations efforts for the economic and social development of under-developed countries,

Noting with satisfaction the results achieved by the Expanded Programme during its first ten years,

Noting that, in order to ensure more ample and effective results in the future, it would be desirable to obtain larger contributions from the participating countries.

Believing that industrialization and agricultural development are among the most important aims of the under-developed countries, and that countries in this process of development need increasing technical assistance,

Noting with appreciation that, at the United Nations Pledging Conference on the Expanded Programme of

Technical Assistance and the Special Fund on 8 October 1959, a number of countries expressed their intention of increasing their contributions for 1960,

Regretting however that the resources at present envisaged for 1960 are not sufficient even to maintain the present level of operations,

- 1. <u>Commends</u> the Executive Chairman and the members of the Technical Assistance Board for the effective manner in which the Expanded Programme of Technical Assistance is being executed;
- 2. Takes note of the appraisal made by the Economic and Social Council and its Technical Assistance Committee, together with the Technical Assistance Board and the participating organizations, of administrative arrangements which have the purpose of achieving increased efficiency in the operations of the Expanded Programme;
- 3. Notes also the decision taken by the Economic and Social Council in its resolution 735 (XXVIII) to provide greater flexibility and longer range planning in country programming procedures;
- 4. Affirms the desirability of continuing to endeavour to make the fullest possible use of all available contributions consistent with the existing principles and procedures of the Expanded Programme;
- 5. Expresses the hope that Governments will, in accordance with their financial possibilities, continue to support the Expanded Programme and so contribute to the Programme that increasing resources will be available:
- (a) For undertaking and executing on a sustained basis the tasks laid upon the Programme;
- (b) For devoting urgent attention to the compelling needs of newly independent countries and countries

in a similar economic and social condition without prejudice to the possibility of further assistance to other under-developed countries.

841st plenary meeting, 20 November 1959.

В

The General Assembly,

Noting that the technical assistance programmes of the United Nations after ten years of operation have become, thanks to the constantly increasing number of countries actively participating in their execution, programmes of international technical co-operation,

- 1. Considers that, in the present circumstances, the term "technical co-operation" would more accurately describe the nature of the assistance provided by the United Nations and the specialized agencies under the technical assistance programmes;
- 2. Expresses the wish that the term "technical assistance" may be replaced by the term "technical cooperation" to designate both the United Nations regular programme of technical assistance and the Expanded Programme of Technical Assistance, and requests the Economic and Social Council to consider the possibility of such a change and to report thereon to the General Assembly at its fifteenth session.

841st plenary meeting, 20 November 1959.

1384 (XIV). UNITED NATIONS REGULAR PROGRAM-ME OF TECHNICAL ASSISTANCE

The General Assembly,

Having considered chapter III, section X, of the report of the Economic and Social Council (A/4143),

Recalling its resolution 200 (III) of 4 December 1948,

- 1. Notes with appreciation the activities of the Secretary-General under the United Nations regular programme of technical assistance;
- 2. Notes also the measures taken by the Secretary-General and announced on his behalf by the Commissioner for Technical Assistance with a view to facilitating the consideration of the regular programme by the Economic and Social Council and its Technical Assistance Committee.

841st plenary meeting, 20 November 1959.

1385 (XIV). UNITED NATIONS ASSISTANCE IN PUBLIC ADMINISTRATION

The General Assembly,

Recalling its resolution 1256 (XIII) of 14 November 1958,

Taking note of Economic and Social Council resolution 739 (XXVIII) of 30 July 1959.

Recognizing that the time that has elapsed since the establishment of the experiment for the provision of operational, executive and administrative personnel to Governments requesting assistance in this form has been too brief, and that, for this reason, the range of the experiment has been too narrow to justify drawing final conclusions,

Recalling that several Member States have centres and institutes for training in public administration, some of which have been created or expanded with the technical assistance of the United Nations,

- 1. Resolves that the experimental programme started in 1959 should be continued in 1960 on the basis of General Assembly resolution 1256 (XIII), and that the Secretary-General should be allowed adequate scope in the carrying out of the experiment within the limits of the resources to be made available for 1960;
- 2. Recommends that, in suggesting to recipient Governments the appointments of qualified officials under the programme, the Secretary-General should make use of all available resources and, as much as possible, of the experts who have been trained in the above-mentioned centres and institutes for public administration;
- 3. Requests the Secretary-General to present to the Economic and Social Council at its thirtieth session and to the General Assembly at its fifteenth session a report analysing in detail the progress and results of the experiment, including whatever comments the recipient Governments may wish to make, and in particular the degree of success achieved in the training of nationals to assume as early as possible the responsibilities temporarily assigned to the internationally recruited staff, together with recommendations based on this report.

841st plenary meeting, 20 November 1959.

1432 (XIV). CONFIRMATION OF THE ALLOCATION OF FUNDS FOR THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE IN 1960

The General Assembly,

Noting that the Technical Assistance Committee has reviewed and approved the Expanded Programme of Technical Assistance for the year 1960,

1. <u>Confirms</u> the allocation of funds authorized by the <u>Technical Assistance Committee</u> to each of the organizations participating in the Expanded Programme of <u>Technical Assistance</u> from contributions, general resources and local costs assessments, as follows:

Participating organization	Allocation (Equivalent of US Dollars)
United Nations	7,160,753
International Labour Organisation	3,393,374
Food and Agriculture Organization of the United Nations	8,526,339
United Nations Educational, Scientific and Cultural Organization	4,860,645
International Civil Aviation Organization	1,370,544
World Health Organization	5,494,936
International Telecommunication Union	384,082
World Meteorological Organization	411,646
International Atomic Energy Agency	638,760
TOTAL	32,241,079

2. <u>Concurs</u> in the Committee's authorization to the Technical Assistance Board to allocate to the participating organizations an undistributed amount of \$162,162, not included in the amount shown above, and to make changes in these allocations as may be necessary to provide as far as possible for the full utilization of contributions to the Expanded Pro-

gramme, provided that such changes shall not in the aggregate exceed 3 per cent of the total amount allocated to the organizations participating in the Expanded Programme.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 31 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4130	Allocation of the administrative and operational services costs of technical assistance between the regular and Expanded Programme budgets: report of the Advisory Committee on Administrative and Budgetary Questions	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 49
A/4143	Report of the Economic and Social Council (1 August 1958 - 31 July 1959)	<u>Ibid., Fourteenth Session, Sup-</u> plement No. 3
A/4170	Tenth report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Supplement No. 7
A/4172	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Fourteenth Session, An- nexes, agenda item 49
A/C.2/204	Memorandum by the Secretary-General	See A/4322, para. 3
A/C.2/L.410	Statement made by the Executive Chairman of the Technical Assistance Board at the 592nd meeting of the Second Committee on 14 October 1959	Mimeographed; for summary see A/C.2/SR.592, paras. 3- 15
A/C.2/L.411	Statement made by the Commissioner for Technical Assistance at the 592nd meeting of the Second Committee on 14 October 1959	Idem, paras. 16-23
A/C.2/L.413	Expanded Programme of Technical Assistance: Afghanistan, Argentina, Brazil, Canada, Ceylon, France, Ghana, Haiti, Liberia, Netherlands New Zealand, Pakistan, Philippines, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia: draft resolution	See A/4287, paras. 5 and 6
A/C.2/L.413/ Rev.1	Expanded Programme of Technical Assistance: Afghanistan, Argentina, Brazil, Canada, Ceylon, France, Ghana, Haiti, Italy, Liberia, Netherlands, New Zealand, Pakistan, Philippines, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia: revised draft resolution	Adopted without change. See A/4287, para. 40, draft resolution I
A/C.2/L.414	United Nations assistance in public administration: Afghanistan, Nepal, Panama and Sudan: draft resolution	See A/4287, para. 26
A/C.2/L.414/ Rev.1	United Nations assistance in public administration: Afghanistan, Nepal, Panama and Sudan: revised draft resolution	See A/4287, para. 33
A/C.2/L.415	Regular programme of technical assistance: Australia, Burma, Ethiopia, Federation of Malaya, Mexico, Norway and Pakistan: draft resolution	See A/4287, para. 20
A/C.2/L.416	Bulgaria and Byelorussian Soviet Socialist Republic: amendment to document A/C.2/L.413	See A/4287, para. 8
A/C.2/L.417	Ukrainian Soviet Socialist Republic: amendment to document A/C.2/L. 414	See A/4287, para. 28
A/C.2/L.418	Burma, Cuba, Libya, Mexico, Morocco and Venezuela: amendments to document A/C.2/L.413	See A/4287, para. 9
A/C.2/L.418/ Rev.1	Burma, Cuba, Libya, Mexico, Morocco and Venezuela: revised amendments to document A/C.2/L.413	See A/4287, para. 11
A/C.2/L.419	Greece: amendment to document A/C.2/L.413	See A/4287, para. 10
A/C.2/L.420	France: amendment to document A/C.2/L.415	See A/4287, para. 21
A/C.2/L.420/ Rev.1	France: revised amendment to document A/C.2/L.415	See A/4287, para. 22
A/C.2/L.421	United Kingdom of Great Britain and Northern Ireland: amendment to document A/C.2/L.416	See A/4287, para. 13
A/C.2/L.423	Japan: amendment to document A/C.2/L.414	See A/4287, para. 29
A/C.2/L.424	Cuba: amendment to document A/C.2/L.413/Rev.1	See A/4287, para. 15

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Document No.	Title	Observations and references
A/C.2/L.425	Argentina, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Spain, United Arab Republic and Uruguay: amendments to document A/C.2/L. 414	See A/4287, para. 25
A/C.2/L.426	Brazil and France: amendments to document A/C.2/L.414	See A/4287, para. 30
A/C.2/L.427	Argentina: amendments to document A/C.2/L.414	See A/4287, para. 30
A/C.2/L.428	United Arab Republic: amendment to document A/C.2/L.414	See A/4287, para. 31
A/C.2/L.433	Draft report of the Second Committee	Same text as A/4287
A/C.5/777	Report of the Secretary-General	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 44
E/3226 and Add,1	Annual report of the Technical Assistance Board to the Technical Assistance Committee for 1958	Official Records of the Eco- nomic and Social Council, Twenty-eighth Session, Sup- plement No. 5 (E/3226/Add.1: mimeographed)
E/3230	Technical assistance in public administration: report of the Secretary-General	Ibid., Twenty-eighth Session, Annexes, agenda item 7
E/3230/Add.1	Statement made by the Secretary-General at the 190th meeting of the Technical Assistance Committee with reference to the provision of operational and executive personnel to Governments requesting assistance in this form	<u>Ibid</u> .
E/3312	Report of the Technical Assistance Committee (on its meetings held in November and December 1959)	Mimeographed
E/TAC/48	Report of the TAC Working Group on the Evaluation of the Expanded Programme	Ditto
E/TAC/83 and Add.1	Allocation of administrative and operational services costs between regular and Expanded Programme budgets: communications from the organizations participating in the Expanded Programme and Technical Assistance	Ditto
E/TAC/91	Budget estimates of the secretariat of the Technical Assistance Board for 1960	Ditto

United Nations

GENERAL ASSEMBLY



Agenda item 32

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 32: United Nations Korean Reconstruction Agency: progress report of the Administrator for Residual Affairs of the Agency*

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^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Second Committee, 642nd meeting; and ibid., Plenary Meetings, 846th meeting.

DOCUMENT A/4263

Progress report of the Administrator for Residual Affairs of the Agency (1 October 1959-30 September 1959)

[Original text: English]
[9 November 1959]

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Letter of transmittal

Seoul, Korea 1 October 1959

I have the honour to refer to resolution 1304 (XIII) adopted by the General Assembly at its thirteenth session and specifically to operative paragraph 5, which reaffirmed the action taken by the General Assembly at its twelfth session in resolution 1159 (XII) regarding the arrangements and procedures for the completion of the residual responsibilities of the United Nations Korean Reconstruction Agency and the liquidation of its accounts.

In accordance with these resolutions a report on the progress of the completion activities of the United Nations Korean Reconstruction Agency is submitted herewith covering the period 1 October 1958 to 30 September 1959. Simultaneous transmittal is being made to the United Nations Commission for the Unification and Rehabilitation of Korea.

It is respectfully requested that this report be transmitted to the General Assembly at its fourteenth session.

(Signed) H. E. EASTWOOD

Administrator

The Secretary-General of the United Nations, New York.

Introduction

- 1. At its fifth session the General Assembly, by resolution 410 (V) of 1 December 1950, created the United Nations Korean Reconstruction Agency (UNKRA) for the purpose of carrying out an <u>ad hoc</u> United Nations programme of economic assistance to the Republic of Korea, which had just suffered grievous damage and destruction as the result of invasion and war.
- 2. From the establishment of UNKRA up to the closing date of the present report at 30 September 1959, resources to the value of \$149,274,389 were made available to the Agency for application to its programme in Korea. These resources derived from contributions in cash and in kind received from thirty-four Member States and five non-member States, 1/2 and from miscellaneous income. The major portion of the funds, amounting to \$138,909,146, was received in the form of cash contributions, while certain contri-

butions, which were valued at \$2.5 million, were received in kind. These latter were made available by UNKRA to the Unified Command for donation to the Korean civilian population in connexion with the relief activities which were carried out under the United Nations Emergency Relief Programme for Korea. A sum in cash amounting to \$7,862,764 was derived by UNKRA directly from miscellaneous income sources, and applied toward the projects and the accomplishment of the Agency's assigned mission in Korea.

- 3. Aid activities by UNKRA commenced in Korea in 1951, but the continuation of the military action there during 1951 and 1952 precluded any major Agency reconstruction and rehabilitation effort during that period. Also, related in large part to the continuing military situation, the major portion of the total contributions was received only from late 1952 to 1955. As a result, the implementation of the first major UNKRA programme only became possible during the financial year 1952-1953. This was then followed by other large programmes for the succeeding two financial years 1953-1954 and 1954-1955.
- 4. By 30 June 1957 a large majority of the projects included in the three major programmes had been completed, and almost all of the Agency's available funds had been committed. Further contributions were anticipated only from three Member States and those contributions were already earmarked. Those facts were reported to the General Assembly at its twelfth session.2/ At the same time it was recommended to the Assembly that the Agency's major operational phase should cease at 30 June 1958.3/ In this latter connexion, it was recommended further that an Administrator be appointed after that date to conclude the Agency's residual affairs and carry out the final liquidation of its accounts, which was to be effected by 31 December 1959. At its twelfth session the Assembly accepted the recommendations made by the Agency, and directed by resolution 1159 (XII) of 26 November 1957 that they be carried out. This action was subsequently reaffirmed at the thirteenth session in resolution 1304 (XIII) of 10 December 1958. Following the adoption of resolution 1159 (XII), however, it was found necessary and advisable to extend the operational period for a somewhat longer time, until 15 September 1958, and the Administrator was appointed by the Secretary-General of the United Nations to assume his duties on 16 September 1958.

^{1/} Annex I to the present report presents a statement of Government pledges and contributions to UNKRA as at 30 September 1959.

^{2/} Official Records of the General Assembly, Twelfth Session, Supplement No. 17.

^{3/} Ibid., Twelfth Session, Annexes, agenda item 27, document A/C.2/L.350.

- 5. The Administrator submitted to the General Assembly at its thirteenth session an initial report covering the three months from 1 July to 30 September 1958. That report included details of the closing stage of the Agency's major operational period, subsequent to the concluding date of the final report of the Agent General which had carried the account of UNKRA operations to 30 June 1958. It touched, thus, only briefly upon the commencement of the tasks of the residual activities period.
- 6. The present report, submitted to the General Assembly at its fourteenth session, covers the activities of the Administrator and his staff during the twelve months from 1 October 1958 to 30 September 1959. $^{5/}$ Progress during this period toward the conclusion of the outstanding projects and the solution of the various problems to be resolved prior to the closure of the Agency was not always smooth, nor was it in some cases easily achieved. Exceptional efforts were required almost continuously during the year of all members of the staff, to whom the Administrator takes this opportunity to express his sincere appreciation for their co-operation and devotion to duty. Nevertheless, the Administrator believes that the work of successfully and satisfactorily closing out the residual affairs of the UNKRA programme had progressed sufficiently by 30 September 1959-although some actions are still required beyond that date-for the present report to be presented as a basic, comprehensive, final report on the assigned task of completing the Agency's residual operations. 6/
- 7. As an essential step in preparing for the closure of the UNKRA programme and operations in Korea, a final agreement has been negotiated between the Agency and the Government of the Republic of Korea, which provides for the orderly transfer of the residual hwan funds and accounts of UNKRA to the Government, the acceptance by the latter of the UNKRA projects, the transfer of title by UNKRA to the Government, and the release of UNKRA by the Government from future claims. Certain future responsibilities which the Government agrees to accept are likewise stated. This agreement was signed on 25 September 1958, just prior to the start of this reporting period. I

4/ Ibid., Thirteenth Session, Annexes, agenda item 27, document A/3953.

6/ The various actions noted in the present report which still must be taken before 31 December 1959 do not represent—with one exception—major problems in respect of the anticipated closure date of UNKRA.

I/Agreement between UNKRA and the Republic of Korea regarding disposition of residual funds, projects, materials and responsibilities of UNKRA.

- 8. The salient features of the agreement are:
- (a) The establishment of an UNKRA Residual Account into which will be deposited the large hwan funds generated by the UNKRA programme in the form of payment for investment type projects by private endusers. This income to the Republic of Korea Government, which eventually will reach the estimated total of over 22,000 million hwan, will, under the provisions of the agreement, be fully utilizable by the Government for the rehabilitation of the Korean economy consonant with the principles and stipulations of General Assembly resolution 410 (V);
- (b) Arrangements for the continuation of the operations of the UNKRA Small Business Loan Fund. Under this arrangement a revolving fund totalling 1,500 million hwan has been made available for use indefinitely by the Government for loans to small manufacturing businesses;
- (c) Acknowledgement by the Government that UNKRA has fulfilled all its obligations for the completed projects according to the terms of the over-all agreement between UNKRA and the Republic of Korea of 31 May 1954, which defined the general policies and procedures under which the Agency has provided economic assistance to the Republic of Korea, and of the project agreements, firm requests or amendments or revisions thereof relating to those projects. The Government further agreed to undertake the responsibility for any specified projects on which activity might be required at the time of final handover and to carry out prescribed actions with respect thereto. It acknowledged that responsibility for certain UNKRA-initiated projects had been transferred by UNKRA to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and that all Agency obligations with respect thereto were likewise fulfilled:
- (d) Confirmation by UNKRA of the transfer to the Government of full title to all plant, equipment, materials and supplies for Agency-initiated projects, where such title was not vested otherwise in accordance with project agreements, firm requests or amendments or revisions thereof;
- (e) Agreement by the Government that UNKRA had made full and final settlement of all claims in Korea with respect to occupation by UNKRA of lands and buildings, and all services provided by the Government. At the same time, the Government released UNKRA from any future claims with respect thereto;
- (f) Agreement by the Government to ensure that the contribution in materials, equipment and funds made by the United Nations through UNKRA would be utilized only for the purposes and objectives set forth in the agreement between UNKRA and the Republic of Korea of 31 May 1954 or the various project agreements and firm requests of the UNKRA programme;
- (g) Agreement by the Government to furnish the Secretary-General of the United Nations with any reports, information or other data which he may at any time request with respect to any of the UNKRA projects, and likewise to permit a United Nations official designated by him to visit and observe any of the projects.
- 9. Certain annexes which form an integral part of the final agreement, and which relate to the hwan funding of the UNKRA programme and the final status of the

^{5/} Details of the UNKRA projects and programmes, other than those directly related to the residual activities of the Administrator during the period covered by the present report, are not given herein. For a full account of UNKRA's operational period and achievements, reference should be made to the annual reports of the Agent General submitted to the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sessions of the General Assembly (see Official Records of the General Assembly, Sixth Session, Annexes, agenda items 17 and 27, documents A/1935 and Add.1; ibid., Seventh Session, Supplement Nos. 19, 19A and 19B; ibid., Eighth Session, Supplement Nos. 14; ibid., Ninth Session, Supplement No. 16; ibid., Tenth Session, Supplement No. 18; ibid., Eleventh Session, Supplement No. 16; ibid., Twelfth Session, Supplement No. 17; and ibid., Thirteenth Session, Supplement No. 16.

projects, were agreed to in principle at the time the agreement was signed. Owing to the continually changing character of the data to be provided in these annexes, they cannot be finalized until shortly before the anticipated closure of the Agency.

10. The Agency has received excellent co-operation throughout the reporting period from the Government of the Republic of Korea in its efforts to bring the programme to a successful conclusion. That co-operation made the task of completing the outstanding projects and the work related to the closure of the accounts in Korea a good deal easier. It has been fully appreciated by the Administrator and his staff who express their sincere thanks to all those Government officials, project end-users and private persons whose co-operation and active assistance have contributed to the successful closing of the UNKRA operations.

Chapter I

Project activities

INVESTMENT AND GOVERNMENT PROJECTS

11. At the time of the assumption of duties by the Administrator on 16 September 1958, major activity was still required for the completion of seven of the UNKRA projects: fish canneries, kraft paper plant, Pusan auto repair shop, crystalline graphite mill, development of private coal mines, Changhang smelter modernization, and National Medical Centre. In addition, a total of ten other projects in various fields of activity also remained outstanding, but on these only comparatively minor points had to be settled, or technical assistance only was still to be concluded.

12. By 30 September 1959, the closing date of the present report, work had been finished on the fish canneries and the development of private coal mines, and at the National Medical Centre and the crystalline graphite mill except for accessory installations, and was sufficiently well advanced on the kraft paper plant, the Pusan auto repair shop and the Changhang smelter modernization for these three projects to be completed prior to 31 December 1959. All ten projects on which minor activity only was required, except one where technical assistance is still continuing are now considered completed in so far as the Agency's responsibility is concerned. Details of the work done in the completion stage of these various projects and their present status are given below.

Fisheries

13. During the course of the UNKRA \$3.6 million fisheries rehabilitation programme, a total of \$2 million worth of fisheries operational equipment and supplies, boat-building materials, and ice-plant and fish-market rehabilitation materials, inter alia, were provided through the regular UNKRA fisheries projects. Approximately \$216,500 worth of these items, consisting mainly of fifty-six marine diesel engines

and accessories, imported for boat-building purposes, remained unsold at the start of the reporting period.

14. Disposal of final items had been slow for a considerable period of time, even before the start of the residual activities period, owing largely to a shortage of funds on the part of the fishermen who could use them. The Government on various occasions had requested UNKRA to permit sale by open auction. However, there still exists a very definite shortage of fishing craft in the Republic of Korea, as well as a need on the part of fishermen for the other operational materials. The Agency, therefore, did not accept this proposal, but remained determined that the equipment should be delivered only to the originally intended users. Finally, in May 1959, after prolonged negotiations an agreement was reached with the Government of the Republic of Korea and the United States Operations Mission to Korea under which disposal of \$178,500 worth of the UNKRA equipment would be made to qualified end-users selected through the joint fisheries development project of the Government of the Republic of Korea and the United States Operations Mission, with end-user payments to be deposited in the UNKRA Aid Goods Collections Account. (Two large diesel engines valued at \$33,500 were sold prior to the agreement. The remaining material, a small lot of oakum valued at \$4,500, was not accepted for use in the joint project and the Agency has given authorization to the Republic of Korea Office of Supply, in this one case, for disposal through open sale, the proceeds to be credited to the UNKRA Aid Goods Collections Account.)

15. Since the establishment of the joint agreement, allocations have proceeded rapidly and by 30 September 1959 end-users had been designated for almost all items. While at that date a few items had still not been disposed of, regular procedures are now in operation for getting them into the hands of the appropriate endusers. The Administrator, therefore, feels that this part of the Agency's programme can be considered to all intents and purposes as satisfactorily concluded.

16. The fish canneries project, on which major activity remained outstanding at the start of the reporting period, had actually reached virtual completion in the spring of 1958, by which time both of the new canneries established under the project, one each at Narodo and Pohang, were ready to operate. Subsequently, however, at the request of the end-users. the Agency decided to provide additional canning machinery which would further improve the export pack operations of these two UNKRA-built plants. The installation of this added canning equipment was completed in October 1958. A delay was later experienced in the delivery of an outstanding stand-by generator to the Pohang plant. However, with the installation of this latter unit in August 1959 the project was completed.

Mining

Coal mining

17. One of the major problems faced at the start of the reporting period was how to accomplish satisfactorily the development of the privately-owned Taebaek coal mine, where inaction on the part of the mine management had seriously delayed work on the project. This mine has an excellent potential and for a considerable length of time, extending from well

[&]amp;/ A grand total of 4,944 projects sites—different mines, schools, factories, housing developments, orphanages and the like—were encompassed by the UNKRA programme. Aid activities had been completed at 4,932 of these as at 30 September 1959. Annex III to the present report shows the location of the UNKRA project sites by Republic of Korea Provinces, and by major project category, together with the completion status as at 30 September 1959.

before the beginning of the residual activities period, continuous and persistent pressure on the end-user to improve performance had been maintained both by the Agency and by the Government of the Republic of Korea. But it was not until January 1959 that results were finally obtained, first, in the appointment of a competent new field director. This was followed by greatly improved operations at the mine, to the extent that by the end of April 1959 development activities were considered advanced sufficiently for the Agency to regard the project as satisfactorily completed. All Agency-imported equipment for the mine, some of which was being held pending the accomplishment of satisfactory development steps, has been released to the end-user. A recent report from the Republic of Korea Mining Bureau, following an inspection of this mine, indicates that a very satisfactory operational situation now exists there.

18. The installation, at the privately-owned Oktong coal mine, of a railcar conveyor loading system for use at the discharge point of the three-and-one-halfmile aerial tramway-which had been installed previously by the Agency, in the spring of 1958—was completed in December 1958, concluding the only other outstanding activity related to the Agency's private coal-mine development projects. Large quantities of coal from this mine are stockpiled at the tramway terminus during the summer months, and rapid loading for movement to consuming areas is necessary during the winter period. The new conveyor, which has a capacity of 225 tons per hour, likewise allows full advantage to be taken of rail coalcars, which are in short supply, whenever they can be made available.

19. Two smaller activities concerned with aid to the Government-owned Dai Han Coal Corporation (DHCC) have also been completed. First, the one remaining technician from the large international coal-mine specialist team which had been provided by the Agency for a period of almost four years to assist DHCC, concluded his assignment in December 1958. This specialist had been continued at DHCC's request beyond the spring of 1958, the concluding date for the team's activities, for the principal purpose of supervising the establishment of a safety organization throughout the end-user's mines following an accident in May 1958 that resulted in the death of thirteen miners. Secondly, equipment deliveries for DHCC were completed-also in December 1958-with the arrival of a coal-preparation plant for the corporation's Eunsong Mine. The installation date of this plant, however-installation is the responsibility of the enduser-is being delayed pending a decision on the cutting of a new adit to the mine, which if carried out will require a change in the location of the plant from the original site selected.

Metal and mineral mining

20. During 1958 difficulties were experienced with the Taechon-ni gold-placer dredge, which had started operations in July 1957, as the result of defects that developed in its power plant. A new power unit was provided—it was installed in October 1958—and was used until repairs were completed in December 1958 on the dredge's old power plant. Some additional machinery failures have occurred since then and the Agency has further assisted the end-user through repairs and necessary replacements. The dredge, how-

ever, is in satisfactory operating condition and the Agency now considers the project completed. The technical assistance given by the dredge-master provided by UNKRA, which had been scheduled to end in November 1958, was extended at the request of the end-user until 15 May 1959.

21. Regular operation of the new crystalline (flake) graphite mill established by the Agency at Sihung, Kyonggi Province, began in October 1958 under the guidance of a mining engineer provided by UNKRA as technical adviser. During the ensuing three months processes were improved steadily, and by the end of January 1959 the mill was turning out high-grade flake graphite capable of competing in the world market. Unfortunately, the crystalline graphite which had been produced in Korea prior to the Korean War had not had a good reputation owing to the lack of quality control in production at that time, and had therefore not enjoyed a good market. Largely owing to that fact the development of export sales for the new mill's products has required a much longer time than was originally anticipated. The end-user therefore requested an extension of the services of the technical adviser to assist along this line and to develop additional processes for screening, sizing, classifying, and so forth, which will also enable the end-user to compete in a wider market. This request was considered sound and the technical adviser is being continued through December 1959.

22. One major item for this project, a 350-kilowatt stand-by generator, has not yet been delivered. Upon inspection of the generator ordered, it was found that the manufacturer had failed to meet the specifications, and delivery was therefore delayed. This matter has now been satisfactorily resolved and the generator is "en route" to Korea. Installation will be completed in October 1959 under the guidance of the technical adviser.

23. Work during the past twelve months on one of the Agency's larger undertakings—the modernization of the Republic of Korea's only non-ferrous metal smelter and refinery located at Changhang, Chungchong Namdo—saw the start of operations of the new copper anode furnace, the newly equipped tank house (where copper is electrolytically refined) and of the gold and silver parting plant. In addition, a railcar weighbridge was installed and a new two-mile-long, standard-gauge railroad extension to the smelter from the Korean National Railways line at the town of Changhang was completed. Formerly, all are coming by rail to the smelter had to be unloaded at Changhang and reloaded and transported from there to the smelter by narrow gauge line.

24. Despite these accomplishments, work on the project proceeded at a slower pace than was expected. The smelter, which is located about 150 miles from Seoul, is operated by a quasi-Government corporation that must refer back all matters of importance for decision or authorization to the interested Government ministry under which it operates. This has, in general, considerably lengthened the time required to complete the project. The situation now is that two major components will be completed after 30 September 1959—the ore-dressing mill, which will be ready in October, and the blast furnace charging scheme, which will be finished in early November 1959. It has been found advisable, in consequence, to continue technical assist-

ance by the project officer, the metallurgist, who has been on this project since its start, until the end of December 1959 in order that he may supervise the installation and initial operation of this final equipment provided by UNKRA for the modernization, and provide a minimum of training to the smelter staff on these last units.

- 25. The completed smelter and refinery will have sufficient capacity to process all ores containing gold, silver and copper now produced in South Korea and any conceivable increase in ore output that may be accomplished by mining interests. This expanded capacity will permit some reduction in smelting and refining costs and provide a greater profit to miners, a factor of major importance to Korea's economy, since it will both encourage increased production by mines operating at present and stimulate renewed operation by many smaller mines which are now idle because the margin between operating costs and profits is too small.
- 26. As a matter of interest the Administrator invites the attention of the General Assembly to recent informal discussions which have been held between the Agency and the United States Operations Mission to Korea relative to possible additional development work on this important project by the latter organization following the conclusion of the Agency's activities there. This would include the installation of lead-smelting facilities, which had been earlier considered by the Agency but not included in the project principally because of the time factor. A survey to determine requirements is now under way by USOM-K.

Industry

- 27. In the industries field, two major problems were outstanding at the start of the reporting period: completion of the auto repair shop at Pusan, and development of the kraft paper plant project.
- 28. The Agency included in its programme for the financial year 1954 the construction and equipping of two auto repair shops, one each at Seoul and Pusan, to provide motor rebuilding and auto repair facilities to care for heavier type maintenance of civilian motor vehicles in South Korea. The shop at Seoul was completed in July 1957, but only after the expenditure of considerable extra effort occasioned by difficulties and delays in its completion caused by the lack of managerial capabilities and financing on the part of the end-user.
- 29. Originally the same end-user had been designated by the Government for the shop to be constructed at Pusan, but at the request of the Agency a new enduser for this latter shop was nominated in the spring 1958. Subsequently, unanticipated difficulties were experienced by the new end-user in preparing the site for the shop owing to occupancy of the area by squatters. This problem was settled to the mutual satisfaction of the interested parties, but work did not get under way until September 1958. Owing in part to the late start, foundation work was not completed prior to the coming of winter, and a further delay ensued. Progress since then has also not been as rapid as desired due to a lack of engineering experience on the part of the end-user. Present indications are, however, that construction of the shop can be sufficiently advanced for the installation of equipment to begin in October 1959. Installation will require about six weeks and could be finished before the end of November 1959.

- UNKRA has under contract at present an automotive workshop supervisor who will assist in the work of installing the equipment and, as time permits until mid-December 1959, will provide training instruction to the technicians who are assigned by the end-user to operate the equipment.
- 30. The UNKRA project to expand the existing privately-owned Shinheung paper manufacturing plant to furnish the Republic of Korea with kraft paper production facilities, one of the larger undertakings which remained uncompleted at the start of the reporting period, has continued to encounter difficulties. There have been two major reasons for delay. First, the machinery delivered by the vendor did not meet specifications; as a result, it was necessary both to reorder and to undertake on-the-site corrective work and local fabrication of some items. Secondly, the designated end-user, over a considerable period of time, consistently failed to meet his financial and technical obligations despite continuous urging and pressure by the Agency.
- 31. In the first instance, the corrective action taken understandably resulted in time lost. In that connexion, the agency has, under the contract, made a claim against the vendor, and negotiations are now under way with a view to reaching a settlement. Concerning the second problem, numerous requests were made of the Government by UNKRA for positive action to improve the directorial and managerial staffs of the end-user's company and to add new financial backing. A response to these requests, satisfactory to the Agency, was not received and on 27 August 1958 UNKRA notified the Government that, although reluctantly, it was forced to withdraw from the project and that it would treat and dispose of the undelivered equipment as a salable commodity, unless as the result of any subsequent negotiations a more acceptable method for development of the project could be found.
- 32. Discussions that ensured thereafter led to a plan, which was agreed to by the end-user, whereby the Government, through the agency of the Korean Reconstruction Bank, would temporarily assume operational control of the existing paper-plant facilities, and jointly with UNKRA complete the development of the kraft paper manufacturing project. The Bank would be responsible for the direction and management of the finance and the financial affairs of the end-user. At the same time the Agency, through the medium of the UNKRA paper-plant engineer working on the job, would assume responsibility for the direction and management on the site and within the plant of the development of the project, together with direction of the current production operations of the plant's existing paper-making machinery, until the kraft paper manufacturing facility was completed. An agreement to this effect was signed on 30 April 1959. Preliminary planning required an additional two weeks, but by mid-May 1959 work was under way.
- 33. There have been various difficulties encountered since then which have forced further changes in plans and personnel, but present estimates are that the project can be completed by the end of December 1959. Very considerable effort has been required, and expended, in the implementation of the kraft paper plant project, but the Administrator is convinced this effort will be well rewarded. There is a constantly increasing demand in the Republic of Korea by manufacturers of

cement, powdered talc, flake graphite and sugar—and shortly there will be a demand by manufacturers of fertilizer—for high-quality, heavy-duty kraft paper bags. The facility to manufacture kraft paper under development by UNKRA is the only one in South Korea. The estimated annual saving in foreign exchange—which may reach \$750,000 a year—alone dictated a maximum effort to make this a successful project, not to mention other beneficial effects to the Korean economy, which will result from increased employment, etc.

34. At the Sam Duk paper plant where, as has been reported previously, initial test operation of UNKRAprovided bond-paper-making machines started in July 1958, work on machinery adjustment and accessory installations carried into December 1958. This was effected under the guidance of the UNKRA paperplant engineer, and by the latter month operation and production had satisfactorily attained established goals. Meanwhile the end-user requested the Agency to provide further assistance to obtain additional spare parts, a number of machines to improve plant performance and, in connexion with the latter, also to furnish technical assistance. The last of this equipment arrived in April 1959 and the major part of the additional installation was completed in June 1959. In August 1959 some further help was given through the purchase of a small quantity of control equipment, which will arrive in October 1959 and will be installed by the end-user.

35. The Sam Duk paper plant has now been operating at capacity on bond paper production since December 1958. There is a ready domestic market for all the paper manufactured and the Agency's objective in originally establishing the project, which was to reduce the need for finished paper imports and concurrently foreign exchange expenditure, is being realized, with the resultant annual saving in foreign exchange estimated at over \$250,000.

36. The final agreement between the Government of the Republic of Korea and UNKRA signed on 25 September 19589/ provided that the UNKRA-established revolving Small Business Loan Fund, which had been in operation since August 1953, would continue in operation in the future until the Government of the Republic of Korea decided that it was no longer required, or until it was discontinued for other reasons by the Government in agreement with the Secretary-General of the United Nations. Provision was also made to amalgamate the assets of the UNKRA Mine Loan Fund and the Fisheries Loan Fund with those of the Small Business Loan Fund into one combined fund, which would be operated and administered in accordance with procedures mutually agreed upon between the Government and UNKRA.

37. Consolidation was effected by a separate agreement signed by the Government and UNKRA on 13 March 1959, resulting in a combined fund amounting to 1,262,817,564 hwan. On 24 July 1959, through an amendment to the March 1959 agreement, UNKRA added a further 300 million hwan to the Small Business Loan Fund, with the stipulation that the additional sum be used specifically to finance operational loans to end-users of the Agency's private sector projects. Of the added amount, 150 million hwan was made

- 38. The final loans under the old procedures for the operation of the Small Business Loan Fund were approved in October 1958. The new procedures for the guidance and control of the operation of the consolidation fund were negotiated following the signing of the March 1959 agreement. Applications for loans were received starting in August 1959, and the initial loans from the fund were approved in September 1959.
- 39. The Government of the Republic of Korea has given every indication that it wishes to continue operation of the UNKRA Small Business Loan Fund for an indefinite period in the future. The very substantial help which the Agency was able to provide through this means for the operation, improvement and expansion of Korea's small manufacturing industries during the five years from August 1953 to October 1958 while the Fund operated under the direction of the joint Republic of Korea-UNKRA Small Business Loan Fund Board-during that period a total of 1,779 loans, of which 1,403 were in local currency amounting to 2,274,849,000 hwan and 376 in foreign exchange amounting to \$2,116,500 were made to 1,427 separate small businesses-thus can continue to be provided long after the Agency has ceased to exist.
- 40. An action of considerable interest related to the Agency's programme in the industrial field occurred during the reporting period with the signing on 30 April 1959 of final contracts whereby the Government of the Republic of Korea sold the UNKRA-built Mungyong cement plant and Inchon flat glass plant to the privately-owned Korea Cement Manufacturing Company and Hankuk Glass Industry Company, respectively. The sale price for the cement plant was 7,018,827,259 hwan and for the flat glass plant 2,347,146,817 hwan. The Agency's total foreign exchange investments in the two projects, consisting of the costs of the imported materials and technical assistance, amounted to \$8,992,030.09 and \$3,205,870.86 respectively.
- 41. With respect to the operations of these two plants, it is also interesting to note that during the reporting period the Agency provided additional production machinery and equipment to each which will result in the near future, or has already resulted, in an important increase in plant output.
- 42. At the Mungyong cement plant the main addition consisted of a new cement mill to increase clinkergrinding capacity, provided at a cost of \$150,000. Related to the seasonal nature of most construction work in Korea, occasioned by weather conditions, the demand for cement is likewise characterized by regular seasonal fluctuations. The plant has a silo storage capacity of 10,000 metric tons of cement; however, part of the clinker production has to be stockpiled during the period of low demand, while grinding operations must be considerably increased during peak order periods. The plant was originally equipped with two grinding mills that together produced slightly over 20,000 metric tons of finished cement a month. Against this capacity, total orders during peak months approximate 24,000 to 26,000 metric tons. The new mill, which

available by the Agency from funds in its current hwan account and which had been advanced from counterpart funds in 1954 but which had not been expended by the Agency. The other 150 million hwan were furnished directly from UNKRA counterpart funds.

^{9/} See para. 7 above.

was installed in August 1959, has increased clinker-grinding capacity by close to 20,000 metric tons per month, and will allow the plant to meet all orders for cement as received. The end-user has under consideration, also, an increase in the plant's clinker production by the addition of a third kiln with a capacity of 100,000 metric tons, using his own funds. The plant was originally designed and constructed by UNKRA to permit this addition to be made, if found desirable. If the end-user's plan is carried out, the three cement mills which the plant now possesses will have a sufficient combined capacity to handle all clinker which the expanded plant can produce.

43. The Agency has reported previously that the Inchon flat glass plant was designed and constructed with a furnace capacity sufficient to operate three Fourcault glass drawing machines, but that initially only two machines, capable of producing 12 million square feet (6,000 tons) of flat glass annually, were purchased and installed, the provision of the third being dependent upon materialization of a demand for the glass producible. The current Korean demand for sheet glass has now reached that point, and the full output of three machines, which is estimated at a minimum of 18 million square feet annually, or 9,000 metric tons, will be required by the domestic economy. Accordingly, the third machine was purchased by UNKRA during the reporting period, at a cost of \$80,000 including accessories. Initial shipments have been delivered to the plant and the remainder will arrive in October 1959. The end-user plans to carry out the installation toward the end of 1959 or in early 1960 during the plant's "cold repair" shut-down.

44. At the instance of the Government of the Republic of Korea, the additions described above were made to both plants through the medium of the Agency's salable commodities programme rather than under the regular development projects. The new equipment was provided, therefore, on a local currency cash basis to the end-users and the value is not included in the total prices for the plants named in the sales contracts executed between the Government and the end-users in April 1959. 10/

Health and welfare

45. Formal dedication ceremonies were held on 2 October 1958 for the new National Medical Centre, established in Seoul, under a joint project of the Government of the Republic of Korea, the Governments of Denmark, Norway and Sweden, and UNKRA. Work on readying the Centre for operation continued during October and November and the first patients were accepted in December 1958. Thereafter there was a steady increase in the number of patients accepted and treated, and for some time now the Centre has been handling an average of approximately 300 in-patients and 200 out-patients daily, which is about the capacity of the hospital's present staff. In the period from December 1958 to August 1959 inclusive, a total of 37,499 patients were handled, of whom 2,620 were admitted as in-patients and 34,879 were out-patients.

46. During the final inspection by UNKRA technicians of the construction work on the Centre, however, certain grave deficiencies in the work done became apparent, which demanded positive corrective action. These deficiencies were of such a character and extent that the Agency considered it necessary to remobilize the forces of the international contractor and to engage the services of a highly reputable engineering firm to direct and supervise the planning and execution of the work of correction. This included the re-arrangement of the power lines throughout almost the entire installation, replacing of the asphalt tile flooring and electrical safety protection in all operating rooms, correction of lead insulation throughout the X-ray facilities, installation of essential ventilating systems in three main buildings, the installation of additional kitchen equipment, construction of adequate refrigeration facilities and other associated construction.

47. By 30 September 1959 this work had been completed, except for the installation of the ventilating systems and the kitchen equipment. The international contractor's force and the supervising engineers have been withdrawn, and installation of the ventilating systems will be done through local contract under the direct supervision of UNKRA project officers. It is expected that this work will be completed by November 1959. Installation of some of the additional titchen equipment will be made in November and December 1959 also under UNKRA supervision, while some which cannot arrive by then will be installed by the Centre's maintenance staff when it is received.

48. The job of correcting these deficiencies has been a troublesome and time-consuming effort, but in the Administrator's opinion an essential requirement for the satisfactory discharge of the Agency's obligations, assumed in the establishment of the project, to deliver to the Government of the Republic of Korea a complete hospital plant, well constructed according to plan, equipped with modern equipment and containing all possible safety protection.

49. During the course of the above correction work the Government requested further assistance toward the construction at the Centre of a separate new Patients' Reception Building, which actual operation of the Centre showed would be a most useful addition to existing facilities. Some imported materials were provided by the Agency, but costs for local materials and the construction of the building were borne by the Government with the construction work being done by local contractors. This building was completed and opened on 12 August 1959.

50. First-phase construction on the Government's project to relocate the National Vaccine Laboratory, on which work began in December 1957 and for which the Agency provided the building materials and supplies, was completed in October 1958. Considerable delay had been experienced in getting this project under way as a result of the failure by the Government to designate the new site for the laboratory. Under a long-range plan the Government intends eventually to remove the existing laboratory's facilities from their present location in a congested section of Seoul to this new site on the outskirts of the city, which will allow future expansion and development. During the reporting period, the Agency at the Government's request made some additional funds available to provide the im-

^{10/} Other materials and technical assistance for plant operation and some equipment for more minor expansion, the costs of which are also not included in the project sale prices, have been provided to the two plants through UNKRA salable commodities projects. For a description of those projects implemented during the reporting period, see paras. 58-60 below.

ported materials required for the construction of a power line into the new site, other electrical equipment, and deep-well pumps to guarantee a satisfactory water supply there. In addition, limited transport equipment was also furnished for use between the new and the existing laboratories, since the latter will continue in use for some considerable time before transfer of all functions can be made.

51. Delay on this project also was experienced with respect to the power-line construction, when technical review by UNKRA of the specifications showed a difference of opinion regarding requirements, between the laboratory and the electric power company on the one hand and UNKRA on the other. These were adjusted, but the last materials for the power line were received in Korea only in July 1959. However, work on the line, which is being done by the power company, will be finished in October 1959, while work on the water supply system, which is being carried out under a local contract by the Ministry of Health and Social Affairs, is also now scheduled for completion by the end of October 1959. Periodic checks have been made, and will continue as feasible, but owing to the long delays in developing both the earlier and the latter features of this project, the Agency considers that with firstphase construction work satisfactorily completed, and the materials for the power and water systems received and handed over, its direct obligations have been fulfilled. The project has, therefore, been designated as completed.

52. Technical assistance to the National Rehabilitation Centre for the Physically Handicapped was continued throughout the period, through the services of a vocational training specialist and a remedial gymnast. Agency plans were to conclude technical aid to the Centre on 30 June 1959; however, the Government strongly requested an extension, and special arrangements have been made to furnish technical help until August 1960 by the transfer of the project, and the UNKRA funds needed for its continuance to that date, to the United Nations Bureau of Technical Assistance Operations, which will provide administration and direction until completion.

Education and housing

- 53. The twenty-one remaining school classrooms which were reported as uncompleted as at 30 June 1958 11/2 were finished during the year. Six of them (at one school) comprise part of a much larger school building still undergoing construction; however, work is sufficiently well advanced on this building for the UNKRA part of the undertaking to be now regarded as satisfactorily accomplished.
- 54. The conclusion of the Agency's classroom construction projects, under which a total of 4,776 classrooms were built by UNKRA throughout South Korea, completed in full the Agency's education programme. Aid vaued at close to \$10 million was provided through this programme to assist the Government and private institutions to rebuild and improve educational facilities
- 55. All remaining materials to complete the UNKRA housing construction programme were turned over by

the Agency during 1958, through the Ministry of Health and Social Affairs, either to the Korean National Housing Administration or to the Pusan Housing Authority. From time to time during the past year checks were made on the progress of the final units by those authorities, but the Agency's reduced staff did not permit any direct participation in this work, such as had been carried on during the active operational period. As of 30 June 1958, 9,591 units of the 10,073 total included in the programme had been completed, 392 others were under construction and 90 units had not yet been started. By 30 September 1959 the completed total had risen to 9,951 units, and according to estimates given to the Agency by the housing authorities, total finished units will rise to 10,000 by 31 December 1959. Full responsibility for completion of the few outstanding units now rests entirely on the Ministry and the housing authorities referred to above.

SALABLE PROJECTS

- 56. With the close of the Agency's major operational phase and the start of residual activities in 1958, the development of any new UNKRA facility projects was precluded. However, at that time and during the reporting period since, limited sums of uncommitted general funds beyond the amounts estimated as required to conclude the outstanding projects, for administration and the Agency's work in general, have become available for allocation to the aid programme in furtherance of UNKRA's assigned mission. In this connexion, authorization had been previously given by the Advisory Committee of the Agency to use, discriminately, such surplus funds through the mechanism of salable projects.
- 57. Since the assumption of duties by the Administrator certain salable projects, which in the opinion of the Administrator and his staff would add further to the benefits already accruing to the Korean economy from the UNKRA programme, have been implemented in agreement with the Government of the Republic of Korea. These projects, which numbered seventeen by 30 September 1959, with an over-all allocation of close to \$820,000, were established to meet the specific requirements of UNKRA investment project end-users: for technical assistance, for items or commodities critical to the continued operation of the end-user's plant or, in the cases of the Mungyong cement plant and the Inchon flat glass plant, to provide additional equipment for the expansion of existing facilities dictated by increased demands for their products. It is emphasized that each of these seventeen projects provided only for the importation of specific commodities or services required by the UNKRA enduser designated in each project to receive the materials.
- 58. Specifically, two of these salable projects provided for continuation of technical assistance at the Mungyong cement plant and the Inchon flat glass plant, at which the technical assistance previously furnished through the regular development projects came to an end on 31 August and 30 September 1958, respectively. Thus, five technicians were furnished to the cement plant until 28 February 1959 and four to the flat glass plant until 31 March 1959, to continue guidance in plant operations and the training of Korean technicians. Through subsequent salable projects, technical assistance by four specialists was extended at

^{11/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 16, para. 67.

the cement plant to 31 August 1959, while at the flat glass plant the services of two technicians have been extended until 31 March 1960, with further provision for one of them to remain until 30 September 1960.

- 59. The Mungyong cement plant has also been provided, as salable items, with grinding bodies for the cement mills, kraft paper for manufacture of cement bags, and an additional cement-grinding mill. The latter substantially increased clinker-grinding capacity and will materially aid the plant in filling orders for cement during peak demand periods. 12/
- 60. The Inchon flat glass plant was supplied with additional refractories as salables, primarily for use in the scheduled regular "cold repair" of the furnace (glass-melting tank), which will be done at the end of 1959 or early in 1960. Some of these refractories were used in July 1959 to build a second day tank in the separate figured and wire-reinforced glass manufacturing unit, doubling the production of that unit from five to ten metric tons a day. A third Fourcault machine to increase the plant's production of sheet glass, together with some additional glass polishing and grinding machinery, have similarly been provided. 13/ The company plans to install this machine during the "cold repair" period, utilizing the services of the Agency-provided glass technicians noted above to supervise this highly technical operation.
- 61. Spare parts, some accessory equipment and materials have likewise been furnished to the Dai Han Coal Corporation as salables. They consist principally of items for use on or in conjunction with machinery previously supplied to the Corporation's mines through the UNKRA coal-mine rehabilitation projects. Similarly, certain materials have been furnished to the privately-operated Kangwon and Oktong coal mines.
- 62. A salable project implemented during the reporting period supplied the kraft paper required to manufacture in Korea heavy-duty bags meeting export specifications, which were needed to package tale produced at the tale grinding plant established by UNKRA near Chungju. This plant had a firm export order for 6,000 metric tons of refined tale, for which suitable containers were not otherwise available. Furthermore, kraft paper and operational materials not procurable in Korea were furnished to the Sihung crystalline graphite mill, and a small quantity of chemicals and felts plus a fork-lift truck were procured for the Sam Duk Paper Manufacturing Company, all as salable items.
- 63. In addition to the obvious benefits resulting from supplying the above equipment, materials and technical services, another important benefit has resulted in that proceeds derived from their sale were immediately deposited in the UNKRA Aid Goods Collections Account, thus constituting a counteracting, stabilizing factor against releases made from the UNKRA Counterpart Fund for completion work on other investment projects. The attention of the Assembly is further invited, in this respect, to the specific agreement reached between the Government of the Republic of Korea and the Agency that no releases will be made from the UNKRA Counterpart Fund to finance any purchase made by an end-user of any item provided under these Agency salable projects.

TECHNICAL ASSISTANCE

- 64. The provision of technical and specialist assistance has constituted an important part of the UNKRA programme since the start of Agency activities in Korea. In line therewith, technical and specialist aid was provided during the reporting period, at the request of certain of the investment project endusers and the Government of the Republic of Korea, to continue the training of Korean technical staff and to improve the operation of facilities at completed UNKRA projects. Additionally, it was required as an essential element in connexion with the final development and completion work on various of the Agency's residual projects.
- 65. Included was the technical assistance providedand still under way-to the Changhang smelter and refinery by the project officer, who is a metallurgist, and to the Sihung crystalline graphite mill by a mining engineer adviser. Technical help was furnished by the UNKRA paper-plant consultant to the Sam Duk paper plant, and by a dredge-master to the Taechon-ni gold placer dredge, both of whom completed their assignments during the reporting period. Technical assistance was supplied as well to complete the development of the Pohang fish cannery, to help conclude the outstanding coal-mine projects, both private and government, and in connexion with the National Vaccine Laboratory and the National Medical Centre, Agencyfurnished technical assistance is playing a major role in the development of the Shinheung kraft paper plant project, which is now under way.
- 66. At the specific request of the project end-users, specialist assistance was continued to the Inchon flat glass plant and the Mungyong cement plant ¹⁴/and, at the Government's request, to the National Rehabilitation Centre for the Physically Handicapped at Tongnae. Also, at the Government's direct request, the provision of the services of three technical advisers on special assignment to government offices of the Republic of Korea was continued.
- 67. The technical assistance which is now being furnished by UNKRA to the Inchon flat glass plant and the National Rehabilitation Centre is scheduled to extend beyond the anticipated closure of the Agency on 31 December 1959. In this connexion, arrangements have been made with the United Nations Bureau of Technical Assistance Operations to assume administrative responsibility for the two experts at the flat glass plant and of one specialist at the National Rehabilitation Centre, who will continue after that date until their assignments are completed. Funds have been transferred to the Bureau by the Agency to cover the cost of the services of those specialists until they are concluded.
- 68. The Administrator now has under consideration, as well, an extension beyond 31 December 1959, under the same arrangement, of the technical services of one additional specialist at the National Rehabilitation Centre for the Physically Handicapped. Likewise, the Government of the Republic of Korea has requested the extension into 1960 of the special assistance by the three advisers now being provided to government offices. This has been agreed to by the Agency and arrangements are being made for their administration and payment after the closure of UNKRA.

^{12/} See para. 42 above.

^{13/} See para. 43 above.

^{14/} See paras. 42-44 above.

69. The Agency has plans, further, to arrange for four Korean technicians-three from UNKRA private end-user investment projects and one who will be employed by another end-user project upon completion of his studies-to be sent abroad by the Bureau of Technical Assistance Operations. Study at specialized educational facilities will be provided for three of them, while for the fourth a period of observation of industrial facilities and manufacturing processes will be provided. 15/ The four candidates have already been selected by the end-users and endorsed by the Government. Since the period abroad will be subsequent to the closure of UNKRA, negotiations are now going on under which the Bureau will make the necessary arrangements and assume administrative responsibility for completion of all four tours, utilizing funds transferred from UNKRA to defray all costs.

DISPOSAL OF SURPLUS EQUIPMENT, VEHICLES AND MATERIALS

70. In August 1958, preparatory to the start of residual activities and the liquidation of the Agency's accounts, UNKRA established, in agreement with the Government of the Republic of Korea, a special project through which orderly disposal could be made of equipment, vehicles and materials, whether project or administrative, as they became surplus to the UNKRA programme.

71. Under this arrangement, surplus items are transferred to the special project at a fairly assessed value, while the regular project or administrative unit to which they have become surplus is credited with an equivalent value. Such items are then either sold by the Republic of Korea Office of Supply—being treated as part of the UNKRA salable commodities import programme, with the hwan proceeds credited to the UNKRA Aid Goods Collections Account—or transferred at the assessed value to other UNKRA projects requiring them; certain items may be provided, as agreed between the Agency and the Government, to designated departments of the Government at assessed value, or with the counterpart requirement waived.

72. The arrangement has proved to be most valuable in expediting closure processing. As at 30 September 1959 the total value of the items thus transferred amounted to \$254,160, of which \$88,200 represented the value of items used previously for administrative purposes. With respect to the latter, the Administrator points out that the transferred administrative items now constitute a real addition to the total of aid goods introduced into the Korean economy by the UNKRA programme, while at the same time the over-all costs of administration of the programme have been reduced by an equal amount.

Chapter II

Administration and external relations

UNITED NATIONS COMMISSION FOR THE UNIFICATION AND REHABILITATION OF KOREA

73. Bearing in mind the mutual relationship established between the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) and the United Nations Korean Reconstruction Agency (UNKRA) by General Assembly resolution 410 (V) of

1 December 1950, the Administrator during the reporting period discussed with UNCURK various matters of common interest concerned with the completion of UNKRA's assigned mission in Korea.

74. The Administrator wishes to express his appreciation for the constructive comments and suggestions which UNCURK has offered concerning the closure activities of the UNKRA programme. At the same time he desires to call attention to the continuing cordiality which characterized throughout the reporting period the relations existing between the Agency and the Commission, both in official capacities, and among the members of UNCURK and the UNKRA staff individually.

75. The Administrator noted with satisfaction the comments by UNCURK on the contributions of the UNKRA programme towards the economic recovery of the Republic of Korea, which were reported to the General Assembly at its thirteenth session. 16/16/16 He expresses satisfaction similarly with respect to the comments on UNKRA contained in the UNCURK report to the General Assembly at its fourteenth session. 17/1

ADVISORY COMMITTEE OF THE AGENCY

76. Under the terms of the memorandum of the Agent General of UNKRA regarding the arrangements for the termination of the operational activities of UNKRA and for the liquidation of the Agency, 18/2 which was approved by the General Assembly at its twelfth session in resolution 1159 (XII) of 26 November 1957 and reaffirmed at its thirteenth session in resolution 1304 (XIII) of 10 December 1958, the Advisory Committee continues to guide the Administrator in his work. 19/

77. In this respect, matters of interest to the Committee relating to the start of the residual activities period, and the initial progress report of the Administrator, covering the period from 1 July to 30 September 1958, which was submitted to the General Assembly at its thirteenth session, were discussed with the Committee on 27 October 1958. At meetings held on 4 and 16 February 1959, a further report was presented to the Committee on the progress of the Agency's completion activities and the current status of the outstanding projects, as well as tentative plans for the utilization of residual resources, and a report on the status of various negotiations with the Government of the Republic of Korea. At the meeting on 16 February 1959 the Committee approved a revised Administrative Plan of Expenditure for the Agency for the financial year 1 July 1958 to 30 June 1959. Again, on 9 June 1959, the Administrator transmitted to the Committee a comprehensive report on the Agency's activities for the period from February to 31 May 1959. This report was discussed with the Committee by the

^{15/} See para. 109 below.

^{16/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 13.

^{17/} Ibid., Fourteenth Session, Supplement No. 13.

^{18/} Ibid., Twelfth Session, Annexes, agenda item 27, document A/C.2/L.350.

^{19/} The Advisory Committee was established by General Assembly resolution 410 (V) to advise the Agent General with respect to major financial, procurement, distribution and other economic problems pertaining to UNKRA plans and operations. The Committee is composed of representatives of Canada, India, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

UNKRA Comptroller, representing the Administrator, on 24 July 1959.

78. The Administrator takes this opportunity to thank the Committee for its sound and helpful guidance, as well as for the valuable time that its members have spent in considering the several reports and proposals submitted. The direction provided by the Committee has been of great assistance in carrying out the task of concluding the UNKRA programme in a manner to bring the greatest possible benefit to the Korean people and economy.

ADMINISTRATION

- 79. At the start of the reporting period on 1 October 1958, the Agency's remaining regular staff totalled nineteen, of whom twelve were stationed at UNKRA headquarters in Korea and seven were at the Agency's American Regional Office, located at United Nations Headquarters, New York. This number was reduced during the year by four staff members, who were terminated with the completion of certain phases of the residual operations, leaving at 30 September 1959 eight regular staff members in Korea, including the Administrator, who continued to maintain his office there throughout the reporting period, and seven in New York.
- 80. The staff at UNKRA headquarters in Korea are engaged on project finalization activities, preparation of counterpart and commodity records, surplus property disposal etc., and other work which must be completed within Korea if the Agency is to discharge fully its responsibilities.
- 81. Staff members at the American Regional Office are engaged principally in closing the Agency's financial records, in view of the anticipated closure of UNKRA on 31 December 1959. However, this Office was also called upon during the reporting period to handle a relatively substantial amount of procurement of materials and replacement parts required for the completion of the residual projects in Korea, to conduct negotiations for the extension of certain UNKRA-provided technical assistance in Korea following the closure of the Agency, to assist the Advisory Committee, and to carry on essential liaison with representatives of Member States and with the United Nations Secretariat.
- 82. In addition to the staff comprising the UNKRA regular personnel establishment there were in Korea at 1 October 1958 eleven technical experts and specialists employed by the Agency in the capacity of project officers, either to assist the regular staff in completing the outstanding projects, or to provide full-time technical assistance to specific projects. Two of these remain, two have been terminated, and seven have been transferred to contract status as from 30 September 1959.
- 83. Termination of the last regular international staff member at the Agency's Tokyo liaison and procurement office was effected at 31 August 1958. However, this office was continued in operation throughout the reporting period, manned by two local employees, as a ready and rapid means of procurement—mostly of emergency type to complete the investment projects, but also including the purchase of certain salable items etc. These two employees work under the supervision of a former UNKRA staff

member, now associated with other United Nations activities in Japan, who acts on a limited, part-time contract basis for the Agency.

UNKRA personnel establishment

Office	30 June 1958	1 October 1958	30 September 1959
Korea	21	12	8
New York.	13	<u>7</u> a/	7 _{a/}
Tokyo	_1		
TO?	ΓAL 35	19	15

a/ Since 1 September 1958 full-time staff has consisted only
of local employees.

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SUPPLY AND PROCUREMENT

- 84. Following the conclusion of major operations, and the start of the residual activities period in September 1958, the Agency's supply and procurement operations during the reporting period showed a substantial decline. Nevertheless, purchase requisitions issued in the twelve months from 1 October 1958 to 30 September 1959 by UNKRA headquarters in Korea reached a total of over \$500,000, covering equipment and materials to complete projects, project replacement parts, and salable commodities (the latter all designated for specific UNKRA project end-users). Other materials and equipment to the value of more than \$300,000 were also directly procured for the Mungyong Cement Plant and the National Medical Centre, under Agency procurement procedures, by the international contractors employed by UNKRA on those projects. $^{20}\!\!/$
- 85. Arrivals of UNKRA aid goods during the reporting period totalled some 3,300 metric tons only. However, because of the nature of the Agency's finishing-up activities a large number of separate items were included in this total, for which the normal shipping and distribution documentation established for UNKRA supply and procurement operations had to be processed. The Agency's very limited supply staff was called upon further to handle the documentation required in the disposal of surplus property and materials, amounting during the year to over \$250,000.
- 86. Supplies and equipment received, despite the smaller volume compared with annual arrivals during the Agency's major operational period, still came from a wide geographical area, originating from Australia, Denmark, the Federal Republic of Germany, France, Hong Kong, Japan, the Union of South Africa, Sweden, the United Kingdom and the United States.

FINANCIAL STATEMENTS OF THE AGENCY

- 87. By resolution 1268 (XIII) of 14 November 1958, the General Assembly accepted the financial report and accounts of the Agency for the financial year ended 30 June 1958 and the certificates of the Board of Auditors. 21/
- 88. With the closure of UNKRA anticipated for 31 December 1959, the Administrator during the

^{20/} Additional direct procurement was also made for the National Medical Centre by the Scandinavian Medical Board. However, documentation for this procurement had not yet been received by the Agency as at 30 September 1959. See paras. 130-132 below.

^{21/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 6B.

reporting period, through the Advisory Committee of the Agency, requested and received the concurrence of the Advisory Committee on Administrative and Budgetary Questions, for the next submission to the General Assembly of the financial report and accounts of the Agency to cover the eighteen-month period from 1 July 1958 to 31 December 1959. According to this arrangement, the UNKRA accounts will be closed at the latter date and one final audit only will then be made. It will be noted in respect to this closure date that the financial year of the United Nations ends on 31 December of each year, and that the accounts for the year are submitted to the General Assembly at the regular session in the autumn of the following year. Thus the final UNKRA financial report will, in conformity with this procedure, be transmitted to the General Assembly at its fifteenth session in the autumn of 1960.

EMERGENCY RELIEF PROGRAMME

89. From 3 March 1952 the Agent General was assigned responsibility by the Secretary-General of the United Nations for transmitting offers of and requests for emergency relief assistance under the United Nations Emergency Relief Programme for Korea. This Programme had been established immediately following the outbreak of the Korean War in 1950 to provide relief assistance to the Korean civilian population, based on Security Council resolutions of 27 June 1950 (S/1511) and 7 July 1950 (S/1588), and Economic and Social Council resolution 323 (XI) of 14 August 1950.

90. During the twelve-month period which succeeded the close of the financial year ended 30 June 1956 there were neither further offers of nor requests made for such assistance. The Agent General, therefore, declared the Emergency Relief Programme concluded as from 30 June 1957.22/ During the period under review no further matters relating to this Programme were brought to the attention of the Administrator.

RELATIONS WITH OTHER UNITED NATIONS ORGANIZATIONS

91. Agency relations with other United Nations organizations during the reporting period were of a limited nature only and were concerned basically with the work of concluding the UNKRA programme. In this connexion, discussions relating to the continuation of certain of the technical assistance being provided in Korea by UNKRA, following the anticipated closure of the Agency on 31 December 1959, were held on several occasions with the regional representative of the United Nations Technical Assistance Board for the Far East, in the course of official visits to Korea by the regional representative. Negotiations were also conducted at United Nations Headquarters in New York with the Bureau of Technical Assistance Operations concerning the necessary arrangements for assumption of administrative responsibility by the Bureau for this assistance.

92. Liaison was maintained throughout the reporting period, likewise, with UNESCO for the continuing

operation of the UNKRA-established Foreign Language Institute in Seoul and the Fundamental Education Centre at Suwon, both of which projects had been transferred to the administrative and operational control of UNESCO in September 1957.

Chapter III

Utilization of residual funds

93. Throughout the major UNKRA operational period careful consideration was at all times given by the Agency to the expressed desires of the Government of the Republic of Korea regarding the application of UNKRA funds and the development and implementation of all projects, consonant with the terms of General Assembly resolution 410 (V). This policy contributed greatly to the successes—which have been described to the General Assembly previously in the Agency's regular annual reports—that were achieved in carrying out the Agency's assigned mission. It undoubtedly also played a major part in the maintenance of the amicable relations that have existed continuously between UNKRA and that Government.

94. The Administrator has been in full accord with this operational concept and throughout the reporting period has consulted regularly with the Government as to the development and conduct of the Agency's residual activities and projects. In connexion with the final disposition of the Agency's residual hwan and foreign exchange funds, the application of this policy has received, if possible, even greater emphasis. The procedures and proposals hereinunder described relating to those funds have in all cases been adopted on the basis of full and frank discussions with the appropriate authorities of the Republic of Korea.

RESIDUAL HWAN FUND UTILIZATION

95. The future utilization of the large amount of hwan funds generated by the UNKRA programme, which will be residual (surplus) to all operational and administrative requirements of UNKRA, has been a matter of genuine interest to the Agency inview of the statement of general policy on relief and rehabilitation in Korea contained in General Assembly resolution 410 A (V), which, inter alia, states that local currency proceeds accruing to UNKRA are to be used for appropriate additional relief and rehabilitation activities within Korea, or for measures to combat inflation there. In this connexion, negotiations were entered into by UNKRA with the Government of the Republic of Korea, in early 1958, for the purpose of developing a formal agreement stipulating, among other things, procedures and objectives for the use of the Agency's residual hwan funds. These negotiations culminated in the signing on 25 September 1958 of the final agreement between UNKRA and the Republic of Korea regarding the disposition of residual funds, projects, materials and responsibilities of UNKRA.

96. This agreement, after establishing the dictum that UNKRA hwan funds would be employed, firstly, to liquidate the Government's outstanding "UNKRA Counterpart Fund" overdraft at the Bank of Korea—the device through which the Government had established all hwan funds credited to the UNKRA Counterpart Fund—then provided that any credit balance remaining in the Fund (after all counterpart releases had been made for projects), together with subsequent

^{22/} For a complete account of the assistance given under the Emergency Relief Programme, see Official Records of the General Assembly, Ninth Session, Supplement No. 20, annex I, B; ibid., Tenth Session, Supplement No. 18, annex I, B and C; ibid., Eleventh Session, Supplement No. 16, annex I, B and C; and ibid., Twelfth Session, Supplement No. 17, annex I, B and C.

receipts of repayments of UNKRA counterpart loans, deferred payments from private project end-users, and any additional cash collections from the sale of UNKRA-imported commodities, would be deposited in a new government account to be known as the "UNKRA Residual Account".

97. Manifestly the United Nations will have a continuing interest in the successful future operation of the UNKRA projects, so long as they benefit the Korean people. In this regard, it is the Agency's belief that four of the UNKRA Government projects: the National Medical Centre, the National Rehabilita-

tion Centre for the Physically Handicapped, the Fundamental Education Centre, and the Foreign Language Institute, will require further assistance to improve their physical plants, increase their scope of service and, also, toward meeting local operating costs for a period of several years, if they are to provide maximum service to Korea. Accordingly, provision was made in the agreement for first priority to be given in the utilization of funds from the UNKRA Residual Account, subject to the approval of the Republic of Korea National Assembly, for assistance to those four projects in the amounts and during the time periods shown hereinunder:

	Amount per annum (Hwan)	Date of expiry	Number of years	Total amount (Hwan)
National Medical Centre	200,000,000	1963	Five	1,000,000,000
National Rehabilitation Centre	150,000,000	1963	Five	750,000,000
Fundamental Education Centre	24,000,000	1961	Three	72,000,000
Foreign Language Institute	1,500,000	1961	Three	4,500,000

The Government has agreed to furnish a report annually to the United Nations Secretary-General regarding the inclusion of these sums in the Republic of Korea national budget for the respective financial years, and the actual allocations made to each project.

98. Subject to the above established priorities and to the provision in the agreement for the continued utilization of somewhat over 1,500 million hwan for operation of the UNKRA Small Business Loan Fund, 23/all other receipts credited to the UNKRA Residual Account will, under the terms of the agreement, be allocated and expended exclusively for the rehabilitation of the Korean economy, consonant with the objectives of the UNKRA programme and consistent with the terms of the United Nations General Assembly resolution 410 (V) of 1 December 1950; under no circumstances will they be used for defense expenditures.

99. Cumulative deposits by the Government of the Republic of Korea to the UNKRA Counterpart Fund from the inception of the UNKRA programme in Korea, estimated up to 31 December 1959, the anticipated date of closure of the Agency, will amount to slightly over 38,300 million hwan. This amount represents the total value in hwan, at mutually agreed exchange rates, of the United States dollar landed cost value of all goods and services imported for the UNKRA projects, except for certain special projects for which the Government's counterpart obligation was waived. As from the same date, the estimated total of releases by the Agency of UNKRA counterpart funds-to meet, principally, the acquisition costs of the imported materials and technical services for both the investment and government projects and the costs for local labour and materials for the development and construction of those projects-will amount to a little more than 39,700 million hwan.

100. The estimated total of releases is thus approximately 1,400 million hwan greater than the estimated total amount of the UNKRA Counterpart Fund deposits by the Government. In this respect, however, it is pointed out that the estimated total of UNKRA hwan collections—which derive from receipts for the imported materials and technical services provided by

the Agency to its investment and government projects, certain direct payments for imported materials made by investment project end-users, end-user down payments on investment projects, collections from the disposal of Agency-imported salable commodities, the assets of the consolidated Small Business Loan Fund (which, under the agreement of 25 September 1958 between UNKRA and the Republic of Korea, are credited to the UNKRA Overdraft Account), and some miscellaneous receipts—will amount to just over 40,500 million hwan, resulting in the establishment of a moderate surplus of total collections over total releases. 24/

101. More importantly, however, the Administrator invites the attention of the General Assembly to the estimated surplus of more than 21,000 million hwan that will accrue to the Government of the Republic of Korea from repayments of loans financed by the UNKRA Counterpart Fund which were made during the course of the programme to investment project end-users through the agency of the Korean Reconstruction Bank. These repayments, which will be received in instalments during the next several years, are in excess of any Agency hwan funds employed for the retirement of the Government's UNKRA Counterpart Fund overdraft at the Bank of Korea, and will be credited fully, as received, to the UNKRA Residual Account. In this same connexion, the small surplus in the total of Agency hwan collections over the total of UNKRA counterpart releases noted above, together with repayments of outstanding commodity tax equivalents by some investment project end-users, which are also being made in instalments, and certain other small miscellaneous receipts, altogether amounting to about 1,000 million hwan, will be credited similarly to the UNKRA Residual Account. 25/

102. It will thus be seen that, eventually, the UNKRA Residual Account will be credited with over 22,000 million hwan (an amount which will be still further augmented by the deposit to this Account of any interest—which is not included in these estimates but which

^{23/} See paras. 36-39 above.

^{24/} Annex to this report presents summary and detailed statements of the hwan funding of the UNKRA programme.
25/ See annex II, B, below.

may be conservatively stated as an additional 1,500 million hwan—collectable on loans financed by the UNKRA Counterpart Fund. This large, completely unencumbered fund will be freely available for utilization by the Government of the Republic of Korea, under the terms of the final agreement between UNKRA and the Government, for further assistance in rehabilitation and development of the Korean economy.

103. With further respect to the UNKRA Residual Account, the Government has agreed that, following the closure of the UNKRA Counterpart Fund under the terms of the final agreement and the establishment of the Residual Account, it will make annual reports up to and including 1963 to the Secretary-General of the United Nations, giving the details of all receipts paid into and all disbursements made from the Account.

UTILIZATION OF RESIDUAL FOREIGN EXCHANGE

104. It is now anticipated that approximately \$500,000 in Agency foreign exchange funds will remain uncommitted after all provisions have been made to complete projects and technical assistance and to meet administrative costs to the close of the Agency and completion of liquidation activities.

105. The use of this foreign exchange residual to all calculated Agency requirements was discussed with the Minister of Finance of the Republic of Korea in May 1959. The Minister expressed the opinion that his Government would like a major portion of UNKRA's residual foreign exchange funds applied, in so far as practicable, toward a further single undertaking, and advanced a proposal that UNKRA consider the provision of vocational training equipment to the Inha Institute of Technology in Inchon. Regarding this suggestion by the Minister, the Administrator had likewise earlier been requested by the President of the Republic of Korea to inspect the physical establishment of the Institute with a view to determining the advisability of furnishing it with vocational training equipment.

106. The Inha Institute of Technology conducts courses on three levels. One, a three-year course for high-school vocational students, is intended to graduate journeymen craftsmen. The second course, which is open to graduates from vocational high schools, is on the junior college level and concentrates on training individuals to qualify as instructors at vocational training centres (seven such centres were among the educational establishments set up by UNKRA during the course of its major operational period) and at technical high schools throughout Korea, or to seek employment as technicians. In this regard, there exists today a great need in South Korea for a facility that can provide within the country suitable training for instructors for the vocational education system. Additionally, the Institute conducts a regular four-year engineering course on the college level. Graduates from the two-year junior college course are also qualified to enter directly into the third year of that course.

107. An on-the-site inspection by the Agency has shown the Inha Institute to have a well-built physical plant consisting of eight academic and shop buildings and one dormitory building, all of recent construction. The Institute further has a comprehensive plan for extensive over-all development, to be carried out in annual phases, which is designed to keep pace with

increasing demand for facilities. This includes nine additional academic and shop buildings, three dormitories, a student union building and a gymnasium. The funding for this expansion is based on utilization of demonstrated and forecast income, plus the use of Foundation funds.

108. The Administrator, therefore, regards it as proper and desirable that a very considerable portion of the Agency's residual foreign-exchange funds be employed to assist the Institute to acquire the equipment it needs and to provide, with the co-operation of UNESCO, the type of technical assistance which will result in further improvement of the Institute's teaching standards. A report on the further development of this project and additional details on its proposed implementation, which will be accomplished subsequent to the closure of UNKRA, will be presented to the General Assembly at a later date.

109. While the major portion of the Agency's residual foreign-exchange funds may be applied to the Inha Institute of Technology project, UNKRA has also discussed with the Government of the Republic of Korea the use of a smaller portion of those funds to send abroad for training a number of technicians from certain of the Agency's investment projects. This group includes one person from the Sihung crystalline graphite mill, who would observe flake graphite processing methods during a three-month period; one from the Sam Duk Paper Manufacturing Company, who would visit a number of paper plants in the United States and then attend a nine-month course at an institute of paper chemistry; a technician from the Pusan auto repair shop, who would attend a commercial automotive school, also in the United States, which conducts instruction in general and specialized automotive repair; and a specialist who will join the staff of the Inchon flat glass plant following completion of a course of study abroad in business management and cost accounting. In this connexion, early in September 1959 the Government formally requested the development of these four technical assistance projects. Arrangements have been tentatively discussed whereby the Bureau of Technical Assistance Operations would assume the responsibility for the administration and completion of the projects, utilizing UNKRA residual funds which would be transferred to the Bureau for that purpose.

110. Over and above the approximately \$500,000 in Agency residual foreign-exchange funds immediately available for utilization, there is a good possibility that at some not too remote date a further substantial amount, expected to be forthcoming from the settlement of claims and related procedures pertinent to certain of the Agency's projects, will likewise become available for use under the provisions of General Assembly resolution 410 (V).

111. In this connexion, the Agency is now in litigation with the initial prime contractor and the designer of the Inchon flat glass plant with respect to their performance under the contracts. An adequate contingency fund has been earmarked to meet the possibility of an adverse decision by the court. Should this decision be in favour of the Agency, as the Administrator anticipates, only a relatively small amount of this contingency fund would need to be held to cover possible legal expenses in the case of an appeal by the defendants, while the major portion could be released immediately and become a part of the Agency's resi-

dual foreign-exchange resources. Furthermore, in the event of the award by the court of damages to UNKRA, the amount of the award or whatever lesser sum can be recovered from the defendants will, upon completion of any further court action—which may be lengthy—become available for inclusion in the Agency's residual foreign-exchange resources.

- 112. As a result of the difficulties experienced in the development of the National Medical Centre project, which were related to both the design and construction of the Centre, UNKRA has instituted claims under the contracts against the architect-engineer and the prime construction contractor. The full amount of these claims had not been exactly determined at 30 September 1959, largely because of the time required for the remedial action necessary to correct the substandard construction work of the prime contractor and the results of the inadequate design work by the architect-engineer.
- 113. The Administrator anticipates recovery of funds under these claims lodged by the Agency against the two contractors. At the same time he is confident that the Agency will be successful in rebutting counterclaims which may be made by them against UNKRA. But again it may be some considerable time before the claims can be negotiated and such recoveries effected. The Agency has also established in connexion with this project a contingency fund to meet the costs of carrying out the corrective work and other requirements. Upon final completion the uncommitted portion of this contingency fund can be released to the residual foreign-exchange resources.
- 114. UNKRA likewise has claims outstanding against the vendor of the paper-making machinery for the Sam Duk paper plant and Shinheung paper plant projects. 26 These claims have been under negotiation with the vendor for some little time and a partial recovery of funds has already been made. However, additional recovery is anticipated under these claims, which will further increase the total of the Agency's residual foreign exchange resources.
- 115. There now exists a reasonable probability that the grand total of the Agency's foreign-exchange resources, which will be residual to all Agency requirements to complete its activities and applicable to projects in Korea following the closure of UNKRA, may, with the conclusion of these claims, considerably augment the balance of residual funds presently estimated.
- 116. With respect to the future utilization of these resources, including the amount allocated for the procurement of vocational training equipment for the Inha Institute of Technology, it is the Administrator's recommendation that these funds be transferred to the Secretary-General to be used for technical assistance or optionally for Special Fund projects. The Administrator further recommends that the use of all UNKRA residual foreign-exchange funds be determined in discussion with the Government of the Republic of Korea as the availability of such funds becomes certain and that they be authorized only for such projects and purposes as may be mutually agreed upon with the Government.

Chapter IV

Closure of the United Nations Korean Reconstruction Agency

- 117. A major economic aid operation of the size and complexity of the reconstruction and rehabilitation programme executed in the Republic of Korea by UNKRA, in its final implementation stage, cannot but be faced by a number of residual difficulties and tasks related to such matters as late arrivals of project materials, local construction and financing problems and other difficulties which cannot be fully anticipated in advance.
- 118. Prior to the start of the residual period, UNKRA had already achieved success in carrying out its mission. Presumably, it could have accepted that fact and closed its activities, ignoring the few problems which still existed. To have done so, however, would have deprived the Republic of Korea of the full measure of economic aid which the Member States of the United Nations and non-member States made possible by their contributions.
- 119. In this light the Administrator was directed by the General Assembly to carry to a successful conclusion the residual projects and other matters relating to the full completion of the programme which remained outstanding at the close of active operations. This assigned task was pursued with all determination throughout the reporting period, and a review of the details provided in chapters I and III of this report will show that substantial progress was achieved in resolving these various tasks and difficulties, although a number of tasks still remain to be completed after 30 September 1959.
- 120. As a result, an important quantity of UNKRA-imported fisheries operational supplies is now getting into the hands of the intended end-users, where it will do the economy the most good, while additional canning machinery, on order before the close of the Agency's major operations for the two UNKRA-built fish canneries, has been installed in those plants.
- 121. The development of the Taebaek coal mine was completed, resulting in further quantities of muchneeded coal becoming available for both private home and industrial use. A crystalline flake graphite processing mill was also finished during the year, adding new possibilities for foreign-exchange earnings. Further work finished at the Republic of Korea's only non-ferrous metal smelter and refinery allows cheaper, and at the same time increased, production of copper, gold and silver, while an UNKRA-assisted paper plant completed in December 1958 is turning out bond paper, providing both a domestic source of this type of paper and a substantial saving in foreign exchange which would otherwise have to be used for imports.
- 122. The new National Medical Centre started operations during the reporting period, providing the largest modern facilities for treatment, as well as for graduate medical, nursing and technician training, in the Republic of Korea. Already thousands of persons have been helped by it. Work completed at the new National Vaccine Laboratory increased the country's ability to produce vital vaccines and antitoxins.
- 123. The careful application of still available, although limited, Agency funds also added further to the

^{26/} See paras. 30-35 above.

benefits accruing to the Korean economy from the UNKRA programme. Cement output was increased by the provision of a new cement mill to the Mungyong cement plant. Kraft paper was supplied for packaging a large quantity of powdered talc for export, as well as for flake graphite and cement. Additionally, a newly procured flat glass drawing machine will shortly raise annual sheet glass production by 6 million square feet, while other materials supplied to the same plant during the year have already increased the output of figured and wire-reinforced glass. At the same time, it was possible to furnish technical assistance throughout the reporting period which aided in industrial plant and mining operations and production.

124. The closure of UNKRA is anticipated for 31 December 1959, a brief three months following the concluding date of this report. These final three months from 1 October to 31 December 1959 constitute a still important period during which positive action will continue for the conclusion of the last few outstanding problems and difficulties to the best advantage of the Korean people and economy. In this connexion, it is the intention of the Administrator to submit to the General Assembly report covering the Agency's activities for the three-month period.

125. However, this supplementary report will not be considered by the General Assembly before the fifteenth session in the autumn of 1960, long after UNKRA as an organization has ceased to exist. In this respect. while every effort possible will be made by the limited staff remaining available to the Agency to resolve all outstanding problems prior to the closure date, there are a number of difficulties which in the Administrator's opinion may well carry beyond that date, and which he believes should be reported to the General Assembly at this time as a matter of information and record. These relate: (a) to various actions and claims which UNKRA has initiated with respect to certain of its projects; and (b) to a special situation which has arisen with respect to the final completion by the Agency of its responsibilities for the National Medical Centre project.

126. Litigation is now under way with the initial prime contractor and the designer of the Inchon flat glass plant with respect to their performance under the contracts. The initial court hearing is scheduled for the first week in December 1959. A considerable period of time may elapse before the funds which may be involved in an award to UNKRA by the court will be received. No particular problems are envisaged, but the case may well remain open beyond the closure of UNKRA, and arrangements for responsibility for follow-up action are now under consideration.

127. With respect to the National Medical Centre, 27/the Agency has a well documented and briefed case for its claim against the architect-engineer. Negotiation has been started and the Administrator is hopeful that a mutual agreement and settlement may be reached during November or December 1959.

128. The claim against the prime construction contractor of the National Medical Centre, however, is involved and will probably amount to some hundreds of thousands of dollars. A commercial auditor has been employed by the Agency and an audit of the contractor's accounts is under way. Because of the length of time which has been required for corrective work at the

27/ See paras. 45-49 above.

129. The claims relating to paper-making machinery furnished for two of the UNKRA projects 28/are relatively small. Certain recoveries have already been made, and others can be considered as almost certain. The claims still outstanding have been pressed steadily and this action is being continued with a reasonable expectancy that further funds will be recovered. In this case, it is anticipated that all claims can be satisfactorily adjusted and closed within the time still available prior to the closure of the Agency.

130. The most serious difficulty, however, which now faces the Administrator with respect to completing the Agency's responsibilities by the anticipated closure date of the Agency is a problem relating to the National Medical Centre project sponsored jointly by UNKRA, the Scandinavian Governments and the Government of the Republic of Korea.

131. The documentation which UNKRA requires in order to post properly its accounts and close its financial records has not yet been received.

132. Negotiations are now in progress, and it is hoped that this difficulty will be satisfactorily resolved.

133. In conclusion, the Administrator wishes, as a matter of direct interest, to invite the attention of the General Assembly to some of the important and valuable effects, apparent in the Republic of Korea during the past year, that stemmed either entirely or in large measure from the economic assistance which the United Nations has provided to the Republic through the United Nations Korean Reconstruction Agency.

134. Most obvious was the increase in the production of cement, coal, paper, talc and canned fish, as well as the new availability of domestically manufactured flat glass; completed UNKRA projects played the major part in those achievements. At the same time, other machinery and equipment furnished under the UNKRA programme was employed to process substantial quantities of raw cotton and wool tops, weave cotton and linen cloth, spin worsted and woolen yarns, manufacture electric wire and fishnets and other items. Similarly provided operational equipment and supplies helped to maintain a high level of output of marine products, while the irrigation works which were accomplished during the period of the Agency's active operations played a role in the year's bumper rice crop.

135. The results of the Agency's assistance were also manifested in the number of skilled workers graduated from the vocational training centres established by UNKRA and graduates, including engineers, doctors and nurses, of the universities and colleges which were furnished with laboratory and other instructional equipment. Millions of required textbooks for Korea's

National Medical Centre, the work which must be done in order to properly document and brief this large claim is still going on, and it is not likely that negotiations can be initiated until November or early December 1959. It may be possible to reach an agreement and settlement with the contractor in a matter of days. On the other hand, should it not be possible to reach a quick agreement and settlement, a determination as to the disposition of the claim must be made. In this event, positive measures to protect the interests of the United Nations will be proposed at the time this determination is made.

 $[\]frac{28}{\text{See}}$ para. 114 above.

elementary schools were published at the textbook printing plant built and equipped with United Nations assistance, while thousands of school children used classroom facilities provided by UNKRA. Still other beneficial effects could be cited in, for instance, the fields of housing, health and welfare, power, and communications and transportation.

136. The source and the value of this economic aid furnished by the United Nations is known to and well appreciated by the people of the Republic of Korea and their Government—from the farmer, who has direct knowledge that his fields were irrigated through a United Nations project, the purchaser of cement who identifies the name stamped on the container with a new United Nations-constructed plant, to the country's economists and planners who calculate the product and requirements of the economy.

137. The United Nations economic aid which was provided to the Republic of Korea through UNKRA, supported by the contributions of thirty-four Member States and five non-member States, represented a bold, new action to bring assistance of a new dimension to

a nation which found itself in economic ruin as the result of aggression. The last stage of the planned programme which was carried out by UNKRA in the furtherance of that aim is almost concluded, and the Agency's accomplishments and success are even now largely a matter of history. This fact, however, does not diminish its value; the United Nations can derive full satisfaction from the knowledge that what was accomplished has played a positive and active part in the task of restoration and rehabilitation.

138. United Nations economic assistance made, and is continuing to make today, an important and most beneficial contribution to the Republic of Korea and its people. The approaching closure of UNKRA does not end that contribution, for through the completed UNKRA projects, and the large residual fund which UNKRA leaves for the Government of the Republic of Korea for use on still more projects, it will continue steadily into the future, providing further help in the efforts of this young nation to build a viable and stable economy.

ANNEXES

Annex I

STATEMENT OF GOVERNMENT PLEDGES AND CONTRIBUTIONS TO THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY AS AT 30 SEPTEMBER 1959

(In US dollar equivalent)

(In US dollar equivalent)					
	Amount pledged	Received in cash	Received in kind <u>a</u> /	Total received	Balances outstanding
Member States					
Argentina	500,000	_	500,000	500,000	_
Australia b/	3,616,446	3,616,446		3,616,446	
Austria	179,474	139,474	40,000	179,474	_
Belgium	600,000	600,000		600,000	_
Burma	49,934	_	49,934	49,934	-
Cambodia	1,000	1,000	-	1,000	_
Canada	7,413,021	7,413,021		7,413,021	_
Chile	250,000	250,000	-	250,000	_
Denmark	1,089,147	1,089,147		1,089,147	_
Dominican Republic	10,000	10,000		10,000	_
Egypt	28,716		28,716	28,716	
El Salvador	500	500	<u></u>	500	***
Ethiopia c/	40,000	40,000		40,000	
France	142,857	142,857		142,857	
Greece	18,063		18,063	18,063	
Guatemalad	7,704	7,704	-	7,704	_
Honduras	2,500	2,500		2,500	
Indonesia	143,706	143,706	_	143,706	
Israel	36,100	-	36,100	36,100	
Italy	2,014,933	320,000	1,694,000	2,014,933	_
Lebanon C	50,000	50,000	—	50,000	
Liberia	15,000	-	15,000	15,000	
Luxembourg	50,000	50,000	-	50,000	_
Mexico	40,000	40,000		40,000	•••
Netherlands	1,052,632	1,052,632	-	1,052,632	_
New Zealand	836,850	836,850	_	836,850	
Norway	1,725,323	1,698,846	26,477	1,725,323	_
Pakistan	315,000	315,000		315,000	_
Panama	3,000				3,000
Paraguay c/	10,000	10,000		10,000	· -
Saudi Arabia	20,000	20,000		20,000	– ,
Sweden	988,904	974,539		974,539	14,365 <u>e</u> /
United Kingdom of Great Britain and	•	,		•	•
Northern Ireland b	26,840,002	26,840,002		26,840,002	_
United States of America b	92,902,615	92,902,615	-	92,902,615	
Venezuela	100,000	30,000	70,000	100,000	
Total	141,093,427	138,596,839	2,479,223	141,076,062	17,365

	Amount pledged	Received in cash	Received in kind	Total received	Balances outstanding
Non-member States					
Holy See	10,000	10,000		10,000	_
Liechtenstein	465	465	_	465	_
Monaco	1,144	1,144		1,144	
Switzerland	313,954	290,698	23,256	313,954	_
Viet-Nam	10,000	10,000		10,000	
Total	335,563	312,307	23,256	335,563	
GRAND TOTAL	141,428,990	138,909,146	2,502,479	141,411,625	17,365

a/ These contributions in kind have been made available to the Unified Command for use in the Emergency Relief Programme for the civilian population of Korea.

b/ Previous contribution statements have shown pledges of \$4,001,726 for Australia, \$28,000,000 for the United Kingdom and \$162,500,000 for the United States. At the time these pledges were made the Governments concerned stipulated that payment of the full amounts was conditional upon certain matching contributions being received from other Governments, and in the case of Australia and the United States upon certain percentage limitations. In this statement these amounts have been adjusted to reflect the maximum contributions of

these Governments in accordance with the terms of their pledges, on the basis of total contributions made by other Governments to the programme.

d/The contribution from the Government of Guatemala represents the proceeds of sale by the Government of 15,000 lb. of coffee.

2/ To be settled under an agreement of 13 March 1956 for the establishment and operation of a National Medical Centre in Korea.

Annex II
A. SUMMARY STATEMENT ON HWAN FUNDING OF THE UNKRA PROGRAMME

	Anticipated 30 September 1959 (1,000 Hwan)	Over-all estimate (1,000 Hwan)
Counterpart and Collections		
Counterpart deposits	37,800,000	38,319,207
Release from Counterpart Account	33,861,448	39,723,496
Collections Account	33,732,478	40,546,154
Repayments Sub-Account	440,537	21,813,980
Forecast of final position		
Total to be deposited in the UNKRA Collections Account		40,546,154
Total to be released from Counterpart Account		39,723,496
Excess available from collections after reimbursement of from the Overdraft Account and released from the Cou Repayments of UNKRA loan projects including interes	nterpart Account	822,658
31 July 1959		21,813,980
Estimated income to be deposited in UNI	KRA Residual Fund	22,636,638

B. DETAILED STATEMENT ON HWAN FUNDING OF THE UNKRA PROGRAMME Estimates as at 30 September 1959

•	Over-all estimates (1,000 hwan)	Reported position at 31 August 1959 (1,000 hwan)	Anticipated position at 30 September 1959 (1,000 hwan)
Counterpart deposits Investment projects	18,879,680 9,207,854 9,417,684 813,989	18,769,630 8,886,723 9,064,610 813,989	18,860,000 8,897,854 9,228,157 813,989
Sub-total	38,319,207	37,534,952	37,800,000
Release from Counterpart account Investment acquisition. Investment other. Government acquisition Government other Loan funds. Advance to UNKRA Administrative 5 per cent. Cement shipments. Sub-total	14,992,050 6,225,038 9,207,854 5,745,094 150,000 1,997,500 1,915,960 90,000 39,723,496	10,513,153 5,595,818 3,899,729 5,737,781 1,397,500 1,683,761 90,000 28,917,742	13,730,590 5,850,000 5,221,816 5,737,781 150,000 1,397,500 1,683,761 90,000 33,861,448

Over-all estimates (1,000 hwan)	Reported position at 31 August 1959 (1,000 hwan)	Anticipated position at 30 September 1959 (1,000 hwan)
14,992,050	10,513,153	13,730,590
2,639,132	2,130,821	2,180,821
9,207,854	3,899,729	5,221,816
_	64,426	64,426
9,594,528	8,389,658	8,439,658
11,739	11,739	11,739
964,034	936,611	946,611
1,574,000		1,574,000 _b /
1,562,817		$1,562,817^{\frac{1}{10}}$
40,546,154	25,946,137	33,732,478
20,967,088	74,936	120,000
129,459	129,459	129,459
526,355		<u> </u>
191,078	191,078	191,078
-	1,162,000	
21,813,980	1,557,473 a/	440,537
822,658	(2,971,605)	(128,970)
21,813,980	1,557,473	440,537
22,636,838	1,414,132	311,567
	estimates (1,000 hwan) 14,992,050 2,639,132 9,207,854 9,594,528 11,739 964,034 1,574,000 1,562,817 40,546,154 20,967,088 129,459 526,355 191,078 21,813,980 822,658 21,813,980	Over-all estimates (1,000 hwan) 14,992,050

^{2/} The last status report on the Repayments Sub-Account was established as at 31 March 1959 and it is anticipated that further payments of principal and interest will have been made since that time and that the full amount of the down payments for the cement and flat glass plants will have been transferred to the Collections Account by 30 September 1959.

Annex III

See insert at end of fascicle.

DOCUMENT A /4332

Report of the Second Committee

[Original text: English] [4 December 1959]

- 1. The General Assembly, at its 803rd plenary meeting on 22 September 1959, allocated to the Second Committee item 32 of its agenda, entitled "United Nations Korean Reconstruction Agency: progress report of the Administrator for Residual Affairs of the Agency".
- 2. The Committee considered this item at its 642nd meeting, on 3 December 1959. Nine delegations, as well as the Administrator for Residual Affairs of the Agency, took part in the debate.
- 3. The Committee had before it the progress report of the Administrator for Residual Affairs of the Agency (A/4263).
- 4. The Committee received one draft resolution under this item, submitted by Canada, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay (A/C.2/L.453).
- 5. The Committee voted separately on the third preambular paragraph, at the request of the representative of the Byelorussian Soviet Socialist Republic, and approved it by 51 votes to none, with 16 abstentions
- 6. The Committee then adopted the draft resolution as a whole (A/C.2/L.453) by 49 votes to 9, with 11 abstentions.

b/ The amount set up in the UNKRA Small Business Loan Fund is to be credited to the UNKRA Collections Account and transferred as a collectable credit to the Overdraft Account. When sufficient funds are available in the Repayments Sub-Account (or UNKRA Residual Account) a transfer could be made equivalent to this credit to permit the closure of the Overdraft Account and the continuance of the Loan Fund as long as desired by the Korean Government.

Recommendation of the Second Committee

7. The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolution: PROGRESS REPORT OF THE ADMINISTRATOR FOR RESIDUAL AFFAIRS OF THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Second Committee (A/4332, para. 7). For the final text, see resolution 1433 (XIV) below.

Resolution adopted by the General Assembly

1433 (XIV). PROGRESS REPORT OF THE ADMINISTRATOR FOR RESIDUAL AFFAIRS OF THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY

The General Assembly,

Recalling its resolution 410 (V) of 1 December 1950, 701 (VII) of 11 March 1953, 725 (VIII) of 7 December 1953, 828 (IX) of 14 December 1954, 920 (X) of 25 October 1955, 1020 (XI) of 7 December 1956, 1159 (XII) of 26 November 1957 and 1304 (XIII) of 10 December 1958,

Taking note of the progress report of the Administrator for Residual Affairs of the United Nations Korean Reconstruction Agency covering the period from 1 October 1958 to 30 September 1959 (A/4263), in which is contained a review of the activities of the Agency during its nine years of existence,

Taking note also that the termination of the Agency is scheduled for 31 December 1959,

1. Expresses its thanks to the former Agents General of the United Nations Korean Reconstruction Agency, the Administrator for Residual Affairs of the Agency and the members, both past and present, of the staff

- of the Agency for the devoted and efficient service which they have rendered during the years of the Agency's existence;
- 2. Expresses its conviction that the work of the Agency has made an important and enduring contribution to the development of the Korean economy and to the well-being of the Korean people;
- 3. Expresses its appreciation for the valuable assistance given to the Agency by the specialized agencies of the United Nations and by voluntary non-governmental organizations;
- 4. <u>Reaffirms</u> its decision that any funds remaining in residual accounts when the Administrator for Residual Affairs of the Agency has completed his task should be used in conformity with General Assembly resolution 410 (V) entitled "Relief and rehabilitation of Korea";
- 5. <u>Further reaffirms</u> the action taken at its twelfth session regarding the arrangements and procedures for the completion of the residual responsibilities of the Agency and the liquidation of its accounts.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 32 which are not reproduced in the present fascicle.

Document No.

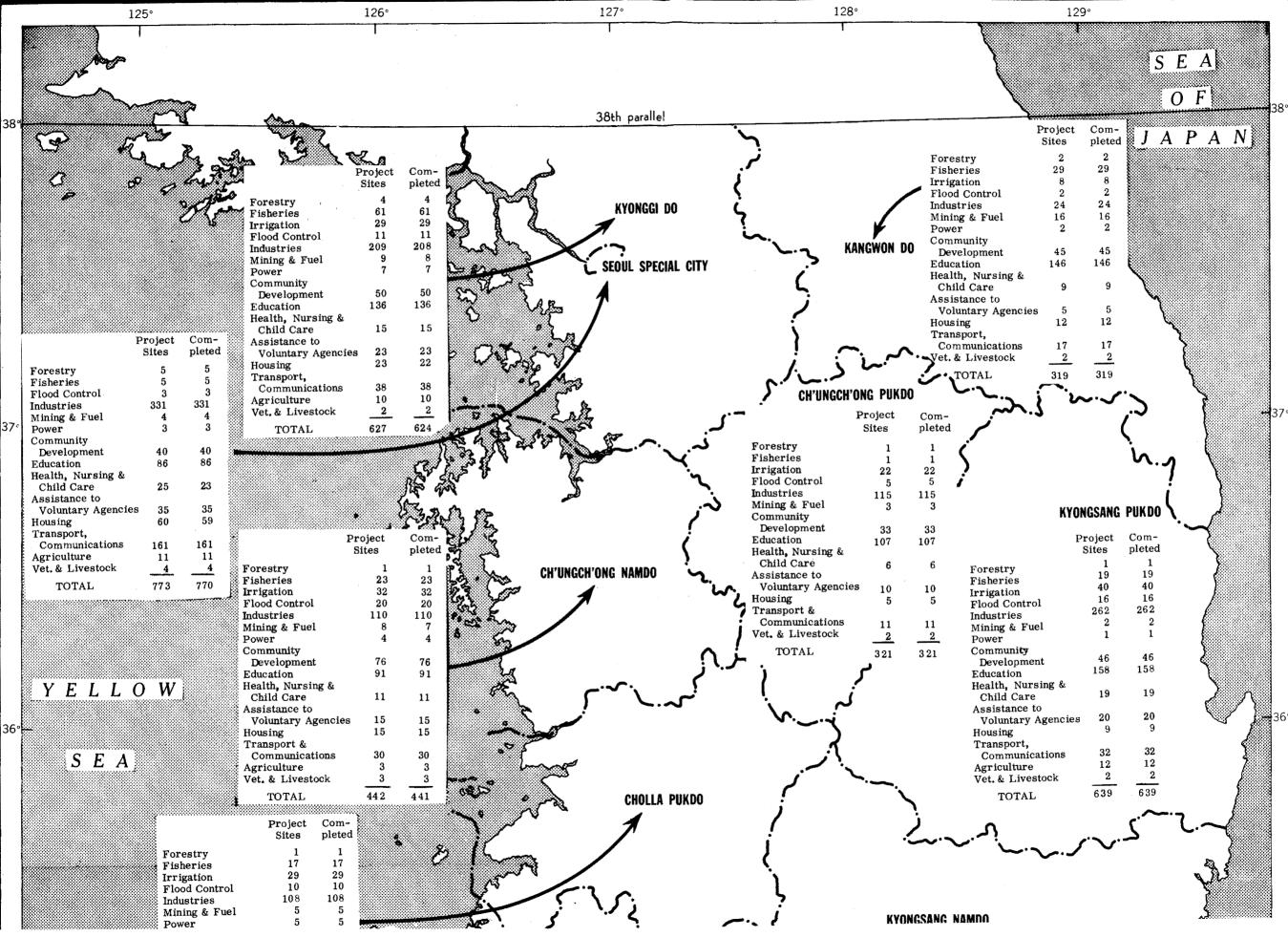
Title

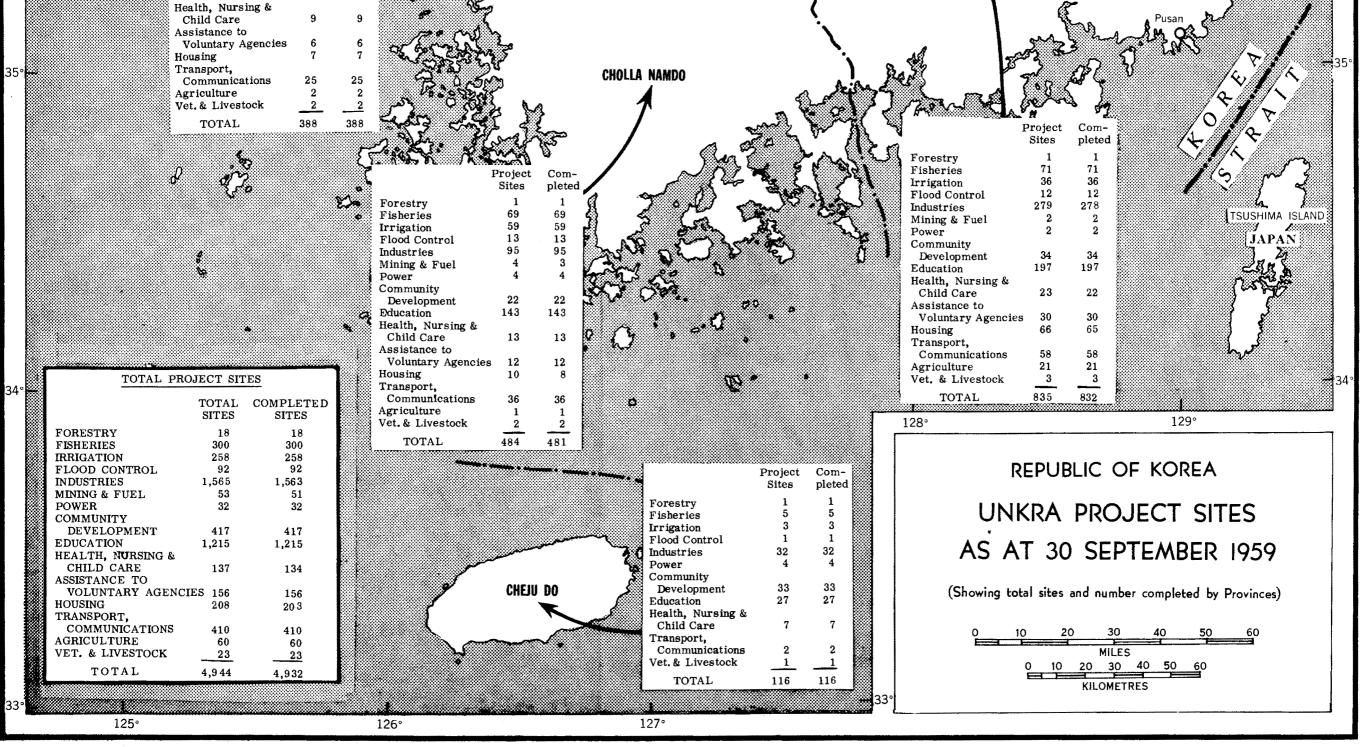
Observations and references

A/C.2/L.453

Canada, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

See A/4332, para. 7





GENERAL ASSEMBLY



ANNEXES
FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 33: Report of the United Nations High Commissioner for Refugees*

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DOCUMENT A /4278

Report of the Third Committee

[Original text: English and Spanish]
[16 November 1959]

INTRODUCTION

- 1. At its 803rd plenary meeting, on 22 September 1959, the General Assembly allocated to the Third Committee item 33 of the agenda of its fourteenth session (Report of the United Nations High Commissioner for Refugees).
- 2. The Committee considered this item at its 943rd to 948th meetings, held between 2 and 6 November 1959.
- 3. The Committee had before it the report of the High Commissioner (A/4104/Rev.1 and A/4104/Rev.1/Add.1) and chapter VI, section IV, of the report of the Economic and Social Council (A/4143).

STATEMENT BY THE HIGH COMMISSIONER

- 4. At the invitation of the Committee, the High Commissioner made an introductory statement (943rd meeting). He stated that the activities of his Office during the year under review were characterized by three main facts: first, the concentration of efforts and means on clearly defined refugee problems gave new hope for final solution of these problems; secondly, on the other hand, some of the problems could not be finally settled by the Office, for its action could be only of a strictly social and humanitarian character; and thirdly, the World Refugee Year had already had a useful effect.
- 5. The High Commissioner recalled that a year previously there had been 160,000 non-settled refugees in Europe within the mandate of his Office, including 40,000 persons in camps. Recently, there had been about 110,000 non-settled refugees in Europe, of whom 22,000 were living in camps in Austria, the Federal Republic of Germany, Greece and Italy. The progress
- * For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Third Committee, 943rd to 948th meetings; and ibid., Plenary Meetings, 841st meeting.

- achieved was a tribute to a combination of efforts on the part of Governments, inter-governmental organizations and voluntary agencies.
- 6. While, apart from its financial aspect, the problem of the Hungarian refugees in Yugoslavia had been solved by the beginning of 1958, there still remained 10,000 Hungarian refugees in Austria. The High Commissioner stressed that no obstacles were laid in the wasy of those refugees who wished to be repatriated. However, 1,500 Hungarian refugees in Austria still wished to emigrate and he hoped that, on the occasion of the World Refugee Year, Governments would make every effort towards the settlement of the Hungarian refugee problem.
- 7. The relief programme of care and maintenance of the 180,000 refugees from Algeria in Morocco and Tunisia was carried out by the League of Red Cross Societies in close co-operation with the Moroccan and Tunisian Red Crescent Societies. The Office of the High Commissioner was responsible for the co-ordination of activities. Up to 27 October 1959, approximately \$7.8 million had been contributed from international sources to a special fund for relief operations. The estimated total covering a twelve-month programme for these refugees amounted to approximately \$6 million. The refugees were mostly in need of food, blankets and clothing.
- 8. An important development during the year under review had been the dissolution of the United Nations Refugee Fund. In implementation of General Assembly resolution 1166 (XII) of 26 November 1957, it had been decided that, as from 1 January 1959, international assistance to refugees would be granted under separate programmes established on an annual basis. For 1960, the Executive Committee had set, on the occasion of the World Refugee Year, a global target of \$12 million. The main activities for 1959 and 1960 were the Far Eastern programme, the camp clearance programme and the programme for non-settled refugees living outside camps.

- 9. The High Commissioner then referred to the Far Eastern programme, which was a joint operation between his Office and the Inter-Governmental Committee for European Migration (ICEM) involving the resettlement of a further 8,500 refugees. It was hoped that, on the occasion of the World Refugee Year, the visas and additional funds required for the High Commissioner's Office and for the ICEM would be forthcoming so that this programme could be successfully solved.
- 10. The High Commissioner noted that progress had been achieved in the camp clearance programme. The number of refugees within his mandate living in 114 official camps at mid-1959 was 23,700. The number of refugees qualifying for the camp clearance programme was 15,800, compared with 21,000 one year earlier. The emphasis of the programme was, as before, on housing. Increased attention was being paid to specially difficult cases. The programme had exercised a stimulating effect on schemes for refugees not within the High Commissioner's mandate. An amount of \$3,150,000 was still needed before the end of 1960.
- 11. There remained more than 90,000 non-settled refugees living outside camps in various European countries, as well as a few thousand in the Near and Middle East. In view of the general limitation of funds, it had not been possible so far to place emphasis on assistance to that group. That might become possible after the completion of the camp clearance programme and of the Far Eastern programme, particularly if sufficient contributions were made available as a result of the World Refugee Year.
- 12. The High Commissioner referred to the protection activities of his Office and to the increase of those activities in pursuance of General Assembly resolution 1284 (XIII) of 5 December 1958. He stressed the importance of the determination of refugee status, and further expressed the hope that more countries would ratify or accede to the 1951 Convention relating to the Status of Refugees. 1/
- 13. The High Commissioner stated that every refugee problem contained an important element of voluntary repatriation and he described the role of his Office in that respect. He referred to resettlement and gave an account of the various resettlement schemes already in operation ar envisaged on the occasion of the World Refugee Year. He expressed the hope that duripg the World Refugee Year countries would reserve for refugees an especially high proportion of their immigration programmes.
- 14. Concerning the contributions to the Office of the High Commissioner, he was hopeful that the target of \$4.7 million set by the Executive Committee of the High Commissioner's Programme for the current 1959 programmes would be reached, provided that his Office obtained an additional \$350,000 before the end of the year.
- 15. The High Commissioner gave an account of contributions made available for assistance to Chinese refugees in Hong Kong, either through his Office under

General Assembly resolution 1167 (XII) of 26 November 1957, or under bilateral arrangements.

GENERAL DEBATE

- 16. The Secretary-General reported to the Third Committee at its 946th meeting on the steps he had taken to promote the World Refugee Year. At that time, sixty-five countries and territories which had participated in the World Refugee Year had indicated that they would make a special effort on behalf of refugees. Seventy international non-governmental organizations were also participating in the Year through a special committee set up at Geneva. The targets for additional financial contributions announced by Governments, national committees and non-governmental organizations, if met, would make it possible to solve problems that had remained unsolved too long owing to lack of funds, and improve the lot of many other refugees. However, the additional contributions actually paid thus far amounted to only a little more than the equivalent of \$3 million and the greatest part of the effort had yet to be made. At a date still to be scheduled, an ad hoc committee of the whole Assembly would be convened, at which contributions would be announced for the programmes of the High Commissioner for Refugees and of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). It had been suggested that on that occasion Governments would describe the best way for solving the refugee problem, including, for example, information programmes, plans for ratification of the 1951 Convention, action with regard to immigration legislation or regulations, and targets set by national committees. In conclusion, the Secretary-General recalled the statement by the President of the General Assembly (824th plenary meeting) that, in lauching the World Refugee Year, the Assembly and given new hope to millions of refugees, and that it was the Assembly's task to fulfil that promise.
- 17. During the discussion, many delegations expressed appreciation of the work of the High Commissioner's Office in the past year, and paid a tribute to the efforts undertaken in launching the World Refugee Year.
- 18. Some delegations informed the Committee of their contributions in connexion with the World Refugee Year and others reported on practical steps they had taken or intended to take in order to receive refugees in their countries.
- 19. Other delegations stressed the importance of voluntary repatriation and pointed out that larger resources would have to be allocated for the promotion of the programme. An appeal was made for the solution of the most difficult social problem of the sick and handicapped refugees.
- 20. Several delegations referred to the problem of the refugees from Algeria in Morocco and Tunisia. an appeal was for assistance to those refugees until they were able to return home.
- 21. Some delegations urged that help be given, for humanitarian reasons, to the Chinese refugees in Hong Kong.
- 22. Several delegations felt the need for a final solution of the Hungarian refugee problem. In this connexion, a tribute was paid to the Government of

^{1/} United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Final Act and Convention relating to the Status of Refugees (United Nations publication, Sales No.: 1951, IV.4), p. 11.

Austria, which had dealt with it in a truly humanitarian spirit.

DRAFT RESOLUTION ON THE REPORT OF THE HIGH COMMISSIONER

- 23. At the 946th meeting, Austria, Colombia, Greece, Iran, the Netherlands and Sweden submitted a draft resolution (A/C.3/L.780), the operative paragraphs of which read as follows:
 - "1. Invites States Members of the United Nations and members of specialized agencies to devote, on the occasion of the World Refugee Year, special attention to the problems of refugees coming within the competence of the United Nations High Commissioner for Refugees and in particular to consider the possibility of:
 - "(a) Improving the legal status of refugees living on, or to be admitted to, their territory, inter alia, by acceding to the Convention relating to the Status of Refugees;
 - "(b) Increasing the facilities for permanent refugee solutions through voluntary repatriation and assimilation within new national communities, and, for resettlement of refugees, providing further opportunities through liberalization of immigration laws and regulations and through inclusion of refugees in resettlement schemes;
 - "(c) Enabling the High Commissioner, through additional voluntary financial contributions, to implement the programmes of international assistance to refugees approved by the Executive Committee of the High Commissioner's Programme for 1959 and 1960:
 - "2. Authorizes the United Nations High Commissioner for Refugees, in respect of refugees who do not come within the competence of the United Nations, to use his good offices in the transmission of contributions designed to provide assistance to these refugees."
- 24. The sponsors of the draft resolution stressed that there should be an opportunity for funds collected in all the countries of the world, particularly on the occasion of the World Refugee Year, to be distributed on a universal basis, and for all refugees to benefit from them in accordance with their needs and the wish of the donor. The sponsors pointed out that the High Commissioner and his staff possessed the skill and experience required to assure such distribution if they were requested by donors to do so.
- 25. Some delegations felt, however, that the text should be completed by a provision stressing the importance of the principle of voluntary repatriation.
- 26. To that end, Afghanistan submitted an amendment (A/C.3/L.783) to the six-Power draft resolution, whereby the General Assembly would express the hope that additional efforts would be made for the repatriation of refugees who wished to return to their country of origin. In its revised form (A/C.3/L.783/Rev.1), the amendment provided for the addition of the following paragraph at the end of the preamble:
 - "Expressing the hope that no additional efforts will be spared for the repatriation of refugees who wish to return to their country of origin".
- 27. Italy submitted an amendment (A/C.3/L.787) to the six-Power draft resolution to the effect that para-

- graph 1 (b) should be put before paragraph 1 (a) and amended to read as follows:
- "(a) Making additional efforts to increase the facilities for permanent solutions for refugees who wish to return to their country of origin and encouraging their assimilation within new national communities, and, with respect to the resettlement of refugees, providing further opportunities through liberalization of immigration laws and regulations and through inclusion of refugees in resettlement schemes."

Sub-paragraph (a) in document A/C.3/L.780 would become sub-paragraph (b).

- 28. The sponsor felt that his amendment might bring about agreement among the various views expressed. After discussion, the amendment was withdrawn.
- 29. The United Kingdom submitted an amendment (A/C.3/L.788) to the six-Power draft resolution. It provided for the addition of the following paragraph at the end of the preamble:
 - "Expressing the hope that every effort will be made for the resettlement or integration of refugees".
- 30. At its 948th meeting, the Committee voted on the six-Power draft resolution (A/C.3/L.780) and on the amendments thereto as follows:
- (a) The revised amendment submitted by Afghanistan (A/C.3/L.783/Rev.1) was adopted by a roll-call vote of 31 to 19, with 24 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Dominican Republic, Federation of Malaya, Hungary, Indonesia, Iraq, Ireland, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, China, Colombia, Denmark, France, Haiti, Israel, Italy, Luxembourg, Netherlands, New Zealand, Portugal, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Burma, Cambodia, Costa Rica, Cuba, Ecuador, El Salvador, Ethiopia, Finland, Greece, Guatemala, Honduras, India, Iran, Japan, Liberia, Mexico, Norway, Peru, Turkey, Uruguay, Venezuela.

(b) The amendment submitted by the United Kingdom (A/C.3/L.788), with the addition of the word "also" after "expressing the hope", was adopted by a roll-call vote of 36 to 23, with 16 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, France, Greece, Haiti, Iran, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovaquia, Hungary, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Pakistan, Poland, Romania, Saudi Arabia, Spain, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: Burma, Cambodia, Cuba, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Guatemala, Honduras, India, Ireland, Liberia, Mexico, Nepal, Venezuela.

(c) The draft resolution as a whole (A/C.3/L.780), as amended, was adopted by a vote of 55 to none, with 20 abstentions (see paragraph 38, draft resolution I, below).

DRAFT RESOLUTION ON REFUGEES FROM ALGERIA IN MOROCCO AND TUNISIA

- 31. At the 946th meeting, Libya, Morocco and Tunisia submitted a draft resolution (A/C.3/L.781) on refugees from Algeria, which they subsequently revised (A/C.3/L.781/Rev.1).
- 32. The sponsors felt that those refugees constituted a separate category. It was hoped that the plight of those refugees was a temporary one. The precariousness of the situation of the children was stressed.
- 33. At its 948th meeting, the Committee adopted the revised three-Power draft resolution (A/C.3/L.781/Rev.1) by 66 votes to none, with 5 abstentions (see paragraph 38, draft resolution II, below).
- 34. The representative of France stated after the vote that world-wide charity was not called for in this case, and that the French Government was ready and able to provide all the aid those refugees needed. If the refugees expressed, before an impartial international body, the desire to return to their homes, the French Government would pay all repatriation costs. It had already placed an initial sum of 125 million francs at the disposal of the High Commissioner.

DRAFT RESOLUTION ON THE WORLD REFUGEE YEAR

- 35. At the 946th meeting, Argentina, Australia, Canada, France, Iran, Italy, Norway, the United Kingdom and the United States submitted a draft resolution (A/C.3/L.782) on the World Refugee Year.
- 36. The sponsors felt that the General Assembly should urge Member States to make further efforts for the success of the World Refugee Year. The authors had taken care to leave each country free to decide what form its participation would take.
- 37. At the 948th meeting, the nine-Power draft resolution (A/C.3/L.782) was adopted by 51 votes to 9, with 10 abstentions (see paragraph 38, draft resolution III, below).

Recommendations of the Third Committee

38. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Ι

REPORT OF THE UNITED NATIONS HIGH COM-MISSIONER FOR REFUGEES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

TT

REFUGEES FROM ALGERIA IN MOROCCO AND TUNISIA

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Ш

WORLD REFUGEE YEAR

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted draft resolutions I, II and III submitted by the Third Committee (A/4278, para. 38). For the final texts, see resolutions 1388 (XIV), 1389 (XIV) and 1390 (XIV), respectively, below.

Resolutions adopted by the General Assembly

1388 (XIV). REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees (A/4104/Rev.1 and A/4104/Rev.1/Add.1),

Noting with appreciation the progress made in the implementation of the programmes of international assistance carried out by the Office of the High Commissioner,

Noting in particular the progress made, within the framework of the World Refugee Year, as regards

the admission of additional numbers of refugees, including handicapped cases, to countries of resettlement, as well as the contribution to the Office of the High Commissioner of additional funds for international assistance to refugees,

Expressing the hope that no additional efforts will be spared for the repatriation of refugees who wish to return to their country of origin,

Expressing the hope also that every effort will be made for the resettlement or integration of refugees,

1. <u>Invites</u> States Members of the United Nations and members of the specialized agencies to devote, on the occasion of the World Refugee Year, special attention to the problems of refugees coming within

the competence of the United Nations High Commissioner for Refugees, and in particular to consider the possibility of:

- (a) Improving the legal status of refugees living on, or to be admitted to, their territory by, inter alia, acceding to the Convention relating to the Status of Refugees; 2/
- (b) Increasing the facilities for permanent refugee solutions through voluntary repatriation and assimilation within new national communities, and, for resettlement of refugees, providing further opportunities through the liberalization of immigration laws and regulations and through the inclusion of refugees in resettlement schemes;
- (c) Enabling the High Commissioner, through additional voluntary financial contributions, to implement the programmes of international assistance to refugees approved by the Executive Committee of the High Commissioner's Programme for 1959 and 1960;
- 2. Authorizes the High Commissioner, in respect of refugees who do not come within the competence of the United Nations, to use his good offices in the transmission of contributions designed to provide assistance to these refugees.

841st plenary meeting, 20 November 1959.

1389 (XIV). REFUGEES FROM ALGERIA IN MOROC-CO AND TUNISIA

The General Assembly,

<u>Having examined</u> the report of the United Nations High Commissioner for Refugees (A/4104/Rev.1 and A/4104/Rev.1/Add.1),

Considering the efforts made by the High Commissioner and the results achieved during the World Refugee Year,

Noting with appreciation the action of the High Commissioner on behalf of refugees from Algeria in Morocco and Tunisia,

Recognizing however that the situation of these refugees, and especially of the young children who constitute the majority of them, remains precarious,

2/ <u>Ibid.</u>

Recommends that the United Nations High Commissioner for Refugees should continue his efforts on behalf of these refugees pending their return to their homes.

841st plenary meeting, 20 November 1959.

1390 (XIV). WORLD REFUGEE YEAR

The General Assembly,

Recalling its resolution 1285 (XIII) of 5 December 1958 on the World Refugee Year,

Noting with appreciation the support that has already been given to the World Refugee Year by Governments, non-governmental organizations and the general public, as well as the efforts of the Secretary-General in this endeavour,

Believing that the success of the World Refugee Year will be largely dependent on concrete responses yet to be made in many countries,

- 1. Urges States Members of the United Nations and members of the specialized agencies, in accordance with the national wishes and needs of each country and in the humanitarian spirit of the World Refugee Year:
- (a) To continue to focus interest on the refugee problem;
- (b) To endeavour to make additional financial contributions for international assistance to refugees and to encourage in their territory increasing contributions from non-governmental organizations and the general public;
- (c) To encourage additional opportunities for permanent refugee solutions through voluntary repatriation, resettlement of integration, on a purely humanitarian basis and in accordance with the freely expressed wishes of the refugees themselves;
- 2. Requests the Secretary-General to continue his efforts to assist in the promotion of the World Refugee Year.

841st plenary meeting, 20 November 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 33 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4104/Rev.1	Report of the United Nations High Commissioner for Refugees	Official Records of the General Assembly, Fourteenth Session, Supplement No. 11
A/4104/Re v. 1/ Add.1	Addendum to the Report of the United Nations High Commissioner for Refugees	Ibid., Supplement No. 11A
A/4132/Add.1	Introduction to the Annual Report of the Secretary-General on the Work of the Organization (16 June 1958 - 15 June 1959)	Ibid., Supplement No. 1A
A/4143	Report of the Economic and Social Council (1 August 1958 - 31 July 1959)	Ibid., Supplement No. 3
A/4198	Report of the Secretary-General	Ibid., Fourteenth Session, An- nexes, agenda item 43

Document No.	Title	Observations and references
A/C.3/L.780	Austria, Colombia, Greece, Iran, Netherlands and Sweden: draft resolution	See A/4278, para. 23
A/C.3/L.781	Libya, Morocco and Tunisia: draft resolution	Replaced by $A/C.3/L.781/Rev.1$
A/C.3/L.781/ Rev.1	Libya, Morocco and Tunisia: revised draft resolution	Adopted without change. See A/4278, para. 38, draft reso- lution II
A/C.3/L.782	Argentina, Australia, Canada, France, Iran, Italy, Norway, United King- dom of Great Britain and Northern Ireland and United States of Amer- ica: draft resolution	Idem, draft resolution III
A/C.3/L.783	Afghanistan: amendment to document A/C.3/L.780	See A/4278, para. 26
A/C.3/L.783/ Rev.1	Afghanistan: revised amendment to document A/C.3/L.780	See A/4278, para. 26
A/C.3/L.787	Italy: amendment to document A/C.3/L.780	See A/4278, para. 27
A/C.3/L.788	United Kingdom of Great Britain and Northern Ireland: amendment to document A/C.3/L.780	See A/4278, para. 28

GENERAL ASSEMBLY

Official Records



Agenda item 34

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 34: Draft International Covenants on Human Rights*

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A/C.3/L.803	Italy and Japan: amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	2
A/C.3/L.805/Rev.1	Argentina: revised amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	2
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DOCUMENT A/C.3/L.795/REV.1

israel: revised amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex i B)

[Original text: English]
[19 November 1959]

- 1. Paragraph 1, second sentence: replace the last clause, beginning with the words "by a competent, independent and impartial...", by the following: "... by an independent and impartial tribunal of competent jurisdiction established by law."
- 2. Paragraph 1, third sentence: replace by the following: "The public and Press may be excluded from a trial or any part thereof for reasons of national security, public order ('ordre public'), morals, or the interest of juveniles, or in matrimonial disputes,
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Third Committee, 954th to 970th, 974th and 975th meetings; and ibid., Plenary Meetings, 852nd meeting.

- or to the extent necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."
- 3. Paragraph 2, sub-paragraph (b): add the following: "and to be tried without undue delay, and for that purpose to communicate with counsel of his own choosing."
- 4. Paragraph 2, sub-paragraph (c): insert the following at the beginning of the sub-paragraph: "To be tried in his presence, and..."
- 5. New paragraph: insert the following new paragraph after paragraph 3: "4. Everyone convicted of crime—other than petty offences—shall have the right to appeal against conviction and sentence to a higher court."

6. Paragraph 4: renumber paragraph 4 as 5, and replace the text by the following: "A person proved innocent of a crime of which he had previously been

convicted, shall have the right to compensation for any damage or punishment which he suffered through no fault of his own."

DOCUMENT A/C.3/L.795/REV.2

Israel: revised amendments to article 14, of the draft Covenant on Civil and Political Rights (E/2573, annex I B)

[Original text: English]
[19 November 1959]

- 1. Paragraph 1, second sentence: replace the last clause, beginning with the words "by a competent, independent and impartial...", by the following: "...by an independent and impartial tribunal of competent jurisdiction established by law."
- 2. Paragraph 1, third sentence: replace by the following: "The public and Press may be excluded from a trial or any part thereof for reasons of national security, public order ('ordre public'), morals, or the interest of juveniles, or in matrimonial disputes, or to the extent necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."
- 3. Paragraph 2, sub-paragraph (b): add the following at the end of the sub-paragraph: "and to be tried with-

- out undue delay, and for that purpose to communicate with counsel of his own choosing."
- 4. Paragraph 2, sub-paragraph (c), insert the following at the beginning of the sub-paragraph: "To be tried in his presence, and..."
- 5. New paragraph 3: insert the following new paragraph after paragraph 3: "4. Everyone convicted of crime—other than petty offences—shall have the right to have his conviction and sentence reviewed by a higher tribunal."
- 6. Paragraph 4: renumber paragraph 4 as 5 and replace the text by the following: "A person proved innocent of a crime of which he had previously been convicted, in a final judgement, shall have the right to compensation for any damage or punishment which he suffered through no fault of his own."

DOCUMENT A/C.3/L.803

Italy and Japan: amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)

[Original text: English]
[9 November 1959]

At the end of article 14 add the following as a new paragraph 5: "No one shall be tried twice on the same charge."

DOCUMENT A/C.3/L.805/REV.1

Argentina: revised amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex i B)

[Original text: Spanish] [18 November 1959]

1. Replace paragraph 1 by the following:

"Everyone shall be entitled to a fair hearing by a competent, independent and impartial tribunal, in the determination of any charge or accusation made against him, or of his rights and obligations in a suit at law. Every judgement shall be given due publicity except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes."

2. Delete paragraph 4.

DOCUMENT A/C.3/L.805/REV.2

Argentina: revised amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex | B)

[Original text: Spanish]
[19 November 1959]

- 1. Delete the first sentence.
- 2. [Does not affect the English text.]
- 3. Replace the words "any criminal charge" by the words "any charge or accusation".
 - 4. [Does not affect the English text.]
- 5. Replace the words "any judgement rendered in a criminal case or in a suit at law shall be pronounced publicly" by the words "any judgement shall be public and accompanied by a statement of reasons".
 - 6. Delete the closing phrase "or the guardianship of children".
 - 7. Delete paragraph 4.

DOCUMENT A/C.3/L.812

Argentina, Belgium, Iran, Italy and Philippines: amendment $\frac{1}{2}$ to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)

[Original text: French]
[12 November 1959]

Replace the text of article 12 by the following:

- "1. Everyone legally within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- "2. Everyone shall be free to leave any country, including his own, and to enter his own country, unless he has been exiled in accordance with the provisions of the law.
- "3. These rights may be subject only to restrictions provided for by the law and such restrictions may be imposed only if they are necessary to protect national security, [public safety,] health or morals or the rights and freedoms of others, and if they are consistent with the other rights recognized in this Covenant."

DOCUMENT A/C.3/L.812/REV.1

Argentina, Belgium, Iran, Italy and Philippines: revised amendment to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)

[Original text: English and French] [13 November 1959]

Replace the text of article 12 by the following:

- "1. Everyone legally within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- "2. Everyone shall be free to leave any country, including his own, and to enter his own country.
- "3. These rights shall not be subject to any restrictions except those provided for by law and which are necessary to protect national security, public order ('ordre public'), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in this Covenant."

^{1/}This amendment replaces the Argentine amendment appearing in document A/C.3/L.804 and Corr.1.

DOCUMENT A /C.3/L.815

Italy: amendment 2/to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)

[Original text: English]
[19 November 1959]

Replace paragraph 3 of article 14 by the following text:

"A juvenile charged with a criminal offence shall be tried according to special legal provisions, designed to promote the treatment and the rehabilitation of juvenile offenders."

2/In document A/C.3/L.795 Israel proposed an amended text for paragraph 3 of article 14. At the 962nd meeting the representative of Israel withdrew this amendment, which as a consequence does not appear in document A/C.3/L.795/Rev.2. At the same meeting the representative of Italy re-introduced this amendment under rule 123 of the rules of procedure of the General Assembly.

DOCUMENT A/C.3/L.818

Ceylon: amendment to document A/C.3/L.795/Rev.2

[Original text: English] [20 November 1959]

New paragraph to be inserted after paragraph 3 of article 14

Replace the words "crime—other than petty offences—shall have the right to have his conviction and sentence reviewed by a higher tribunal" by the following: "a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

The new paragraph would then read as follows:

"Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

DOCUMENT A/C.3/L.819

Working paper prepared by the Secretariat

[Original text: French] [23 November 1959]

For the convenience of the Committee, the Secretary-General has the honour to circulate the text of provisions suggested orally by the representative of France at the 964th meeting:

Text suggested for paragraph 4 of article 14

"The judicial recognition of the innocence of a convicted person shall confer on him the right to request the award of damages in respect of the prejudice caused him by the conviction."

Text suggested for the additional provision proposed by Italy and Japan (A/C.3/L.803/Rev.1)

"No one may be tried for a given act if he has already received a final sentence for that same act."

DOCUMENT A/C.3/L.825

Austria and Greece: draft resolution

[Original text: English] [27 November 1959]

The Third Committee,

Not having been able to make adequate progress in the consideration of the draft International Covenants on Human Rights at the fourteenth session,

Recommends that the General Assembly give priority to this item at its fifteenth session and that the Third Committee at that session devote half of its time to the consideration of the draft Covenants.

DOCUMENT A/C.3/L.825/REV.1

Austria and Greece: revised draft resolution

[Original text: English] [27 November 1959]

The Third Committee,

Not having been able to conclude the consideration of the draft International Covenants on Human Rights at the fourteenth session,

Recommends that the General Assembly give priority to this item at its fifteenth session and that the Third Committee at that session devote as many meetings as possible to the consideration of the draft Covenants.

DOCUMENT A/C.3/L.833

Text of articles 12, 13 and 14 of the draft Covenant on Civil and Political Rights incorporating drafting suggestions by the Rapporteur 3/

[Original text: English, French, Russian and Spanish] [1 December 1959]

Article 12

- 1. Everyone <u>lawfully</u> in the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- 2. Everyone shall be free to leave any country, including his own.
- 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order ("ordre public"), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in this Covenant.
- 4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order ("ordre public") or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles

3/The suggestions of the Rapporteur are underlined.

otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

- 2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
- 3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
- (a) To be informed promptly and in detail 4/ in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence, and to communicate with counsel of his own choosing:
 - (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself, or to confess guilt.
- 4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
- 5. Everyone convicted of a crime shall be entitled to have his conviction and sentence reviewed by a higher tribunal according to law.

^{4/}The Rapporteur suggests that the words "and in detail" should precede, instead of follow, the clause: "in a language which he understands".

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-

disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally $\frac{5}{2}$ convicted or acquitted in accordance with the law and penal procedure of each country.

5/The Rapporteur suggests that the word "finally" should precede "convicted or acquitted" rather than "been".

DOCUMENT A /4299*

Report of the Third Committee

[Original text: English and French]
[3 December 1959]

INTRODUCTION

- 1. At its 803rd plenary meeting on 22 September 1959, the General Assembly allocated to the Third Committee item 34 of the agenda of its fourteenth session (Draft International Covenants on Human Rights).
- 2. Having adopted at previous sessions ⁶/the preamble and article 1, respectively, of the draft Covenant on Economic, Social and Cultural Rights and of the draft Covenant on Civil and Political Rights, all the substantive articles of the draft Covenant on Economic, Social and Cultural Rights, and articles 6 to 11 of the substantive provisions of the draft Covenant on Civil and Political Rights, the Third Committee at the fourteenth session of the General Assembly discussed and adopted the texts of articles 12, 13 and 14 of the draft Covenant on Civil and Political Rights at its 954th to 969th meetings. At its 975th meeting, the Committee adopted drafting changes in articles 12, 13 and 14 suggested by the Rapporteur (A/C.3/L.833). The proceedings of the Committee are briefly reported below.

ARTICLE 12 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

- 3. Article 12 of the draft Covenant on Civil and Political Rights, as submitted by the Commission on Human Rights (E/2573, annex I B), read as follows:
 - "1. Subject to any general law of the State concerned which provides for such reasonable restrictions as may be necessary to protect national security, public safety, health or morals or the rights and freedoms of others, consistent with the other rights recognized in this Covenant:
- *Incorporating A/4299/Corr.1.
- 6/See Official Records of the General Assembly, Tenth Session, Annexes, agenda item 28, document A/3077; ibid., Eleventh Session, Annexes, agenda item 31, document A/3525; ibid., Twelfth Session, Annexes, agenda item 33, document A/3764 and Add.1; ibid., Thirteenth Session, Annexes, agenda item 32, document A/4045.

- "(a) Everyone legally within the territory of a State shall, within that territory, have the right to (i) liberty of movement and (ii) freedom to choose his residence;
- "(b) Everyone shall be free to leave any country, including his own.
 - "2. (a) No one shall be subjected to arbitrary exile:
- "(b) Subject to the preceding sub-paragraph, anyone shall be free to enter his own country."
- 4. The Committee discussed this article at its 954th to 959th meetings.

Amendments submitted

- 5. Amendments were submitted by Denmark (A/C.3/L.784), Israel (A/C.3/L.789), the Netherlands (A/C.3/L.796), Canada (A/C.3/L.802), Argentina (A/C.3/L.804) and Argentina, Belgium, Iran, Italy and the Philippines (A/C.3/L.812 and A/C.3/L.812/Rev.1-2). A subamendment to the revised five-Power amendment (A/C.3/L.812/Rev.2) was submitted by Ireland (A/C.3/L.813).
- 6. The amendment of Denmark (A/C.3/L.784) called for the replacement of the clause "Subject to any general law of the State concerned which provides for such reasonable restrictions..." by the following: "Subject to such lawful and reasonable restrictions of the State concerned...". At the 955th meeting, the representative of Denmark withdrew the amendment.
- 7. The amendments of Israel (A/C.3/L.789) were as follows:
 - "(a) Replace paragraph 1 (b) by the following:
 - "'Everyone shall be free to leave any country, including his own, and to return to his country.'
 - "(b) Delete paragraph 2 (a), and insert a new article 13 reading as follows:
 - "'No one shall be compulsorily exiled from his own country.'

"(c) Delete paragraph 2 (b)."

The Chairman announced at the 954th meeting that the amendments had been withdrawn by the representative of Israel.

- 8. The amendment of the Netherlands (A/C.3/L.796) consisted in replacing the text of paragraph 1 by the following:
 - "1. Subject to any general law of the State concerned which provides for such reasonable restrictions as may be necessary to protect national security, public safety, health or morals or the rights and freedoms of others, consistent with the other rights recognized in this Covenant, everyone legally within the territory of a State shall, within that territory, have the right to: (a) liberty of movement and (b) freedom to choose his residence;
 - "2. Everyone shall be free to leave any country, including his own, subject to the restrictions mentioned in the preceding paragraph and to any outstanding obligations with regard to national service, tax liabilities or voluntarily contracted obligations binding the individual to the Government."

Paragraph 2 would be renumbered as paragraph 3. At the 958th meeting, the representative of the Netherlands withdrew the amendment.

9. The amendment of Canada (A/C.3/L.802) consisted in replacing the text of paragraph 2 (b) by the following:

"Unless lawfully exiled, anyone shall be free to enter the country of which he is a citizen."

The amendment was withdrawn at the 957th meeting.

10. The amendment of Argentina (A/C.3/L.804) consisted in replacing paragraph 1 by the following:

"Subject to the laws of the State concerned which provide for restrictions, consistent with the other rights recognized in this Covenant, to protect national security, public safety, morals and health:".

It would also delete the number 2 and designate the relevant sub-paragraphs as (c) and (d), instead of (a) and (b). At the 955th meeting, the second paragraph of the amendment was withdrawn by the representative of Argentina. At the 956th meeting, he announced that the Argentine amendment was to be considered as replaced by the five-Power amendment (A/C.3/L.812).

- 11. The amendment of Argentina, Belgium, Iran, Italy and the Philippines, in its revised form (A/C.3/L.812/Rev.2), would replace the text of article 12 by the following:
 - "1. Everyone legally within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
 - "2. Everyone shall be free to leave any country, including his own.
 - "3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order ('ordre public'), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in this Covenant.
 - "4. No one shall be arbitrarily deprived of the right to enter his own country."

12. The sub-amendment of Ireland (A/C.3/L.813) to the five-Power revised amendments would replace paragraph 4 by the following:

"Everyone shall be free to enter his own country, unless lawfully exiled."

At the 959th meeting the representative of Ireland, after a procedural discussion, agreed not to press the sub-amendment to the vote.

Issues discussed

- 13. While in agreement with the substance of the article as proposed by the Commission on Human Rights, some members felt that its drafting could be improved. It was suggested that the article should begin with a statement of the rights to be enunciated, rather than with a list of permissible restrictions. This idea found general support and was reflected in the amendment proposed by Argentina, Belgium, Iran, Italy and the Philippines (A/C.3/L.812 and A/C.3/L.812/Rev.1-2).
- 14. The words "any general law" and "reasonable restrictions", which appeared in the Commission's draft, gave rise to some discussion. Various members raised doubts regarding the meaning of the expression "any general law". The deletion of the word "general" was suggested, since laws were necessarily of a general nature. Objections were also raised to the use of the expression "reasonable" to qualify the word "restrictions", since restrictions prescribed by law must be presumed to be reasonable. With regard to the limitations clause—as redrafted in the joint amendment (A/C.3/L.812/Rev.2)—some members pointed out that the term "law" was too broad: enough to cover not only constitutional and statutory provisions, but also measures taken by the executive branch pursuant to powers conferred upon it by the constitution or laws of the country.
- 15. There was considerable discussion on the inclusion of the expression "ordre public" in the limitations clause. The difficulty of including the concept in the English text was manifold. The English expression "public order" was not thought to be equivalent to the French expression "ordre public" or the Spanish words "orden público". The expression "ordre public", as used in some civil law countries, denoted a legal concept used as a basis for negating or restricting private agreements, for exercising police power or for voiding the application of foreign law. The Spanish term "orden público" referred (as some members explained) to the whole body of political, economic and moral principles considered essential to the maintenance of a given social structure. In common law countries, the term "public order" was ordinarily understood as indicating the absence of disorder. As far as common law was concerned, the counterpart of "ordre public" was "public policy", although some members disputed this fact. It was finally agreed to use the expression "public order ('ordre public')" in the English text.
- 16. Some members of the Committee objected to the inclusion of the concept of "public order ('ordre public')" among the grounds justifying a State in imposing restrictions on freedom of movement and residence. Far-reaching restrictions could be justified under such a vague expression. Some members preferred the term "public safety", which had been used in the text prepared by the Commission on Human

Rights; this term would make it clear that the right could be limited only if its exercise involved danger to the safety of persons. A majority of the members, however, favoured the use of the expression "public order ('ordre public')", believing that this expression was broad and included the idea of "public safety".

17. The clause relating to the right of the individual to enter his own country was also extensively debated. Some members were of the view that this right should not be subjected to any restrictions whatsoever. The general consensus was, however, that, while the right was not absolute, it should not be made subject to the same kind of restrictions as the other rights defined in paragraphs 1 and 2 of the same article. It was thought inconceivable, for example, that a State should prohibit one of its nationals from entering its territory for reasons of health or morality. It was pointed out that in the draft prepared by the Commission on Human Rights exile was the only permissible restriction recognized. Several members, however, were opposed to mentioning "exile" in the Covenant, as the laws of their countries either prohibited or did not recognize exile. Some question was raised regarding the meaning of the phrase "his own country". The view was expressed that "his own country" should be taken to mean the country of which the individual concerned was a national or a citizen; the necessity of being able to submit ample proof of the fact was also emphasized.

Voting on article 12

- 18. At the 959th meeting, the Committee voted as follows:
- (a) By 57 votes to 1, with 12 abstentions, the Committee decided to vote first on the revised five-Power amendment (A/C.3/L.812/Rev.2).
- (b) Paragraph 1 was adopted by 71 votes to none, with 2 abstentions.
- (c) Paragraph 2 was adopted by 70 votes to none, with 3 abstentions.
- (d) At the request of the representative of Iraq, a separate vote was taken on the words "public order ('ordre public')" in paragraph 3. These words were adopted by 58 votes to none, with 15 abstentions.
- (e) Paragraph 3 as a whole was adopted by 67 votes to 1, with 3 abstentions.
- (f) At the request of the representatives of Guatemala, Iraq and Panama, the word "arbitrarily" in paragraph 4 was voted on separately. It was adopted by 29 votes to 20, with 20 abstentions.
- (g) Paragraph 4 as a whole was adopted by 44 votes to $\overline{6}$, with 22 abstentions.
- (h) Article 12 as a whole was adopted by 58 votes to 1, with 11 abstentions.

Text as adopted

- 19. Article 12, as adopted by the Committee and incorporating the drafting changes suggested by the Rapporteur, reads as follows:
 - "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
 - "2. Everyone shall be free to leave any country, including his own.

- "3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order ('ordre public'), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in this Covenant.
- "4. No one shall be arbitrarily deprived of the right to enter his own country."

ARTICLE 13 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

20. Article 13 of the draft Covenant on Civil and Political Rights, as submitted by the Commission on Human Rights (E/2573, annex I B), read as follows:

"An alien lawfully in the territory of a State Party to the Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority."

21. The Committee discussed the article at its 959th and 960th meetings.

Amendments submitted

- 22. Amendments were submitted by Belgium (A/C.3/L.786) and Israel (A/C.3/L.790).
- 23. The amendment of Belgium (A/C.3/L.786) called for the insertion of the word "established" after the word "lawfully".
- 24 The amendments of Israel (A/C.3/L.790) consisted in (a) replacing the words "in pursuance of a decision reached in accordance with law" by the words "on such grounds and in accordance with such procedure as are established by law" and (b) deleting the last clause, beginning with the words "or a person or persons". The first part of the amendment was withdrawn by the representative of Israel at the 959th meeting. The second part was withdrawn at the 960th meeting.

Issues discussed

- 25. The representative of Belgium, in introducing his amendment (A/C.3/L.786), stated that, in the opinion of his Government, article 13 was designed to protect only lawfully established aliens against arbitrary expulsion. The purpose of the amendment was to make that quite clear. Several members of the Committee, however, opposed the idea of narrowing the scope of the article to a limited group of aliens. Moreover, it was pointed out that the word "established" did not have a precise meaning and was open to various interpretations.
- 26. Some discussion regarding the necessity of retaining the phrase "or a person or persons especially designated by the competent authority" took place. It was contended that the phrase was superfluous since it merely elaborated on the words "competent authority". It dealt, moreover, with the question of delegation of powers, which was a matter for domestic legislation. Several members explained that in some countries

the expulsion of an alien was a matter for the judicial authorities, while in others it was left to the executive branch. If, under domestic law, an administrative authority had competence in the matter of expulsion, such administrative authority should have the possibility of delegating its powers.

27. Some members stated that the article, as drafted by the Commission on Human Rights, had a serious shortcoming: there was no reference to the right of asylum or to extradition. It was suggested, however, that a provision on the right of asylum might be included as a separate article.

Voting on article 13

- 28. At the 960th meeting, the Committee voted as follows:
- (a) The amendment submitted by Belgium (A/C.3/L.786) was rejected by 52 votes to 6, with 12 abstentions.
- (b) At the request of the representative of Iran, a separate vote was taken on the words "and to have his case reviewed by" in the text submitted by the Commission on Human Rights. These words were adopted by 66 votes to 1, with 3 abstentions.
- (c) At the request of the representative of Italy, the words "or by a person or persons especially designated by the competent authority" were put to a separate vote. These words were adopted by 52 votes to 9, with 10 abstentions.
- (d) Afticle 13 as a whole was adopted by 69 votes to none, with 3 abstentions.

Text as adopted

29. Article 13, as adopted by the Committee, reads as follows:

"An alien lawfully in the territory of a State Party to the Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority."

ARTICLE 14 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

- 30. Article 14 of the draft Covenant on Civil and Political Rights, as submitted by the Commission on Human Rights (E/2573, annex I B), was worded as follows:
 - "1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the Court in special circumstances where publicity would prejudice the interest of justice; but any judgement

rendered in a criminal case or in a suit at law shall be pronounced publicly except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

- "2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
- "(a) To be informed promptly in a language which he understands and in detail of the nature and cause of the accusation against him;
- "(b) To have adequate time and facilities for the preparation of his defence;
- "(c) To defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case where he does not have sufficient means to pay for it;
- "(d) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- "(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court:
- "(f) Not to be compelled to testify against himself, or to confess guilt.
- "3. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
- "4. In any case where by a final decision a person has been convicted of a criminal offence and where subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly-discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him."
- 31. The Committee discussed this article at its 961st to 969th meetings.

Amendments submitted

32. Amendments were submitted by the United Kingdom (A/C.3/L.792), Israel (A/C.3/L.795 and A/C.3/L.795/Rev.1-3, A/C.3/L.822), the Netherlands (A/C.3/L.797), Afghanistan (A/C.3/L.801), Argentina (A/C.3/L.805 and A/C.3/L.805/Rev.1-3), Italy (A/C.3/L.815 and A/C.3/L.815/Rev.1) and by Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan (A/C.3/L.821 and A/C.3/L.821/Rev.1). The last-mentioned amendment replaced the amendment of Italy and Japan (A/C.3/L.803 and A/C.3/L.803/Rev.1), as well as the subamendments to it submitted by Ceylon (A/C.3/L.817) and by Canada, Ceylon and Pakistan (A/C.3/L.817/Rev.1).

33. One of the amendments of Israel, calling for the addition of a new paragraph following paragraph 3 (A/C.3/L.795/Rev.3), incorporated a sub-amendment submitted by Ceylon (A/C.3/L.818). Another amendment of Israel, replacing the third sentence of paragraph 1 by a new text (A/C.3/L.795/Rev.3), was the subject of a sub-amendment submitted by Italy (A/C.3/L.820). The representative of Ecuador submitted a verbal sub-amendment (969th meeting) to the amendment of Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan (A/C.3/L.821/Rev.1) proposing the addition of a new paragraph following paragraph 4 of the text submitted by the Commission on Human Rights.

Paragraph 1 of the text submitted by the Commission on Human Rights

- 34. Proposals for the deletion of the first sentence of paragraph 1 were submitted by the United Kingdom (A/C.3/L.792) and Argentina (A/C.3/L.805/Rev.2). These amendments were withdrawn at the 966th meeting.
- 35. An amendment of Argentina (A/C.3/L.805/Rev.3) was to the effect that the words "en audiencia pública", in the second sentence of paragraph 1, should be replaced by the word "públicamente" in the Spanish text only.
- 36. An amendment of Israel (A/C.3/L.795/Rev.3) called for the insertion of the word "legally" before the word "competent" and the deletion of the words "established by law", in the second sentence of paragraph 1.
- 37. The amendment of Israel to the third sentence in paragraph 1 (A/C.3/L.795/Rev.3) consisted in replacing this sentence by the following:

"The public and Press may be excluded from a trial or any part thereof for reasons of national security, public order ('ordre public'), morals, or the interest of juveniles, or in matrimonial disputes, or to the extent necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."

Italy submitted a sub-amendment (A/C.3/L.820) to the effect that the amendment of Israel be drafted as follows:

"The public and Press may be excluded from a trial, or any part thereof, only when the court considers it necessary for reasons of national security, or public morals and health, or for the protection of the interest of juveniles."

The amendment of Israel was withdrawn at the 967th meeting and the sub-amendment of Italy was therefore not put to the vote.

- 38. Argentina submitted the following amendments (A/C.3/L.805/Rev.3) to the third sentence in paragraph 1:
- (a) Replace, in the Spanish text only, the words "de la totalidad o parte de las audiencias" by the words "de la totalidad o parte de los juicios".
- (b) Replace the words "any judgement rendered in a criminal case or in a suit at law shall be pronounced publicly" by the words "any judgement in a criminal case or in a suit at law shall be public"; the words "and accompanied by a statement of reasons" which

- appeared in the earlier text of the amendment of Argentina (A/C.3/L.805/Rev.2) were withdrawn.
- (c) Replace, in the Spanish text only, the words "custodia de menores" by the words "tutela de menores".

Paragraph 2 of the text submitted by the Commission on Human Rights

- 39. The amendments of Israel (A/C.3/L.795/Rev.3) to paragraph 2 were worded as follows:
- (a) At the end of sub-paragraph (b) add the words "and to communicate with counsel of his own choosing";
- (b) After sub-paragraph (b) add a new sub-paragraph reading as follows: "To be tried without undue delay;"
- (c) At the beginning of sub-paragraph (c) insert the words "To be tried in his presence, and ...".
- 40. The United Kingdom proposed (A/C.3/L.792) that paragraph 2 of article 14 should consist of the first sentence only, and that the remainder of draft paragraph 2 should form a new paragraph, to be numbered 3.

Paragraph 3 of the text submittee by the Commission on Human Rights

- 41. The representative of Italy, in accordance with rule 123 of the rules of procedure of the General Assembly, resubmitted an amendment to paragraph 3 originally submitted by Israel (A/C.3/L.795) and then withdrawn by the latter country. The amendment of Italy (A/C.3/L.815/Rev.1) proposed that paragraph 3 be replaced by the following text:
 - "A juvenile charged with a criminal offence shall be tried according to legal provisions designed to promote the treatment and the rehabilitation of juvenile offenders."

Insertion of a new paragraph after paragraph 3 of the text submitted by the Commission on Human Rights

42. Israel proposed (A/C.3/L.795/Rev.3) the addition of the following new paragraph after paragraph 3:

"Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

The words "according to law" had been proposed in a sub-amendment of Ceylon (A/C.3/L.818) accepted by the representative of Israel.

Paragraph 4 of the text submitted by the Commission on Human Rights

- 43. Amendments submitted by Argentina (A/C.3/L.805/Rev.3), the Netherlands (A/C.3/L.797) and the United Kingdom (A/C.3/L.792) to paragraph 4 called for the deletion of the paragraph.
- 44. The amendment of Afghanistan (A/C.3/L.801) proposed the addition, after the words "shall be compensated", of the words "in accordance with the law".
- 45. Israel had proposed (A/C.3/L.795/Rev.3) that paragraph 4 be replaced by the following:
 - "A person proved innocent of a crime of which he had previously been convicted in a final judgement shall have the right to compensation for any damage or punishment which he suffered through no fault of his own."

The representative of Israel afterwards revised this amendment to take account of the suggestions of the representative of France (A/C.3/L.819). The revised amendment of Israel, as it was put to the vote (A/C.3/L.822), therefore read as follows:

"The judicial recognition of the innocence of a convicted person shall confer on him the right to request the award of compensation in respect of any damage caused him by the conviction."

Insertion of a new paragraph after paragraph 4 of the text submitted by the Commission on Human Rights

46. Italy and Japan had proposed (A/C.3/L.803/Rev.1) the addition of a new paragraph, after paragraph 4, worded as follows:

"No one shall be tried twice for the same offence."

47. An amendment of Ceylon (A/C.3/L.817) to the proposal of Italy and Japan (A/C.3/L.803/Rev.1) consisted in replacing the words "tried twice for the same offence" by the words "liable to be punished twice for the same offence". This amendment was then replaced by an amendment of Canada, Ceylon and Pakistan (A/C.3/L.817/Rev.1) suggesting the following wording for the proposed new paragraph:

"No one shall be liable to be tried and punished again for the same offence for which he has finally been convicted or acquitted."

48. The proposals contained in documents A/C.3/L.803/Rev.1 and A/C.3/L.817/Rev.1 were replaced by an amendment of Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan (A/C.3/L.821) proposing the addition of the following new paragraph:

"No one shall be liable to be tried or punished again for the same offence for which he has finally been convicted or acquitted."

49. The seven-Power amendment was revised (A/C.3/L.821/Rev.1) by the addition of a second sentence reading as follows:

"In this context 'finally convicted or acquitted' signifies that all ordinary methods of judicial review and appeal have been exhausted and that all waiting periods have expired."

The representative of Ecuador verbally submitted (969th meeting) a sub-amendment consisting in the deletion of the second sentence and the addition of the words "in accordance with the law and procedure of each country" after the words "finally been convicted or acquitted".

Issues discussed

- 50. Several representatives said they were infavour of the text proposed by the Commission on Human Rights; the draft article gave the most important guarantees to the individual in the sphere of penal and civil procedure, while taking into account the legitimate interests of society.
- 51. Some representatives considered that equality before the courts should not imply that all litigants had the same status; it was the equality of the parties with regard to the conduct of the proceedings which must be guaranteed. Most representatives considered that the greatest possible emphasis should be placed on the importance of that principle, even at the risk of repetition. It was essential to protect the parties

in a trial against any discriminatory practice, by prohibiting, inter alia, the establishment of special courts and summary procedures.

- 52. Some representatives considered that the terms "independent" and "impartial" as applied to tribunals were without precise legal meaning. Nevertheless, most of the Committee considered it necessary to retain those terms, which were generally used in constitutions and domestic laws. It was pointed out that the term "competent" could refer to the professional qualifications of judges, whereas the authors had in mind the legal notions of competence ratione materiae, ratione personae, and ratione loci.
- 53. Certain representatives pointed out that some sentences of the article proposed by the Commission on Human Rights seemed to require—particularly in the Spanish text—the holding of proceedings and the pronouncing of the judgement in public. They stressed that in many countries a large number of trials took place on the basis of written documents; the parties nevertheless enjoyed sufficient guarantees, because the contents of those documents could be made public. Some representatives attached importance to the principle of publicity of judgement and considered that that principle should be expressed in the most comprehensive terms.
- 54. Various criticisms were expressed with regard to the text proposed by the Commission on Human Rights concerning the exceptions made to the principle of holding proceedings in public. Some representatives considered as unfounded the distinction made in the text between the reasons which might justify the exclusion of the Press and public during a trial and those, less numerous, which might justify the exclusion of the public when the judgement was rendered. In spite of those criticisms, the list of the grounds for excluding the Press and public drawn up by the Commission on Human Rights, and the distinction drawn by the original text between the situation existing during the trial and at the time of the judgement, received the support of most of the Committee.
- 55. Some representatives were convinced of the usefulness of the formula "in a democratic society", already contained in article 29 of the Universal Declaration of Human Rights and in article 8, paragraph 1, of the draft Covenant on Economic, Social and Cultural Rights. 1/2 They felt that those words, which qualified the notions of "public order" and "national security", afforded a precious guarantee against the risks of arbitrary treatment. For the sake of clarity, it was decided that it would be useful, in accordance with a previous decision on the drafting of article 12 of the draft Covenant on Civil and Political Rights, to insert at the appropriate point in the English and Russian texts the French words "ordre public", in parentheses.
- 56. The principle of the presumption of innocence was considered so important that it was thought advisable to express it in a separate paragraph. It was thought desirable by most of the Committee to insert the following supplementary guarantees in paragraph 2: the right "to be tried without undue delay", the right "to communicate with counsel of his own choosing", and the right "to be tried in his presence".

^{7/}See Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 31, document A/3525, para. 75.

57. Some members of the Committee thought that the text proposed by the Commission on Human Rights did not express sufficiently clearly the obligation to try juveniles charged with a criminal offence "according to legal provisions designed to promote the treatment and the rehabilitation of juvenile offenders". It was suggested that it should be laid down that a juvenile should be tried "according to legal provisions attributing competence to a jurisdiction or court appropriate for dealing with juvenile offenders". One representative was not able to accept the idea of the criminal responsibility of juveniles and the expression "juvenile offenders". Another, refusing to recognize the "right" of juvenile offenders to be rehabilitated, thought it better to leave the task of solving such problems to the various countries.

58. The right of everyone convicted of a crime to have his conviction and sentence reviewed by a higher tribunal, which was dealt with in a new paragraph, was considered by most representatives as an important guarantee. It was pointed out that it expressed a principle which should be applied by States according to the methods they considered appropriate.

59. Several speakers found difficulty in accepting the idea of the award of compensation in the many cases of miscarriage of justice in which the authorities had not been at fault. They considered that it was contrary to the interests of society to allow compensation to persons who were clearly guilty but whose conviction had been annulled for reasons of form or procedure. It was better to leave the task of evaluating each specific case to the competent authority in each country. However, other representatives felt that controversies concerning the basis of responsibilitywhich could indeed be solved by invoking the notion of social risk-should not prevent the victim of a miscarriage of justice from obtaining compensation; an essential guarantee was involved, completing that afforded to victims of unlawful arrest by article 9 of the draft Covenant on Civil and Political Rights. Since the cases covered by paragraph 4 were rare, the financial implications of that provision would be very small. Some representatives, while sharing those fundamental ideas, thought that it would perhaps be excessive to make the payment of compensation obligatory in every case of a miscarriage of justice. Most of the Committee agreed that only adequate legislation could solve the technical difficulties involved in the problem of compensation for a miscarriage of justice.

60. Proposals for the insertion of a new paragraph concerning the question of res judicata (rule of non bis in idem; principle of the "prohibition of double jeopardy") gave rise to lengthy discussion. The amendment of Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan (A/C.3/L.821), replacing the previous amendments of Italy and Japan (A/C.3/L.803/Rev.1), and of Canada, Ceylon and Pakistan (A/C.3/L.817/Rev.1), provided that "No one shall be liable to be tried or punished again for the same offence for which he has been finally convicted or acquitted". Several representatives argued, in favour of this text, that it was necessary to protect the individual, not only against the imposition of further punishments, but also against the dangers and distress of further prosecution for the same offence. It was pointed out that a State would

be free to try, in accordance with its laws, persons already sentenced for the same offence by the courts of another country. Some representatives would have preferred the adoption of a wider formula prohibiting successive trials, not only for the same "offence", but also for the same "actions".

61. Other representatives thought it necessary to take into account on the other hand the laws of some countries which allowed a person to be tried for the same actions, but on "charges" different from those for which he had been previously acquitted. The expression "charge" in the original amendment proposed by Italy and Japan (A/C.3/L:803) seemed to them more appropriate than "offence" or "actions". Stronger and more definite fears were expressed by other representatives, who felt that the seven-Power amendment, and in particular the word "finally", might hinder the ends of justice by preventing the retrial of criminals acquitted in error. Trials of that nature, under certain conditions and within certain time limits, were provided for by the laws of various countries. In order to take into account this last objection, an effort was made to qualify or define the word "finally". The seven-Power amendment was revised (A/C.3/L.821/Rev.1) and the following sentence added: "In this context 'finally convicted or acquitted' signifies that all ordinary methods of judicial review and appeal have been exhausted and that all waiting periods have expired." This text reproduced, apart from the word "judicial", a passage from the annotations on the text of the draft Covenants (A/2929, chap. VI, foot-note 33) summarizing certain discussions which took place in the Commission on Human Rights.

62. Some representatives expressed the opinion that the definition should also apply to article 14, paragraph 4, concerning the right to compensation in the case of a miscarriage of justice. Others felt that the revised amendment (A/C.3/L.821/Rev.1) was not any clearer, and that, in any case, it was not generally advisable to insert such explanatory passages in the articles of the draft Covenant. The Committee preferred to adopt the text of the seven Powers, as amended by a verbal sub-amendment proposed by Ecuador, consisting in the deletion of the second, explanatory, sentence of the text proposed in document A/C.3/L.821/Rev.1, and the insertion of the words "in accordance with the law and procedure of each country" to qualify the words "finally been convicted or acquitted". The author of the verbal sub-amendment explained that the words he had proposed were not intended to apply to the whole text of the seven Powers, but only to the expression "finally convicted or acquitted".

Voting on article 14

63. At the 967th meeting, the Committee, on the proposal of the USSR, decided, by 53 votes to none, with 12 abstentions, to vote on the text of the draft article and on the related amendments, with the exception of the amendment submitted by Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan (A/C.3/L.821) calling for the addition of a paragraph at the end of the article. The amendments were voted on in the order suggested by the Chairman (A/C.3/L.816/Rev.3).

Paragraph 1 of the text submitted by the Commission on Human Rights

(a) The amendment of Argentina (A/C.3/L.805/Rev.3) calling for the replacement of the words "en audiencia

^{8/}Ibid. Thirteenth Session, Annexes, agenda item 32, document A/4045, para. 67.

pública" by the word "públicamente" in the Spanish text was adopted by 15 votes to none, with 49 abstentions.

- (b) The amendment of Israel (A/C.3/L.795/Rev.3) calling for the insertion of the word "legally" before the word "competent" and in the second sentence the deletion of the words "established by law" was rejected by 32 votes to 22, with 17 abstentions.
- (c) The amendments of Argentina relating to the third sentence were adopted as follows: 9/

The amendment (A/C.3/L.805/Rev.3) consisting in the replacement of the words "de la totalidad o parte de las audiencias" by the words "de la totalidad o parte de los juicios" in the Spanish text was adopted by 18 votes to none, with 48 abstentions;

The amendment (A/C.3/L.805/Rev.3) calling for the replacement of the words "any judgement rendered in a criminal case or in a suit at law shall be pronounced publicly" by the words "any judgement in a criminal case or in a suit at law shall be public" was adopted by 28 votes to 6, with 33 abstentions.

- (d) At the request of the representative of Israel, a separate vote was taken on paragraph 1 beginning with the words "but any judgement rendered". The Committee decided to retain that clause by 56 votes to 1, with 12 abstentions.
- (e) The text of paragraph 1, as amended, was adopted by 70 votes to none, with 3 abstentions.

Paragraph 2 of the text submitted by the Commission on Human Rights

- (f) An amendment of Israel (A/C.3/L.795/Rev.3) consisting in the additon, after paragraph 2 (b), of a new sub-paragraph reading "to be tried without undue delay;" was adopted by 50 votes to 6, with 12 abstentions.
- (g) An amendment of Israel (A/C.3/L.795/Rev.3) calling for the addition of the words "and to communicate with counsel of his own choosing" at the end of sub-paragraph (b) was adopted by 44 votes to 3, with 21 abstentions.
- (h) A third amendment of Israel (A/C.3/L.795/Rev.3) consisting in the insertion of the words "to be tried in his presence, and" at the beginning of sub-paragraph (c) was adopted by 43 votes to 11, with 15 abstentions.
- (i) The amendment of the United Kingdom (A/C.3/L.792) to the effect that the first sentence of paragraph 2 should be a separate paragraph and that the remainder of the existing paragraph 2 should form a new paragraph 3, was adopted by 69 votes to none, with 3 abstentions.
- (j) The text of paragraph 2, as amended, was adopted by 71 votes to none, with 2 abstentions.

Paragraph 3 of the text submitted by the Commission on Human Rights

(k) By 33 votes to 12, with 26 abstentions, the Committee rejected the new wording of paragraph 3 proposed by Italy (A/C.3/L.815/Rev.1), namely:

2/The amendment of Argentina (A/C.3/L.805/Rev.3) calling for the replacement of the words "custodia de menores" by the words "tutela de menores" in the Spanish text was not put to the vote, since the Committee considered it a purely linguistic problem which should be settled by the Rapporteur in consultation with the representatives concerned.

- "A juvenile charged with a criminal offence shall be tried according to legal provisions designed to promote the treatment and the rehabilitation of juvenile offenders."
- (1) The original text of paragraph 3 was adopted by 70 votes to none, with 2 abstentions.

Paragraph 4 of the text submitted by the Commission on Human Rights

- (\underline{m}) At the request of the representative of the United Arab Republic, a vote was taken by roll-call on the amendments of Argentina (A/C.3/L.805/Rev.3), the Netherlands (A/C.3/L.797) and the United Kingdom (A/C.3/L.792) calling for the deletion of paragraph 4. Those amendments were rejected by 25 votes to 19, with 29 abstentions. The voting was as follows:
- In favour: Argentina, Australia, Burma, Canada, Ceylon, Federation of Malaya, India, Ireland, Liberia, Libya, Nepal, Netherlands, New Zealand, Saudi Arabia, Spain, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Against: Belgium, Brazil, Chile, China, Costa Rica, Ecuador, France, Greece, Haiti, Honduras, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Lebanon, Morocco, Norway, Pakistan, Peru, Philippines, Tunisia, United States of America, Yugoslavia.

Abstentions: Afghanistan, Albania, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Finland, Ghana, Guatemala, Guinea, Hungary, Italy, Mexico, Poland, Portugal, Romania, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, Uruguay, Yemen.

(n) In accordance with the Chairman's suggestions (A/C.3/L.816/Rev.3), the Committee decided to vote next on the amendment of Afghanistan (A/C.3/L.801) proposing the insertion of the words "in accordance with the law" after the words "shall be compensated", it being understood that, if adopted, that amendment would apply either to the revised amendment of Israel (A/C.3/L.822) or to the text of the Commission on Human Rights. At the request of the representative of the USSR, a vote was taken by roll-call on the amendment of Afghanistan (A/C.3/L.801). It was adopted by 32 votes to none, with 41 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, Greece, Guinea, Honduras, Hungary, India, Indonesia, Italy, Japan, Nepal, Peru, Poland, Portugal, Romania, Saudi Arabia, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: None.

Abstentions: Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Colombia, Costa Rica, Cuba, Federation of Malaya, France, Ghana, Guatemala, Haiti, Iran, Iraq, Ireland, Israel, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Philippines, Spain, Sweden, Thailand, Union of South Africa, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

(0) At the request of the representative of Argentina, a vote was taken by roll-call on the revised amendment of Israel (A/C.3/L.822), as modified by the amendment of Afghanistan (A/C.3/L.801), calling for the replacement of paragraph 4 by the following text:

"The judicial recognition of the innocence of a convicted person shall confer on him the right to request the award of compensation in accordance with the law in respect of any damage caused him by the conviction."

That amendment was rejected by 22 votes to 11, with 40 abstentions. The voting was as follows:

In favour: Ceylon, Costa Rica, Ethiopia, Finland, France, Greece, Haiti, Honduras, Israel, Norway, Peru.

Against: Argentina, Australia, Austria, Belgium, Canada, Denmark, Ecuador, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, New Zealand, Pakistan, Saudi Arabia, Tunisia, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Yugoslavia.

Abstentions: Afghanistan, Albania, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Federation of Malaya, Ghana, Guatemala, Guinea, Hungary, India, Indonesia, Iran, Ireland, Italy, Japan, Mexico, Nepal, Netherlands, Philippines, Poland, Portugal, Romania, Spain, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, Uruguay, Venezuela.

(p) The text of paragraph 4, as modified by the amendment of Afghanistan (A/C.3/L.801), was adopted by 40 votes to 13, with 16 abstentions.

Insertion of a new paragraph proposed by the representative of Israel

(q) By 36 votes to 4, with 30 abstentions, the Committee adopted an amendment submitted by Israel (A/C.3/L.795/Rev.3) proposing the insertion, after paragraph 3 of the text submitted by the Commission on Human Rights (that is, after paragraph 4 of the article as revised by the Third Committee), of the following new paragraph:

"Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

Insertion of a new paragraph proposed by Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan

- (r) The text proposed in the seven-Power amendment (A/C.3/L.821) provided that "No one shall be liable to be tried or punished again for the same offence for which he has finally been convicted or acquitted."
- (s) At the 968th meeting, Mexico and Saudi Arabia proposed that the Third Committee should vote on those paragraphs of article 14 which had been adopted at the previous meeting and submit to the General Assembly the following draft resolution (A/C.3/L.823):

"The General Assembly

"Invites the Economic and Social Council to request the Commission on Human Rights to study the question of repeated trial and punishment for the same offence, dealt with in documents A/C.3/L.803,

- A/C.3/L.803/Rev.1, A/C.3/L.817, A/C.3/L.817/Rev.1 and A/C.3/L.821, and to report to the General Assembly at its fifteenth session on the results of the study, with its recommendations on the possible inclusion of a separate article on this subject in the draft Covenant on Civil and Political Rights."
- (t) That draft resolution was withdrawn at the 969th meeting, after the sponsors of the seven-Power amendment, in agreement with several representatives, had revised their proposal (A/C.3/L.821/Rev.1) by the addition of the following second sentence:

"In this context 'finally convicted or acquitted' signifies that all ordinary methods of judicial review and appeal have been exhausted and that all waiting periods have expired."

- (u) At the 969th meeting, the representative of Ecuador verbally submitted a sub-amendment to the revised seven-Power amendment (A/C.3/L.821/Rev.1) consisting in the deletion of the second sentence and the addition of the words "in accordance with the law and procedure of each country". That sub-amendment was adopted by 27 votes to 25, with 16 abstentions.
- (v) The revised seven-Power amendment (A/C.3/L.821/Rev.1), as modified by the sub-amendment of Ecuador, was adopted by 54 votes to none, with 16 abstentions.

Article 14 as a whole, as amended

(w) The text of the article as a whole, as amended, was adopted by 63 votes to none, with 8 abstentions.

Adopted text

- 64. The text of article 14 adopted by the Third Committee, and incorporating the drafting changes suggested by the Rapporteur, reads as follows:
 - "1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order ('ordre public') or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
 - "2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
 - "3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - "(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - "(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

- "(c) To be tried without undue delay;
- "(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it:
- "(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- "(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court:
- " (\underline{g}) Not to be compelled to testify against himself, orto confess guilt.
- "4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
- "5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
- "6. When a person has by a final decision been convicted of a criminal offence and when subsequently

his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

"7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country."

DRAFT RESOLUTION

65. At its 970th meeting the Third Committee adopted, by 57 votes to none, with 7 abstentions, a draft resolution submitted by Austria and Greece (A/C.3/L.825/Rev.2) concerning future consideration of the draft Covenants.

Recommendation of the Third Committee

66. Accordingly, the Third Committee recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 852nd plenary meeting, on 10 December 1959, the General Assembly adopted the draft resolution submitted by the Third Committee (A/4299, para. 66). For the final text, see resolution 1458 (XIV) below.

Resolution adopted by the General Assembly

1458 (XIV). DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS The General Assembly,

Not having been able to conclude at its fourteenth session the consideration of the draft International Covenants on Human Rights,

<u>Decides</u> to give priority to this item at its fifteenth session and to request the Third Committee at that session to devote as many meetings as possible to the consideration of the draft International Covenants on Human Rights.

852nd plenary meeting, 10 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 34 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/2907 and Add.1-2	Memorandum by the Secretary-General	Official Records of the General Assembly, Tenth Session, An- nexes, agenda item 28 (part I)
A/2910 and Add.1-6	Observations by Governments	<u>Ibid</u> .
A/2929	Annotations on the text of the draft International Covenants on Human Rights (E/2573, annex I)	Ibid., agenda item 28 (part II)

Document No.	Title	Observations and references
A/3764 and Add.1	Report of the Third Committee	Ibid., Twelfth Session, Annexes, agenda item 33
A/4149	Note by the Secretary-General	Mimeographed
A/C.3/586	Texts of articles 7, 8, 9, 10, 11, 12, 13 and 14 of the draft Covenant on Civil and Political Rights adopted by the Third Committee at the thirteenth and fourteenth sessions of the General Assembly	Ditto
A/C.3/L.778	Note by the Chairman	Ditto
A/C.3/L.784	Denmark: amendment to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 6
A/C.3/L.785	Denmark: amendment to article 17 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Not dealt with
A/C.3/L.786	Belgium: amendment to article 13 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 23
A/C.3/L.789	Israel: amendments to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 7
A/C.3/L.790	Israel: amendments to article 13 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 24
A/C.3/L.791	Israel: amendment to article 17 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Not dealt with
A/C,3/L,792	United Kingdom of Great Britain and Northern Ireland: amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, paras. $34,40$ and 43
A/C.3/L.793	United Kingdom of Great Britain and Northern Ireland: amendment to article 15 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Not dealt with
A/C.3/L.794	United Kingdom of Great Britain and Northern Ireland: amendment to article 16 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Ditto
A/C.3/L.795	Israel: amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Replaced by A/C.3/L.795/Rev.1
A/C.3/L.795/ Rev.3	Israel: revised amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, paras. 36, 37, 39, 42 and 45
A/C.3/L.796	Netherlands: amendment to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 8
A/C.3/L.797	Netherlands: amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 43
A/C.3/L.798	Netherlands: amendment to article 15 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Not dealt with
A/C.3/L.799	Netherlands: amendment to article 17 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Ditto
A/C.3/L.801	Afghanistan: amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 44
A/C.3/L.802	Canada: amendment to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 9
A/C.3/L.803/ Rev.1	Italy and Japan: revised amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 46
A/C.3/L.804	Argentina: amendment to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 10
A/C.3/L.805	Argentina: amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Replaced by A/C.3/L.805/Rev.1
A/C.3/L.805/ Rev.3	Argentina: revised amendments to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, paras. 35, 38 and 43
A/C.3/L.806	Argentina: amendment to article 15 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Not dealt with
A/C.3/L.807	Argentina: amendment to article 17 of the draft Covenant on civil and Political Rights (E/2573, annex I B)	Ditto
A/C.3/L.808	Note by the Secretary-General	Mimeographed
A/C.3/L.812/ Rev.2	Argentina, Belgium, Iran, Italy and Philippines: revised amendment to article 12 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 11
A/C.3/L.813	Ireland: amendment to document A/C.3/L.812/Rev.2	See A/4299, para. 12
A/C.3/L.814	Union of Soviet Socialist Republics: amendment to the draft Covenant on Civil and Political Rights (E/2573, annex I B)	Not dealt with

Danumant No.	Title	Observations and references
Document No.	Title	Observations and references
A/C.3/L.815/ Rev.1	Italy: revised amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 41
A/C.3/L.816	Note by the Chairman	Mimeographed
A/C.3/L.816/ Rev.1	Note by the Chairman	Ditto
A/C.3/L.816/ Rev.2	Note by the Chairman	Ditto
A/C.3/L.816/ Rev.3	Note by the Chairman	Ditto
A/C.3/L.817	Ceylon: amendment to document A/C.3/L.803/Rev.1	See A/4299, para. 47
A/C.3/L.817/ Rev.1	Canada, Ceylon and Pakistan: revised amendment to document A/C.3/L.	See A/4299, para. 47
A/C.3/L.820	Italy: amendment to document A/C.3/L.795/Rev.3	See A/4299, para. 37
A/C.3/L.821	Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan: amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 48
A/C.3/L.821/ Rev.1	Canada, Ceylon, Iran, Italy, Japan, Jordan and Pakistan: revised amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, paras. 48 and 49
A/C.3/L.822	Israel: revised amendment to article 14 of the draft Covenant on Civil and Political Rights (E/2573, annex I B)	See A/4299, para. 45
A/C.3/L.823	Mexico and Saudi Arabia: draft resolution	See A/4299, para. 63 (s)
A/C.3/L.824 and Corr.1	Text of articles 12 and 13 and the paragraphs of article 14 of the draft Covenant on Civil and Political Rights which had been adopted by the Third Committee as of 25 November 1959	Mimeographed
A/C.3/L.825/ Rev.2	Austria and Greece: revised draft resolution	For the text of this document, see A/4299, para. 66
E/2573 — E/CN.4/705	Report of the Commission on Human Rights on its tenth session (23 February - 16 April 1954)	Official Records of the Eco- nomic and Social Council, Eighteenth Session, Supple- ment No. 7
E/L.68	Memorandum by the Secretary-General: observations on the draft first international covenant on human rights	Mimeographed

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 35: Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary–General on the comments of Governments thereon*

CONTENTS Document No. Title Page Third Committee: A/C.3/L.830 France: amendments to the preamble and article 1 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)....... 1 Plenary meetings: A/4341 Report of the Third Committee 1 5 6

DOCUMENT A/C.3/L.830

France: amendments to the preamble and article 1 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)

[Original text: French]
[1 December 1959]

Preamble

After the second paragraph insert the following:

"Considering that a full and accurate knowledge of the facts is essential to any genuine freedom of information:".

Article 1

- 1. Insert as a new sub-paragraph (a) the following:
- "(a) Each Contracting State undertakes to respect and protect the right of every person to choose between several different sources of information:".

The present sub-paragraphs (\underline{a}) and (\underline{b}) will then become sub-paragraphs (b) and (c).

2. In the present sub-paragraph (a), replace the words "and impart without governmental interference and regardless of frontiers information and opinions orally," by the words "and impart information without governmental interference and regardless of frontiers, whether orally,".

DOCUMENT A /4341

Report of the Third Committee

[Original text: English] [8 December 1959]

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^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Third Committee, 970th to 979th meetings; and ibid., Plenary Meetings, 852nd meeting.

INTRODUCTION

- 1. At its 803rd plenary meeting on 22 September 1959, the General Assembly allocated to the Third Committee item 35 of the agenda of its fourteenth session (Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon). The item had been placed on the agenda of the General Assembly pursuant to resolution 1313 C (XIII) of 12 December 1958, whereby the Assembly decided to proceed, at its fourteenth session, to the discussion of the text of the draft Convention.
- 2. The Committee discussed the item at its 970th to 979th meetings, inclusive.
- 3. The Committee had before it: a report by the Secretary-General (A/4173 and Corr.1 and Add.1-3) on comments forwarded by Governments pursuant to General Assembly resolution 1313 C (XIII); and the text of the draft Convention as formulated by the Committee established by the General Assembly by resolution 426 (V) of 14 December 1950 (A/AC.42/7 and Corr.1 annex). The Committee also had before it a compilation by the Secretariat (A/C.3/L.826) of the comments of Governments on the preamble and article 1 of the draft Convention. This document took into account comments which Governments had forwarded to the Secretary-General pursuant to General Assembly resolution 1189 A (XII) of 11 December 1957 (A/3868 and Add.1-8).

GENERAL DISCUSSION

- 4. Most members of the Committee participated in a general discussion, which lasted from the 970th to the 977th meetings and touched upon many fundamental problems of freedom of information. Most of the members welcomed the opportunity of proceeding, after many years of delay, to the final drafting of what was described as the most important instrument in the field of freedom of information. Some reiterated the basic objection of their Governments to a draft Convention which, in its existing form, they argued, emphasized restrictions on, rather than freedom of, information. Some other representatives, while expressing misgivings concerning the project, stated their willingness to participate constructively in the work on the draft Convention.
- 5. As in past debates on this matter in the General Assembly, certain problems had priority - such as the general problem of the difficulty of striking a balance between freedom (which was always in danger of degenerating into licence) and responsibility (the enforcement of which could lead to undesirable restrictions). More specifically, in commenting on the rights and responsibilities of the media of information, in an age of increasing literacy and of rapid technological progress in the means of disseminating information, a number of members referred to the responsibility of those media in regard to reports affecting relations between peoples, and the need to protect the "consumer" of news and information from inaccuracy. falsehood and distortion. All such aspects, it was maintained, should be reflected in the Convention. Other members, on the other hand, considered that the main emphasis in the Convention should be on ways and means of ensuring the freest access to the facts, and the fullest possible flow of news and information con-

cerning these facts. If that end was to be achieved, and the peoples of the world were to be fully and adequately informed, it was necessary for the media to be free from governmental restrictions, and, among other things, for them to be left to set and enforce standards for themselves. It was generally agreed that the major task, in working out a final text of the Convention, was to find a satisfactory way of reconciling differences in the enumeration of those restrictions on freedom of information which it could be agreed were permissible and even necessary.

6. The Committee agreed to discuss the preamble and article 1 of the draft Convention at the current session

PREAMBLE

7. The preamble of the draft Convention, in the text before the Committee (A/AC.42/7 and Corr.1, annex), read as follows:

"The States Parties to this Convention,

"Bearing in mind the Charter of the United Nations and the Universal Declaration of Human Rights,

"Considering that freedom of expression and the free interchange of information and opinions, both in the national and in the international spheres, are fundamental human rights and essential in the cause of democracy and peace and for the achievement of political, social, cultural and economic progress;

"Desiring to co-operate fully with one another to guarantee these freedoms and thereby to promote democratic institutions, friendly relations between States and peoples and the peace and welfare of mankind, and

"Recognizing that in order to achieve these aims the media of information should be free from pressure or dictation, and that these media, by virtue of their power for influencing public opinion, bear a great responsibility to the peoples of the world;

"Have accepted the following provisions:"

Amendments submitted to the preamble

- 8. The following amendments and sub-amendments to the preamble were submitted:
- (a) A proposal by Afghanistan (A/C.3/L.827) to divide paragraph 2 of the preamble into two paragraphs as follows:

"Considering that freedom of expression, information and opinions are fundamental rights,

"Considering that the free interchange of information and opinions both in the national and in the international spheres is essential to the cause of democracy and peace and for the achievement of political, social and economic progress,".

The following sub-amendments to this amendment were submitted:

(i) A proposal by India, Liberia, Mexico, Philippines, Saudi Arabia, United Arab Republic and Venezuela (A/C.3/L.840 and Corr.1) to insert, in the second paragraph, the words "accurate, objective and comprehensive" before the word "information" and the word "of" before the word "opinions".

- (ii) A proposal by Belgium, Guatemala, Iceland and Italy (A/C.3/L.837) (1) to insert the words "from any source whatever" after the word "opinions" and (2) to insert the word "cultural" after the word "social".
- (b) A proposal by Liberia (A/C.3/L.828) to revise the fifth paragraph of the preamble to read as follows:

"Recognizing that in order to achieve these aims the media of information should be free from pressure or dictation, but that these media, by virtue of their power for influencing public opinion, bear to the peoples of the world a great responsibility which can best be met by publishing not only freely but truthfully and justly, and by subordinating both the urge for private gain and the promotion of nationalistic aims to the advancement of human information,".

The following sub-amendments to this amendment were submitted:

- (i) A proposal by Poland (A/C.3/L.838) (1) to insert the words "and have the duty to respect the truth and to promote understanding among nations" after the words "bear to the peoples of the world a great responsibility" and (2) to delete the last part of the Liberian text, from the words "which can best be met ...".
- (ii) A proposal by Cambodia (A/C.3/L.836) (1) to insert, after the words "bear to the peoples of the world a great responsibility", the words "since it is their duty to respect the truth" and (2) to delete the last part of the Liberian text, from the words "which can best be met ...".
- (c) A proposal by Romania (A/C.3/L.829/Rev.1) to insert the words "accurate and undistorted" before the word "information", and the word "of" before the word "opinions" in the second paragraph of the preamble, so that the paragraph would read:
- "Considering that freedom of expression and the free interchange of accurate and undistorted information and of opinions, both in the national and international spheres, are fundamental human rights and essential in the cause of democracy and peace and for the achievement of political, social, cultural and economic progress,".
- (d) A proposal by France (A/C.3/L.830/Rev.1) to insert after the second paragraph of the preamble a paragraph reading as follows:
 - "Considering that freedom of information implies respect for the right of everyone to form an opinion through the fullest possible knowledge of the facts,".
- 9. At the Committee's 976th meeting, the representative of Afghanistan, having explained that the word "cultural" after the word "social" in the second paragraph of his text (A/C.3/L.827) had been omitted only by mistake, the representatives of Belgium, Guatemala, Iceland and Italy withdrew their second subamendment (A/C.3/L.837).
- 10. At the Committee's 977th meeting, the representative of Romania withdrew his amendment (A/C.3/L.829/Rev.1).
- 11. At the Committee's 977th meeting, the representative of Liberia accepted the two sub-amendments by Cambodia (A/C.3/L.836) and Poland (A/C.3/L.838).

Voting on the preamble

- 12. The voting on the preamble, as formulated by the Committee on the Draft Convention on Freedom of Information, and on the amendments and remaining sub-amendments then proceeded, at the Committee's 977th meeting, as follows:
- (a) The first paragraph of the preamble was adopted by 63 votes to none, with 6 abstentions.
- (b) The sub-amendment by India, Liberia, Mexico, the Philippines, Saudi Arabia, the United Arab Republic and Venezuela (A/C.3/L.840 and Corr.1) to the amendment by Afghanistan (A/C.3/L.827) was adopted by 43 votes to 9, with 18 abstentions.
- (c) The first sub-amendment by Belgium, Guatemala, Iceland and Italy (A/C.3/L.837) to the amendment by Afghanistan (A/C.3/L.827) was rejected by 25 votes to 24, with 21 abstentions.
- (\underline{d}) The amendment by Afghanistan (A/C.3/L.827), as thus amended, was adopted by 54 votes to 7, with 9 abstentions.
- (e) The amendment by France (A/C.3/L.830/Rev.1), calling for the addition of a new preambular paragraph, was adopted by 51 votes to none, with 20 abstentions.
- (f) At the request of the representative of Ireland, a separate vote was taken on the word "thereby" in the third paragraph of the preamble as formulated by the Committee on the Draft Convention on Freedom of Information (which had become the fifth paragraph). The word was rejected, 21 votes being cast in favour of it and 21 against, with 24 abstentions.
- (g) The former third paragraph of the preamble (which had become the fifth paragraph), as thus amended, was adopted by 59 votes to none, with 9 abstentions.
- (h) The representative of the Philippines requested a separate vote on the amendment submitted by Liberia (A/C.3/L.828) as modified (see paragraph 11 above), on the words up to and including "bear to the peoples of the world a great responsibility, and have the duty to respect the truth". The passage in question was adopted by 46 votes to 1, with 24 abstentions.
- (\underline{i}) At the request of the representative of Romania, a roll-call vote was taken on the remaining words in the text proposed in the amendment submitted by Liberia (A/C.3/L.828) as modified, that is, "and to promote understanding among nations". The words were adopted by 33 votes to 17, with 21 abstentions. The voting was as follows:
- In favour: Afghanistan, Albania, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Colombia, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Ethiopia, Guinea, Hungary, India, Indonesia, Irak, Jordan, Liberia, Libya, Morocco, Poland, Romania, Saudi Arabia, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Australia, Austria, Belgium, Canada, Chile, China, Greece, Ireland, Netherlands, New Zealand, Philippines, Spain, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Denmark, Federation of Malaya, Finland, France, Ghana, Guatemala, Haiti, Honduras, Iceland, Italy, Japan, Lebanon, Luxembourg, Mexico, Norway. Pakistan, Peru, Portugal, Turkey, Uruguay.

- (j) The words "Have accepted the following provisions", which appeared in the last paragraph of the text proposed by the Committee on the Draft Convention (A/AC.42/7 and Corr.1, annex), were adopted by 51 votes to none, with 16 abstentions.
- (k) The text of the preamble as a whole, as thus amended, was adopted by 42 votes to 5, with 24 abstentions.
- 13. The text of the preamble as thus adopted is given in the annex to the present report.

ARTICLE 1

14. Article 1 of the draft Convention in the text before the Committee (A/AC.42/7 and Corr.1, annex), read as follows:

"Subject to the provisions of this Convention,

- "(a) Each Contracting State shall secure to its own nationals, and to such of the nationals of every other Contracting State as are lawfully within its territory, freedom to seek, receive and impart without governmental interference and regardless of frontiers information and opinions orally, in writing or in print, in the form of art or by duly licensed visual or auditory devices;
- "(b) No Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph in any manner discriminating against any of its own nationals or of such of the nationals of any other Contracting State as are lawfully within its territory on political grounds or on the basis of their race, sex, language or religion."

Amendments submitted to article 1

- 15. The following amendments to article 1 were submitted:
- (a) A proposal by France (A/C.3/L.830/Rev.1) (1) to insert the following new sub-paragraph as sub-paragraph (a), the existing sub-paragraphs (a) and (b) becoming (b) and (c):
 - "Each Contracting State undertakes to respect and protect the right of every person to choose between several different sources of information";
- (2) to replace the words "and impart without governmental interference and regardless of frontiers information and opinions orally", in the present paragraph (a), by the words "and impart information without governmental interference and regardless of frontiers, whether orally".
- (b) A proposal by Ethiopia, India, the Philippines, Saudi Arabia and Venezuela (A/C.3/L.831) to replace the word "seek" in sub-paragraph (a) by the word "gather".
- (c) A proposal by Peru (A/C.3/L.834) to insert, in sub-paragraph (a), the following phrase: "save as provided in article 2", so that this part of the paragraph would read "without governmental interference, save as provided in article 2, and regardless of ...".

- 16. At the Committee's 979th meeting, the representative of France orally revised his first amendment to article 1 (A/C.3/L.830/Rev.1) to read as follows:
- "(a) Each Contracting State undertakes to respect and protect the right of every person to have at his disposal diverse sources of information;".

The representative of France also withdrew his second amendment to article 1 (A/C.3/L.830/Rev.1).

17. At the suggestion of the representative of Lebanon, it was agreed that in the amendment by Ethiopia, India, the Philippines, Saudi Arabia and Venezuela (A/C.3/L.831), the word "gather" should be rendered in French by "rassembler".

Voting on article 1

- 18. The Committee then proceeded, at its 979th meeting, to vote on article 1, as formulated by the Committee on the Draft Convention on Freedom of Information. and on the amendments thereto, as follows:
- (a) The words "Subject to the provisions of this Convention" were adopted by 51 votes to none, with 11 abstentions.
- (b) At the request of the representative of the United Arab Republic, a separate vote was taken on the words "and protect" in the French amendment as orally revised by the representative of France (see paragraph 16 above). The words "and protect" were adopted by 36 votes to 14, with 13 abstentions.
- (c) At the request of the representative of Italy, a roll-call vote was taken on the French amendment to article 1 as orally revised (see paragraph 16 above). The amendment was adopted by 51 votes to 1, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Belgium. Brazil, Cambodia, Canada, Ceylon, Chile, China, Colombia Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Italy, Japan, Lebanon, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Saudi Arabia, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland. United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Hungary.

Abstaining: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Israel, Pakistan, Poland, Portugal, Romania, Spain Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen.

- (\underline{d}) The amendment by Ethiopia, India, the Philippines, Saudi Arabia and Venezuela (A/C.3/L.831) was adopted by 30 votes to 29, with 7 abstentions.
- (e) The amendment by Peru (A/C.3/L.834) was adopted by 33 votes to 15, with 18 abstentions.
- (f) Paragraph (a) of article 1, as thus amended (now sub-paragraph (b)), was adopted by 39 votes to 4, with 20 abstentions.
- (g) Sub-paragraph (b) of article 1, as formulated by the Committee on the Draft Convention of Freedom

of Information (now paragraph (c)), was adopted by 49 votes to none, with 12 abstentions.

(h) At the request of the representative of Lebanon, a roll-call vote was taken on the text of article 1 as amended, as a whole. The article was adopted by 41 votes to 4, with 21 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Brazil, Bulgaría, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, France, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Japan. Lebanon, Mexico, Morocco, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Denmark, Iceland, Norway, Sweden.

Abstaining: Argentina, Australia, Austria, Belgium, Cambodia, Chile, China, Colombia, Finland, Guatemala, Haiti, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

19. The text of article 1 as thus adopted is given in the annex to the present report.

OTHER AMENDMENTS

20. Cuba submitted amendments (A/C.3/L.832) to articles 2 and 4 of the draft Convention, and Colombia, Ecuador and Venezuela an amendment (A/C.3/L.843) proposing the insertion of a new article 6. The Committee did not consider these amendments at the General Assembly's fourteenth session.

DRAFT RESOLUTION

21. Afghanistan, Colombia, Cuba, Guatemala, Honduras, Lebanon, Libya, Morocco and the Philippines submitted a draft resolution (A/C.3/L.839 and Add.1) concerning the future consideration of the draft Convention on Freedom of Information. The draft resolution was adopted by 43 votes to 2, with 17 abstentions (see paragraph 22 below).

Recommendation of the Third Committee

22. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ANNEX

TEXT OF THE PREAMBLE AND ARTICLE 1 OF THE DRAFT CONVENTION ON FREEDOM OF INFORMATION

The following is the text of the preamble and article 1 of the draft Convention on Freedom of Information as adopted by the Third Committee at its 977th meeting on 4 December 1959 and its 979th meeting on 7 December 1959, respectively:

Preamble

The States Parties to this Convention.

Bearing in mind the Charter of the United Nations and the Universal Declaration of Human rights,

Considering that freedom of expression, information and opinions are fundamental human rights,

Considering that the free interchange of accurate, objective and comprehensive information and of opinions, both in the national and in the international spheres, is essential to the causes of democracy and peace and for the achievement of political, social, cultural and economic progress,

Considering that freedom of information implies respect for the right of everyone to form an opinion through the fullest possible knowledge of the facts,

<u>Desiring</u> to co-operate fully with one another to guarantee these freedoms and to promote democratic institutions, friendly relations between States and peoples and the peace and welfare of mankind, and

Recognizing that in order to achieve these aims the media of information should be free from pressure or dictation, but that these media, by virtue of their power for influencing public opinion, bear to the peoples of the world a great responsibility, and have the duty to respect the truth and to promote understanding among nations,

Have accepted the following provisions:

Article 1

Subject to the provisions of this Convention,

- (a) Each Contracting State undertakes to respect and protect the right of every person to have at his disposal diverse sources of information;
- (b) Each Contracting State shall secure to its own nationals, and to such of the nationals of every other Contracting State as are lawfully within its territory, freedom to gather, receive and impart without governmental interference, save as provided in article 2, and regardless of frontiers, information and opinions orally, in writing or in print, in the form of art or by duly licensed visual or auditory devices;
- (c) No Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph in any manner discriminating against any of its own nationals or of such of the nationals of any other Contracting State as are lawfully within its territory on political grounds or on the basis of their race, sex, language or religion.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 852nd plenary meeting on 10 December 1959, the General Assembly adopted the draft resolution submitted by the Third Committee (A/4341, para. 22). For the final text, see resolution 1459 (XIV) below.

Resolution adopted by the General Assembly

1459 (XIV). DRAFT CONVENTION ON FREEDOM OF INFORMATION

The General Assembly,

Not having been able to conclude at its fourteenth session the consideration of the draft Convention on Freedom of Information,

<u>Decides</u> to give priority to this item at its fifteenth session and to request the Third Committee at that session to devote as many meetings as possible to the consideration of the remaining articles of the draft Convention on Freedom of Information.

852nd plenary meeting, 10 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 35 which are not reproduced in the present fascicle.

Document No.	Title -	Observations and references
A/3868 and Add.1-8	Views and suggestions of Governments concerning the draft Convention on Freedom of Information: report of the Secretary-General	Mimeographed
A/4143	Report of the Economic and Social Council (1 August 1958-31 July 1959)	Official Records of the General Assembly, Fourteenth Session, Supplement No. 3
A/4173 and Corr.1 and Add.1-3	Comments by Governments on the text of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex): report of the Secretary-General	Mimeographed
A/4219	Declaration of the Soviet Government on general and complete disarmament	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70
A/AC.42/7 and Corr.1	Committee on the Draft Convention on Freedom of Information: report to the Economic and Social Council	Ibid., Seventh Session, Annexes, agenda item 29
A/C.3/L.826	Comments of Governments on the preamble and article 1 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	See A/4341, para. 3
A/C.3/L.827	Afghanistan: amendment to the preamble of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	See A/4341, para. 8
A/C.3/L.828	Liberia: amendment to the preamble of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	See A/4341, para. 8
A/C.3/L.829	Romania: amendment to the preamble of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	Replaced by A/C.3/L.829/Rev.1
A/C.3/L.829/ Rev.1	Romania: revised amendment to the preamble of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	See A/4341, para. 8
A/C.3/L.830/ Rev.1	France: revised amendments to the preamble and article 1 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	See A/4341, paras. 8 and 10
A/C.3/L.831	Ethiopia, India, Philippines, Saudi Arabia and Venezuela: amendment to article 1 of the draft Convention on Freedom of Information (A/AC. 42/7 and Corr.1, annex)	See A/4341, para. 10
A/C.3/L.832	Cuba: amendments to articles 2 and 4 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	Not dealt with
A/C.3/L.834	Peru: amendment to article 1 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	See A/4341, para. 10
A/C.3/L.835	Note by the Chairman	Mimeographed
A/C.3/L.835/ Rev.1 and Corr.1	Note by the Chairman	Ditto
A/C.3/L.836	Cambodia: amendment to document A/C.3/L.828	See A/4341, para. 8
A/C.3/L.837	Belgium, Guatemala, Iceland and Italy: amendment to document A/C.3/L. 827	See A/4341, para. 8
A/C.3/L.838	Poland: amendment to document A/C.3/L.828	See A/4341, para. 8

Document No.	Title	Observations and references
A/C.3/L.839 and Add.1	Afghanistan and Philippines: draft resolution	Adopted without change. See A/4341, para. 22
A/C.3/L.840 and Corr.1	India, Liberia, Mexico, Philippines, Saudi Arabia, United Arab Republic and Venezuela: amendment to document A/C.3/L.827	See A/4341, para. 8
A/C.3/L.841	Note by the Chairman	Mimeographed
A/C.3/L.842	Text of the preamble to the draft Convention on Freedom of Information adopted by the Third Committee at its 977th meeting	Ditto
A/C.3/L.843	Colombia, Ecuador and Venezuela: amendment to the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex)	Not dealt with

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 36: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:*

- (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter;
- (b) Information on educational conditions;
- (c) Information on other conditions;
- (d) General questions relating to the transmission and examination of information;
- (e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;
- (f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General

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A/4196 and Add.1	Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General	86
A/4197	Association of Non-Self-Governing Territories with the European Economic Community: report of the Secretary-General	96
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^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 967th to 971st, 973rd to 986th and 993rd and 994th meetings; and ibid., Plenary Meetings, 855th and 857th meetings.

DOCUMENT A/4096 AND ADD.1

Cessation of the transmission of information under Article 73 e of the Charter: communication from the Government of France

Note by the Secretariat

Document A/4096

[Original text: English/French] [8 April 1959]

Introduction

- 1. By note of 27 March 1959 addressed to the Secretary-General, the Permanent Representative of France to the United Nations transmitted the following documentation:
 - I. A letter from the French Ministry of Foreign Affairs dated 23 March 1959, No. 010, addressed to the Secretary-General;
- II. The text of the "Réformes outre-mer";1
- III. The text of the "Constitution de la Communauté".2
- 2. In conformity with General Assembly resolutions 222 (III) of 3 November 1948 and 1051 (XI) of 20 February 1957, the Secretary-General brings to the attention of Members the text of the letter from the French Ministry of Foreign Affairs under section I, below. Regarding the text of the "Réformes outre-mer", the present note provides, under section II, a preliminary reference to those parts of the text which are relevant to the status of the Territories which are referred to in paragraphs 3 and 4 of the letter from the French Foreign Office. Under section III, attention is drawn to the "Constitution de la Communauté" with particular reference to some of the Titles. Because of their length, the relevant excerpts from these texts will be reproduced at a later stage.

Ι

- 3. The text of the letter reads as follows:
- "1. The French Government, in conformity with the declaration contained in Chapter XI of the Charter, furnished regularly each year from 1946 to 1957, the information provided for in Article 73. On each such occasion, it pointed out that it was for the administering State alone to determine which were the Territories whose peoples had not yet attained a full measure of self-government under the terms of the Charter.
- "2. The French Government, as it duly notified the Secretariat, therefore ceased to transmit information on the following Territories as they reached the requisite stage of development: in 1947, on Guadeloupe, Martinique, French Guiana, Réunion, New Caledonia, the French Establishments in Oceania, and St. Pierre and Miquelon; in 1948, on the Associated States of Indo-China and the French Establishments in India; in 1956, on Tunisia and Morocco.
- "3. Information continued to be furnished on French West Africa, French Equatorial Africa, Madagascar, the Comoro Archipelago, French Somaliland and New Hebrides.

- "4. Except with regard to New Hebrides, where the existence of the condominium created a special situation, the French Government decided to stop transmitting this information as from 1957. Under the "loicadre" of 23 June 1956 and the decrees issued in application thereof, a series of reforms were instituted which had the effect of granting these Territories internal autonomy. This autonomy and the liberal trend of the evolutionary process marked by the enactment of the "loi-cadre" were strengthened in 1958 by the establishment of the Community.
- "5. Attached are documents relating to the status of the various Territories on which information is no longer being transmitted."

 \mathbf{II}

- 4. The following are the references to the relevant excerpts from the Réformes outre-mer":
 - (a) All territories:

Act No. 56-619 of 23 June 1956;

Decree No. 56-1227 of 3 December 1956, as amended by

Decree No. 57-479 of 4 April 1957;

Decree No. 56-1228 of 3 December 1956, as amended by

Decree No. 57-480 of 4 April 1957;

Decree No. 57-239 of 24 February 1957;

Decree No. 57-466 of 4 April 1957;

Decree No. 57-817 of 22 July 1957.

(b) French West Africa and French Equatorial Africa:

Decree No. 57-458 of 4 April 1957;

Decree No. 57-459 of 4 April 1957;

Decree No. 57-460 of 4 April 1957

Decree No. 57-461 of 4 April 1957.

(c) Madagascar:

Decree No. 57-462 of 4 April 1957; Decree No. 57-463 of 4 April 1957;

Decree No. 57-464 of 4 April 1957;

Decree No. 57-465 of 4 April 1957

Decree No. 57-816 of 22 July 1957.

(d) French Somaliland:

Decree No. 57-813 of 22 July 1957.

(e) Comoro Archipelago:

Decree No. 57-814 of 22 July 1957.

III

5. Reference is made to the text of the Constitution et ordonnances portant lois organiques relatives à la Communauté published in Paris in 1959 at the Imprimerie des Journaux Officiels, No. 1120. While the full text of the Constitution has been made available by the Government of France, particular attention may be drawn to Title I, in part, Title II, in part, Title XI and Title XII amongst the Titles relevant to the status of the Territories in auestion.

¹ Fascicule spécial No. 1100 du Journal officiel de la République française (Paris, 1957).

² Journal officiel de la République française, 90ème année, No. 234 (Paris, 5 octobre 1958).

Document A/4096/Add.1

[Original text: French] [20 July 1959]

NOTE BY THE SECRETARIAT

- 1. The text of the "Réformes outre-mer" mentioned in the Secretariat note of 8 April 1959 (see A/4096, section II) and the text of the French Constitution and ordinances enacting organic laws relating to the Community (see A/4096, section III), which were to be reproduced at a later stage, are presented herewith as an addendum to the above-mentioned note.
- 2. A complete list of the various legislative and regulatory documents communicated by the representative of France is given below. Only the texts marked with an asterisk are reproduced *in extenso* in this note. The others may be consulted in the Secretariat.

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A. RÉFORMES OUTRE-MER

I. LOI-CADRE

Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible

After consultation with the Assembly of the French Union, The National Assembly and the Council of the Republic have deliberated,

The National Assembly has adopted,

The President of the Republic promulgates the following Act:

TITLE I

Provisions concerning the reform of institutions, administrative structures, and economic and social organization

Article 1. Without prejudice to the expected reform of Title VIII of the Constitution, in order to give the overseas peoples a more direct share in the management of their own interests, measures of administrative decentralization and devolution shall be introduced within the Territories, Groups of Territories and central services for which the Ministry for Overseas France is responsible.

To this end, decrees made in the manner prescribed by article 6 of Act No. 48-1268 of 17 August 1948, on the report of the Minister for Overseas France and, as appropriate of the Ministers concerned, may:

- 1. Modify the role and powers of administration and management of the general governments with a view to transforming them into co-ordinating bodies, and modify the composition and functions of the Grand Councils and of the Representative Assembly of Madagascar;
- 2. Institute Government Councils in all the Territories and in addition, in Madagascar, Provincial Councils responsible, in particular, for administering the territorial services;
- 3. Grant broadened deliberative powers, in particular for the organization and administration of the territorial services, to the Assemblies of the Territories as well as to the Representative Assembly and Provincial Assemblies of Madagascar; regarding the exercise of their functions, which will be defined in the decrees to be issued, the Assemblies may, when the decrees made under this article authorize them to do so, abrogate or modify any regulation governing matters falling within the said functions;

4. Determine the conditions for the establishment and operation, as well as the functions, of the councils in the administrative "circonscriptions" and rural communities, and the procedure for the grant of legal status to these "circonscriptions," without prejudice to the establishment of new municipalities.

The decrees made in pursuance of this article may modify, abrogate or reproduce in the form of regulations existing legislative provisions.

They shall be simultaneously filed with the secretariat of the National Assembly and submitted to the Assembly of the French Union, which shall have fifteen days in which to express its opinion.

(Act. No. 57-702 of 19 June 1957). "The National Assembly shall decide on their adoption, rejection or modification within a period of two months and transmit them to the Council of the Republic. The latter shall have forty-five days from the date of transmission in which to state its decision.

"The consideration of the decrees must be completed by Parliament within a period of one hundred and thirty-five days from the date on which they are filed with the secretariat of the National Assembly."

The Government text shall be adopted or reconsidered should either Assembly fail to reach a decision.

On the expiry of this time limit, the decrees, if they have not been modified or rejected by Parliament, shall come into force in the form in which Parliament shall have adopted them.

Article 2. The Assemblies of the Territories or Groups of Territories, the Representative Assemblies and, where appropriate, the Provincial Assemblies of Madagascar may decide that breaches of the regulations resulting from their deliberations, if not already punishable with greater penalties under the law in force, shall be punishable with imprisonment for a term not exceeding three months or with a fine not exceeding 300,000 French francs or both these penalties, according to a scale determined, for each category of offences, by the Chief Administrator of the Group of Territories, the Chief Administrator of the Territory or the Chief Provincial Administrator, upon the proposal of the Assembly.

Article 3. The Government may, by decree made in the Council of Ministers on the report of the Minister for Overseas France and, where appropriate, of the Ministers concerned, and after consultation with the Council of State, introduce a reform of the public services in the Overseas Territories aimed at defining, on the one hand, the State services responsible for administering the interests of the State and, on the other hand, the territorial services responsible for administering the interests of the Territories, as well as for assigning their respective functions to those services. The purpose of this reform shall be:

On the one hand, to facilitate the access of native-born civil servants to all ranks in the administration;

On the other hand, to establish independent regulations pertaining to the civil service overseas, applicable to the territorial services. For this purpose, the Government shall determine the conditions for the constitution of territorial establishments and the definition of the regulations applicable to them and their methods of remuneration, especially as regards basic pay while ensuring that established officials and employees of the government railways who are currently employed will retain their acquired rights, in particular with respect to salaries, social benefits, pensions and regular professional advancement.

In pursuance of the above paragraphs and without prejudice to their provisions, the general regulations applicable to the employees of the territorial services shall be defined by an order made by the Chief Administrator of the Territory in Government Council, after deliberation by the Territorial Assembly.

The regulations applicable to the individual categories of employees of these services, the methods and rates of their remuneration, the rules governing vacations and social benefits shall be determined by an order made by the Chief Administrator of the Territory in Government Council after consultation with the Territorial Assembly, without prejudice to the rights of any officials permanently transferred to the services.

Article 4. The Government may, in the manner prescribed in article 3 above and without prejudice to Act No. 46-860 of 30 April 1946 and the legislative provisions relating thereto, take all measures to raise the standard of living in the Territories for which the Ministry for Overseas France is responsible, to promote economic development and social advancement and to facilitate economic and financial co-operation between Metropolitan France and those territories, especially:

By the general dissemination and the standardizing of education:

By organizing and supporting the production of goods necessary for the economic equilibrium of the Territories and the needs of the franc area;

By introducing modern methods of rural development and establishing a land-registration plan whereby the customary rights of the indigenous inhabitants will be respected;

By establishing and enforcing the registration of births, marriages and deaths;

By establishing suitable credit and savings facilities;

By amending financial laws and regulations in any way likely to promote private investment overseas, without prejudice to the prerogatives of the Territorial Assemblies;

By taking all measures to ensure social advancement.

The Government shall make all necessary arrangements to ensure on a permanent basis and at the level of the Office of the President of the Council the co-ordination of economic and financial measures affecting Metropolitan France and the Overseas Territories alike.

Article 5. The decrees referred to in articles 3 and 4 may modify or abrogate legislative provisions, with the exception of those concerning the organization and protection of labour, or extend to the Territories all or part of the legislative provisions in force in Metropolitan France. These decrees shall come into force on publication in the Journal official of the French Republic, but they shall become definitive only after the procedures and time limits provided for in article 1 have been observed.

Article 6. Decrees made under Title I of this Act may prescribe either the penalties specified by earlier laws on the same subjects, provided that the classification of offences and the nature and amount of the penalties applicable may not be changed, or the penalties prescribed under article 471, paragraph 15, of the Penal Code, or imprisonment for a term not exceeding three months or a fine not exceeding 300,000 French francs or both these penalties.

Article 7. The powers conferred on the Government under articles 1, 3, 4 and 5 of this Act shall expire on 1 March 1957.

TITLE II

Provisions concerning the Trust Territories of Togoland and the Cameroons

Article 8. The Government is hereby authorized to establish, by decree in the Council of Ministers, after consultation with the Territorial Assembly and the Council of State, a statute for Togoland. This statute must accord with the purposes defined in the Trusteeship Agreement and with the principles laid down in the Preamble to the French Constitution. It shall specify the division of competence and financial costs between the State and the Territory, the powers of the local assembly and of the local executive and its members, and the rights and freedoms guaranteed to Togolanders.

A referendum to be held on the basis of universal suffrage and by secret ballot, the date of and procedure for which shall duly be determined by decree in the Council of Ministers with the agreement of the Territorial Assembly, shall enable the populations to choose between the statute referred to in the foregoing paragraph and the maintenance of trusteeship as provided for in the Agreement of 13 December 1946.

The statute shall enter into force provisionally immediately upon its publication in the *Journal officiel* of Togoland. Subject to the signing of the international instrument terminating trusteeship, the statute shall become definitive if the results of the referendum provided for in the preceding paragraph are fayourable to it.

As long as the statute remains provisional in character, such trusteeship as seems advisable, to be defined by the transitional provisions of the statute, shall be exercised over the powers of the local authorities.

Article 9. Taking into account the Trusteeship Agreements, the Government, by decrees made after consultation with the Territorial Assembly and the Assembly of the French Union, may, with respect to the Cameroons, introduce institutional reforms and establish provinces, provincial assemblies and provincial councils.

These decrees shall come into force at the end of a period of four months after they are submitted to Parliament.

TITLE III

Provisions concerning the institution of universal suffrage and of the single electoral college

Article 10. In the territories for which the Ministry for Overseas France is responsible, elections to the National Assembly, to the Territorial Assemblies, to the Provincial Assemblies of Madagascar, to the "conseils de circonscription" and to the Municipal Assemblies shall be held on the basis of universal suffrage of citizens of both sexes, irrespective of their personal status, who are over the age of twenty-one, are duly registered in the roll of electors and are not disqualified for any reason specified by law.

The penalties which entail disqualification from registration in the rolls of electors shall be those established by the laws in force in Metropolitan France.

Article 11. The methods of balloting for the elections referred to in article 10 may not be modified except by law, with the exception of elections to the "conseils de circonscription" and to the Municipal Assemblies organized under article 53 of Act No. 55-1489 of 18 November 1955.

Article 12. The election of members of the National Assembly, of the Council of the Republic, of the Territorial Assemblies, of the Representative Assembly and the Provincial Assemblies of Madagascar, of the "conseils de circonscription," and of the Municipal Assemblies of the "communes de plein exercice," the "communes de moyen exercice" and the mixed communes shall be by a single electoral college.

TITLE IV

Miscellaneous provisions and temporary provisions concerning the institution of universal suffrage and of the single electoral college

Article 13. In the territory of French Somaliland, where the renewal of the Representative Council in March 1957 is not prescribed by the laws and regulations now in force, elections to the said Council shall be held not later than 1 May 1957.

Article 14. As a transitional measure, pending the next renewal of the National Assembly, the Territorial Assemblies and the Provincial Assemblies of Madagascar, as well as of the Municipal Assemblies referred to in article 12, in cases where the electors were formerly grouped into two colleges, any vacancy occurring through death, resignation or any other cause shall be filled on the basis of universal suffrage by the electoral college to which the seat concerned was formerly assigned.

As a transitional measure, pending the next renewal of the Territorial and Provincial Assemblies in the territories in which the members of the Council of the Republic are elected by a dual electoral college, any vacancy occurring through death, resignation or any other cause shall be filled by the electoral college to which the seat concerned was formerly assigned.

Article 15. An administrative regulation shall provide, if necessary, for a special revision of the rolls of electors for which it shall set the time limits.

Article 16. All provisions contrary to Titles III and IV of this Act, in particular article 3, as amended, of Act No. 51-586 of 23 May 1951 concerning the election of deputies to the National Assembly in the territories for which the Ministry for Overseas France is responsible, are hereby abrogated.

The present Act shall be enforced as a law of the State.

Done at Paris, on 23 June 1956.

(Signed) René Cory President of the Republic

(Signed) Guy Mollet

President of the Council of Ministers

(Signed) François MITTERRAND

Minister of State, Keeper of the Seals, Head of the Ministry of Justice

(Signed) Gaston Defferre

Minister for Overseas France

(Signed) Félix Houphouet-Boigny

Minister Delegate to the Office of the President of the Council

II. DECREES PROVIDING FOR INSTITUTIONAL REFORMS

(a) Overseas Territories

Decree No. 56-1227 of 3 December 1956 defining the State services in the Overseas Territories and enumerating State personnel (as amended by Decree No. 57-479 of 4 April 1957)

The President of the Council of Ministers.

Acting on the report of the Minister for Overseas France, the Minister of State, Keeper of the Seals, Head of the Ministry of Justice, the Minister of Economic and Financial Affairs, the Minister delegated to the Office of the President of the Council, the Minister of Foreign Affairs, the Minister of National Defence and the Armed Forces, the Minister of State for Education, Youth Matters and Sport, the Secretary of State for Public Works, Transport and Tourism, the Secretary of State for Posts, Telegraphs and Telephones, the Secretary of State in the Office of the President of the Council responsible for information and the Secretary of State in the Office of the President of the Council responsible for the public service;

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Decrees as follows:

Article 1. (Decree No. 57-479 of 4 April 1957). "In the Overseas Territories, external affairs, defence, the protection of public freedom, the maintenance of the solidarity of the constituent elements of the Republic and economic, social and cultural expansion, monetary and financial regulations and the representation of the central power constitute general interests of the Republic which are directed and administered by State services or State offices or institutions."

Article 2. (Decree No. 57-479 of 4 April 1957). "The following accordingly constitute State services:

"I. The services which represent the central power: Chief Administrators of Groups of Territories, Territories, provinces and "circonscriptions," their "cabinets" and secretariats.

"II. The external affairs services:

"Diplomatic and consular affairs services;

"Frontier control services;

"External trade and exchange control services;

"Immigration services;

"Cultural relations and exchanges services.

"III. The general military and economic security services:

"Armed forces and their services, "gendarmerie", mobile security squads, not including local constabulary ("gardes-cercle") and similar units;

"Customs services;

"Administrative police services, not including rural and municipal police services;

"Code and cypher services;

"Civil defence services;

"Economic mobilization services.

"IV. Institutions and services ensuring respect for public freedoms:

"Courts of French law;

"Judicial police;

"Administrative courts;

"Labour and social welfare inspectorate.

"V. Services maintaining or supervising external communications:

"Major air services, including major meteorological and air safety services;

"Stations of the general wireless network and general system of submarine cables;

"Maritime safety services (international lighthouses and lighthouse and buoy service boats);

"Merchant shipping registration services, in so far as they are concerned with French and foreign ships and crews, and the national disabled seamen's institute;

"Harbourmaster offices.

"VI. Services and establishments ensuring the solidarity of the constituent elements of the Republic, its economic, social and cultural expansion and its monetary and financial regulations:

"Treasury services;

"Financial control;

"Supervision of public and semi-public corporations;

"Planning services (general section of FIDESa);

"Services for the possible allocation among the Territories of commodities and products subject to quotas;

"Higher education;

"Network of broadcasting and television stations and transmitters, with the proviso that types and times of programmes will be determined in consultation with the Territories;

"Geographic service;

"Geological mapping service;

"Services attached to the Atomic Energy Commission".

Article 3. The central power shall be represented in the Overseas Territories by the High Commissioners and Commissioners of the Republic, the governors-general and governors and the administrators of Overseas France.

Article 4. The State services in the Overseas Territories shall be administered as prescribed in article 3 of Decree No. 56-1228 of 3 December 1956.

Article 5. (Decree No. 57-479 of 4 April 1957). "The State establishment shall comprise:

"(a) Members of the armed forces, excluding auxiliary personnel;

"(b) The following personnel enumerated in table I annexed to Decree No. 51-510 of 5 May 1951:

"Governors-general and governors;

"Administrators;

"Higher-education staff who shall belong to the establishment of the Ministry of Education;

"Labour and social-welfare inspectors;

"Staff of the treasuries of Overseas Territories;

"Port and harbour officers;

"(c) Cypher staff;

"(d) The staff of the overseas judiciary governed by the Decree of 22 August 1928."

Article 6. (Decree No. 57-479 of 4 April 1957). "All expenditures for staff and equipment of the State services in the Overseas Territories shall be borne by the State budget, together with the costs of supervision by the Overseas France inspectorate and the administrative courts inspection mission.

"The Overseas Territories shall contribute a share of the cost of the Treasury and customs services amounting to 5 per cent of the portion of the revenues of those services allocated to the Territories, provided that this contribution may not exceed two-thirds of the operational cost of the services.

"The Overseas Territories shall also share, in proportions to be determined annually by the Finance Act, the costs of the State services for which they were liable prior to this Decree.

"Loans made by the State services to territorial services and vice versa shall be subject to reciprocal repayment."

Article 7. Premises assigned to the civil or military State services in the Overseas Territories shall be State property.

Real property acquired or constituted under the general section of the Investment Fund for Economic and Social Development shall remain State property as prescribed in Decree No. 55-634 of 20 May 1955.

Article 8. (Decree No. 57-479 of 4 April 1957). "Public offices and institutions now existing shall retain their status of State institutions or territorial institutions.

"A list of existing State offices and institutions shall be prepared before 1 March 1957, by decree made in the same manner as the present Decree."

cirticle 8 bis. (Decree No. 57-479 of 4 April 1957). "Territorial services shall comprise all existing public services other than those enumerated in article 2 and the State offices and institutions."

Article 9. The Minister for Overseas France, the Minister of State, Keeper of the Seals, Head of the Ministry of Justice, the Minister of Economic and Financial Affairs, the Minister delegated to the Office of the President of the Council, the Minister of Foreign Affairs, the Minister of National Defence and the Armed Forces, the Minister of State for Education, Youth Matters and Sport, the Secretary of State for the Budget, the Secretary of State for Public Works, Transport and Tourism, the Secretary of State for Posts, Telegraphs and Telephones, the Secretary of State in the Office of the President of the Council responsible for information and the Secretary of State in the Office of the President of the Council responsible for the public service shall be responsible, each within the limits of his competence, for the execution of this Decree, which shall be published in the Journal officiel of the French Republic and inserted in the Bulletin official of the Ministry for Overseas France.

Decree No. 56-1228 of 3 December 1956 relating to the organization of civil public services in the Overseas Territorics (as amended by Decree No. 57-480 of 4 April 1957)

The President of the Council of Ministers,

Acting on the report of the Minister for Overseas France, the Minister of State, Keeper of the Seals, Head of the Ministry of Justice, the Minister of Economic and Financial Affairs, the Minister delegated to the Office of the President of the Council, the Minister of State for Education, Youth Matters and Sport, the Secretary of State for Public Works, Transport and Toursım, the Secretary of State for Posts, Telegraphs and Telephones, the Secretary of State in the Office of the President of the Council responsible for information and the Secretary of State in the Office of the President of the Council responsible for the public service;

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible;

Having regard to Decree No. 56-1227 of 3 December 1956 defining the State services in the Overseas Territories and enumerating State personnel;

Having regard to the Act of 19 October 1946 enacting general regulations for State officials, together with Decree No. 50-1348 of 27 October 1950 enacting administrative regulations for applying the said Act to officials of certain civil establishments ("cadres") who normally perform their functions in the territories for which the Ministry for Overseas France is responsible;

Having regard to Act No. 48-1450 of 20 September 1948 amending the civil and military pensions scheme;

Having regard to Act No. 50-772 of 30 June 1950 establishing the conditions fixing the salaries and allowances of civil and military officials of the Ministry for Overseas France and the conditions of recruitment, discharge and retirement of these officials, and the decrees giving effect to the said Act;

^{*} Investment Fund for Economic and Social Development.

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Decrees as follows:

Article 1. This Decree shall determine the general organization of the civil public services in the Overseas Territories and of the establishments of civil officials who are responsible for their administration.

TITLE I

State services and civil service establishments

Article 2. The functions vested in and general organization of the State services, as defined in article 2 of Decree No. 56-1227 of 3 December 1956, shall be determined by decrees made in Council of Ministers on the proposal of the Minister for Overseas France and of the Ministers concerned, after consultation with the "Conseil d'Etat."

The procedures for applying these decrees in each Territory or Group of Territories shall be determined by orders to be made by the Chief Administrator of the Territory or by the High Commissioner.

Article 3. The State services shall be administered:

- 1. By officials of the French civil service establishment serving overseas; the staff for this establishment shall be recruited, on a preferential basis, from among officials of the existing general establishments of Overseas France having corresponding functions;
- 2. In so far as the "gendarmerie," the police and the customs service are concerned, by auxiliary establishments organized locally by the Chief Administrator in the case of a Territory or by the High Commissioner in the case of a Group of Territories; their regulations and conditions of remuneration shall be similar to those of the territorial establishments on the same recruitment level; these auxiliary establishments shall be instituted by an order to be made jointly by the Minister for Overseas France and the Minister of Economic and Financial Affairs;
- 3. By officials of territorial establishments placed at the disposal of the said services in conditions to be determined by administrative regulations;
 - 4. By officials and employees of metropolitan establishments;
 - 5. If necessary, by temporary staff.

Article 4. (Decree No. 57-480 of 4 April 1957). "Within one year from the publication of this Decree in the Journal official of the French Republic, provisions shall be inserted in the special regulations governing the officials of the French civil service establishment serving overseas, excluding those referred to in article $5\ (c)$ of Decree No. 56-1227 of 3 December 1956 defining the State services in the Overseas Territories and enumerating State personnel, to reserve not less than $66\ \text{per}$ cent of the available posts to:

- "(a) Graduates born in the Overseas Territories, who, if they satisfy the general requirements for entrance to the civil service by the regular competitive examinations, shall be admitted to a special recruitment examination;
- "(b) Officials of the territorial establishment and the auxiliary State service establishment, who were born in the Overseas Territories or who have resided there continuously for ten years, and who, being selected on the basis of their qualifications, on the recommendation of a commission established for the purpose by the Minister for Overseas France, are admitted to advanced training courses which are to be organized to prepare them for the various posts on the French civil service establishment;
- "(c) Officials of the territorial establishment and the auxiliary State service establishment who were born in the Overseas Territories or who have resided there continuously for ten years, and who satisfy the requirements for admission to professional examinations; these examinations shall be organized in accordance with rules similar to those which, in metropolitan France, govern admission to similar civil service establishments.

"The foregoing provisions shall apply to candidates for posts and positions that are filled by examination or any other method of recruitment, excluding appointments made by special decree of the Council of Ministers. "In the cases provided for in paragraphs (b) and (c) above, a special quota of posts shall be reserved to each Territory or Group of Territories for recruitment in the State services operating in the Territory or Group of Territories.

"If for a time the requirements enumerated in paragraphs (a), (b) and (c) above should make it impossible to fill all the posts so reserved, the remaining posts shall be filled by the regular recruitment of French civil service staff.

"The age limits for the various competitive and other examinations for entrance to the French civil service establishment shall be extended by five years in favour of candidates who were born in the Overseas Territories or who have resided there continuously for ten years.

"Within a period of one year similar provisions shall be made in favour of officials who are candidates for professional examinations and who were born in the Overseas Territories or have resided there continuously for ten years."

Article 5. Officials of the French civil service establishment serving overseas shall be governed by the provisions of the Act of 19 October 1946 in the same manner as officials of the same category.

Officers of the judiciary shall continue to be governed by their special regulations.

The afore-mentioned officials and judicial officers shall receive, for equivalent ranks, the same base salaries as officials and judicial officers of the metropolitan establishment.

Unless they opt to the contrary, in conditions to be determined by decree, they shall contribute to the general State pension scheme.

The regulations governing accessory salaries, allowances and leave of officials and judicial officers of the State establishment shall be determined by decree enacted in Council of Ministers on the report of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Secretary of State in the Office of the President of the Council responsible for the public service.

Pending the enactment of the decree referred to in the foregoing paragraph, the regulations applicable shall continue to be those established by the legal provisions in force, in particular the provisions of Act No. 50-772 of 30 June 1950.

TITLE II

Territorial services and establishments. Inter-territorial services.

Article 6. The territorial services shall comprise the public services having responsibility for local interests, in all territories, whether or not forming a part of a Group, and in Groups of Territories.

Article 7. (Decree No. 57-480 of 4 April 1957). "The general organization of the territorial public services and of the provincial public services shall be determined by an order of the Chief Administrator of the Territory in Government Council or by an order of the Chief Provincial Administrator in Provincial Council.

"In the Groups of Territories, the general organization of the services established at the Group level in accordance with article 13 of the Decree of 4 April 1957 providing for the reorganization of French West Africa and French Equatorial Africa, shall be determined by an order of the High Commissioner of the Republic, after consultation with the Grand Council.

"The cost of the territorial public services shall be borne by the territorial budget.

"The cost of the public services of common interest shall be borne by the budget of the Group of Territories.

"In the territorial public services, officials of a special State establishment to be set up by decree made after consultation with the "Conseil d'Etat" may be used for technical assistance missions."

Article 8. (Decree No. 57-480 of 4 April 1957). "The territorial public services shall be administered by officials belonging to territorial or provincial establishments who shall have access to all ranks in the administration.

"The general regulations governing employees of the territorial services of each Territory shall be determined by the Territorial Assembly in the same manner as the fixing of duties and taxes levied under the territorial budget. These general regulations shall include the establishment of a civil service advisory committee with its headquarters in the chief town of the Territory.

"The special regulations applicable to the various establishments of employees of these services, the methods and rates of their remuneration, their pension and social security schemes, including the conditions of leave, shall be determined by an order of the Chief Administrator of the Territory in council after consultation with the Territorial Assembly and with the civil service advisory committee established under the general regulations.

"The general regulations for employees of the territorial services of Madagascar shall be determined by the Representative Assembly.

"The general regulations for employees of the provincial services of Madagascar and the special regulations for the various establishments of employees of these services shall be determined and established in accordance with the second and third paragraphs of this article, the Provincial Assembly, the Provincial Council and the Chief Provincial Administrator being substituted for the Territorial Assembly, the Government Council and the Chief Administrator of the Territory."

Article 9. Officials belonging to existing senior and local establishments shall be permanently transferred ex officio, at a level equivalent to that of their present posts, in the territorial establishments having corresponding functions.

The application of this provision may not have the effect of reducing the remuneration or social welfare benefits of the staff members concerned or of impeding their regular professional advancement, as determined by the laws at present in force.

Article 10. In order to ensure the administration of the territorial services, until such time as all posts on the territorial establishments are filled, recourse shall also be had, under the conditions prescribed in Title III hereunder, to the services of officials belonging to the establishments enumerated in tables I and II annexed to Decree No. 51-510 of 5 May 1951 and of officers of the Overseas France judiciary.

If the number of officials of the establishments referred to in article 8 and the first paragraph of article 9, and in the first paragraph of this article should prove to be insufficient, recourse may be had to the services of officials and employees of the various metropolitan administrations of the State or other public offices and institutions. Such officials and employees shall be seconded to the territorial establishments in the manner prescribed by the Act of 19 October 1946.

TITLE III

Temporary provisions

Article 11. The officials of the establishments enumerated in tables I and II annexed to Decree No. 51-510 of 5 May 1951, at present in service or receiving training in schools, other than the officials referred to in Title I, shall have the benefit of the safeguards provided in article 3 of Act No. 56-619 of 23 June 1956; they shall, in all cases, continue to be governed by the provisions of the Act of 19 October 1946 and by the special regulations of their particular establishment.

Article 12. The officials referred to in article 11 above may serve in the Overseas Territories and departments on secondment to the territorial establishments in accordance with the terms of the afore-mentioned Act of 19 October 1946.

They may not be reassigned to the staff of the Minister for Overseas France except on six months' notice.

On the expiry of their period of secondment, if this is not renewed, they shall automatically be restored to their original establishment and department.

Article 13. They may be assigned to the central department of the Ministry for Overseas France and its branches.

Article 14. (Decree No. 57-480 of 4 April 1957). "The regulations governing salaries and accessory salaries, allowances and leave of officials of the State establishment as determined in

article 5 of this Decree, shall apply to the officials referred to in article 11.

"The Overseas Territories or departments shall bear the costs incurred in applying the regulations for the establishments or posts to which the officials referred to in article 11 are seconded.

"If it should prove impossible to make available to the Territories officials of grades corresponding to the duties to be performed, any additional costs that this may cause shall be borne by the State budget."

Article 15. Where the officials referred to in article 11 are not assigned to one of the posts specified in the first paragraph of article 12 and in article 13 above, they shall be seconded as a matter of form to the central department of the Ministry for Overseas France. The cost of their salaries and allowances shall be borne by the State budget.

Article 16. In order to synchronize the gradual organization and expansion of the staff of the territorial establishments, until they are able to meet the needs of the Territories, with the gradual reduction in the corresponding establishments referred to in article 11 above, suitable territorial staff recruitment plans shall be established by agreement between the Minister for Overseas France and the Government Councils concerned.

Article 17. Officials of the metropolitan establishments at present serving on secondment to the general establishments enumerated in tables I and II annexed to Decree No. 51-510 of 5 May 1951 shall continue to be listed on those establishments and, as such, may be placed at the disposal of the Overseas Territories in the manner prescribed by this Title.

Article 18. (Decree No. 57-480 of 4 April 1957). "The officials referred to in article 11 above may, at their request, be permanently transferred to the territorial service establishments."

TITLE IV

Miscellaneous provisions

Article 19. (Decree No. 57-480 of 4 April 1957). "Officials belonging on the date of publication of this Decree in the Journal official of the French Republic to the establishments enumerated in tables I and II annexed to Decree No. 51-510 of 5 May 1951, and officers of the Overseas France judiciary governed by the Decree of 22 August 1928 shall retain their acquired rights, in particular with respect to salaries, social benefits, pensions, and regular professional advancement.

"If any posts are abolished in a Territory, the Government shall reassign the officials and judicial officers concerned within six months. They shall be transferred as a matter of priority to metropolitan departments which perform certain functions in the Overseas Territories. As many officials shall be transferred in this way as there are posts allocated in those departments for the performance of those functions."

Article 20. As a transitional measure, officials of the senior and local establishments serving at the time of publication of this Decree shall, if they so request, continue in the pension scheme in which they previously participated.

Their option, which shall be final, shall be made within one year from the date of publication in the *Journal officiel* of the Territory or Group of Territories in which they are serving of the order establishing the special regulations of the establishment to which they are transferred in conformity with article 9 above.

The same option shall be available to any officials of the general establishments who, under article 18, are permanently transferred to the territorial establishments. The option shall be exercised within one year from the date of transfer.

Article 21. Officials of the general establishments regulated by decree and officials of the senior and local establishments in service on the date of publication of this Decree who, on attaining the age limit under the pension scheme applicable to them, do not qualify for a superannuation pension, shall be granted the necessary extension of the age limit to permit them to qualify therefor, provided however that they may not continue in service beyond the age of sixty.

Article 22. Established staff of the government railways and government authorities shall have the benefit of the same safeguards as those listed in Titles II, III and IV (articles 19, 20

and 21) which are applicable to all officials, judicial officers and employees of Overseas France.

Article 22 bis (1). (Decree No. 57-480 of 4 April 1957). "The establishments provided for in Titles I and II of this Decree shall be open to candidates of both sexes."

Article 23. The procedures for the application of this Decree shall be determined as necessary by administrative regulations.

Article 24. The Minister for Overseas France, the Minister of State, Keeper of the Seals, Head of the Ministry of Justice, the Minister delegated to the Office of the President of the Council, the Minister of Economic and Financial Affairs, the Minister of State for Education, Youth Matters and Sport, the Secretary of State for the Budget, the Secretary of State for Public Works, Transport and Tourism, the Secretary of State for Posts, Telegraphs and Telephones, the Secretary of State in the Office of the President of the Council responsible for information and the Secretary of State in the Office of the President of the public service, shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the Journal official of the French Republic and inserted in the Bulletin official of the Ministry for Overseas France.

Decree No. 57-239 of 24 February 1957 establishing the list of State offices and institutions in the Overseas Territories

The President of the Council of Ministers,

Acting on the report of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular articles 3 and 4;

Having regard to article 8 of Decree No. 56-1227, as amended, of 3 December 1956, defining the State services in the Overseas Territories and enumerating State personnel, under which "a list of existing State offices and institutions shall be prepared before 1 March 1957";

Having regard to article 71 of the Act of 14 April, creating an Inter-colonial Pension Fund, and to the Decree of 1 November 1928, as amended:

Having regard to Act No. 550 of 11 October 1943, establishing the Office for Colonial Scientific Research, and to Decree No. 53-1127 of 17 November 1953 reorganizing overseas scientific and technical research;

Having regard to the Ordinance of 7 December 1943 establishing the National Locust Control Office;

Having regard to the Ordinance of 2 February 1944, as amended, transforming the "Caisse centrale de la France libre" into the "Caisse centrale de la France d'outre-mer";

Having regard to Act No. 70 of 28 February 1944 organizing the Overseas France Railways;

Having regard to Act No. 46-860 of 30 April 1946 for the establishment, financing and execution of plans for the equipment and development of the Territories for which the Ministry for Overseas France is responsible;

Having regard to Act No. 48-951 of 8 June 1948 establishing the Institute for Stock-breeding and Veterinary Medicine in Tropical Countries;

Having regard to article 40 of Act No. 55-1044 of 6 August 1955, together with the Inter-Ministerial Order of 25 October 1955 establishing a Seamen's Housing Office in Central Africa;

Having regard to articles D.472 to D.525 of the Code on Military Disability and War Casualty Pensions;

Having regard to Decree No. 46-1495 of 18 June 1946 establishing the Institute of Central African Studies;

Having regard to Decree No. 46-2898 of 11 December 1946 establishing the Institute of Scientific Research in Madagascar;

Having regard to Decree No. 48-1178 of 18 July 1948, as amended, reorganizing the Niger Office;

Having regard to Decree No. 50-414 of 6 April 1950 establishing an Institute of Higher Education at Dakar;

Having regard to Decrees Nos. 55-103 and 55-104 of 20 January 1955 reorganizing the system of issue of currency in French West Africa and Togoland, and the system of issue of currency in French Equatorial Africa and the Cameroons;

Having regard to Decree No. 55-642 of 20 May 1955 establishing the Office for Overseas Students;

Having regard to the Decree of 16 December 1955 establishing an Institute of Higher Education at Tananarive;

Having regard to Decree No. 56-1229 of 3 December 1956 reorganizing and decentralizing the overseas postal and telecommunication services:

Having regard to Decree No. 57-241 of 24 February 1957 concerning the Central Office of the Overseas France Railways;

Having regard to Decree No. 57-240 of 24 February 1957 instituting the University of Dakar;

Having regard to Decree No. 57-235 of 24 February 1957 concerning the Locust Control Office;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Decrees as follows:

Article 1. The following list of State offices and institutions now existing and operating in or on behalf of the Overseas Territories is hereby established:

- 1. The Bank of Issue of French West Africa and Togoland.
- 2. The Bank of Issue of French Equatorial Africa and the Cameroons,
 - 3. The "Caisse centrale de la France d'outre-mer."
 - 4. The Overseas Exchange Offices.
 - 5. The Overseas France Pension Fund.
- 6. The Dakar Institute of Higher Education and the University of Dakar, subject to the provisions of Decree No. 57-240 of 24 February 1957.
 - 7. The Antananarive Institute of Higher Education.
- 8. The Office for Overseas Scientific and Technical Research and its subsidiary institutes.
- 9. The Institute for Stock-breeding and Veterinary Medicine in Tropical Countries.
 - 10. The Institute of Central African Studies.
 - 11. The Institute of Scientific Research in Madagascar.
- 12. The National Locust Control Office, subject to the provisions of Decree No. 57-235 of 24 February 1957.
 - 13. The Office for Overseas Students.
- 14. The Overseas Offices for Ex-Servicemen and War Casualties.
 - 15. The Seamen's Housing Office in Central Africa.
 - 16. The Niger Office.
 - 17. The Central Office of the Overseas France Railways.
- 18. The Central Office of Overseas Posts and Telecommunications.

Article 2. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-458 of 4 April 1957 providing for the reorganization of French West Africa and French Equatorial Africa

The President of the Council of Ministers,

Acting on the report of the Minister for Overseas France, the Minister of Economic and Financial Affairs, the Minister for the Armed Forces and National Defence and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular articles 1 and 2;

Having regard to Act No. 47-1620 of 29 August 1947 establishing the procedure for elections to, and the composition, procedure and functions of, the group assemblies in French West Africa and French Equatorial Africa known as "Grand Councils";

Having regard to Act No. 52-130 of 6 February 1952 concerning the constitution of the group assemblies and local as-

semblies of French West Africa and Togoland, French Equatorial Africa and the Cameroons, and Madagascar;

Having regard to Decree No. 46-2250 of 16 October 1946 providing for the administrative reorganization of French Equatorial Africa;

Having regard to Decree No. 46-2374 of 25 October 1946 establishing Territorial Representative Assemblies in French Equatorial Africa;

Having regard to Decree No. 46-2375 of 25 October 1946 establishing Territorial Representative Assemblies in French West Africa;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

After consultation with the Assembly of the French Union;

After a decision by Parliament approving, subject to amendment, the Decree providing for the reorganization of French West Africa and French Equatorial Africa, filed with the Secretariat of the National Assembly on 4 December 1956,

Decrees as follows:

TITLE I

Organization of the Territories of French West Africa and French Equatorial Africa

Article 1. The Ivory Coast, Dahomey, Guinea, Upper Volta, Mauritania, Niger, Senegal and the French Sudan, the Gabon, the Middle Congo, Ubangi-Shari and Chad are Overseas Territories having civil personality and financial autonomy.

These Territories shall possess a domain divided into public and private, administered and managed by the territorial institutions and public services. Vacant and ownerless land shall form part of the private domain in the Territories.

Article 2. The Territorial institutions of the Overseas Territories, referred to in article 1, shall comprise:

A Chief Administrator of the Territory;

A Government Council;

A Territorial Assembly, with the functions and powers determined by Decree No. 57-460 of 4 April 1957 defining the powers of the Chief Administrators, Government Councils and Territorial Assemblies of the territories of French West Africa and French Equatorial Africa.

Article 3. The "Conseils privés" shall be abolished in each of the Territories mentioned in article 1, as from the date of the establishment of the Government Councils.

Article 4. With a view to the co-ordination of their economic, financial, social and cultural activities and the development and administration of their joint interests and domain: (1) the Ivory Coast, Dahomey, Guinea, Upper Volta, Mauritania, Niger, Senegal and the French Sudan shall constitute the French West African Group; (2) the Gabon, the Middle Congo, Ubangi-Shari and Chad shall constitute the French Equatorial African Group. These groups of territories shall have civil personality and financial autonomy. The institutions of each of these groups shall comprise:

A Chief Administrator of the Group of Territories;

An assembly, known as the Grand Council.

Each of the groups of Territories mentioned in the first paragraph of this article shall have a domain which it shall administer and manage in the manner prescribed in Titles III and IV hereunder.

TITLE II

The High Commissioner of the Republic

Article 5. A High Commissioner of the Republic shall be appointed to each of the Groups of Territories mentioned in the preceding article. The seat of the High Commissioner's Office shall be determined by decree, subject to the provisions of the seventh paragraph of article 8 hereunder.

Article 6. The High Commissioner of the Republic shall be appointed by decree of the President of the Republic made in Council of Ministers. He shall perform the functions of High Commissioner and of Chief Administrator of the Group of Territories.

Within the jurisdiction of the Territories of French West Africa and French Equatorial Africa, he shall be the representative of the Government. He shall be responsible directly to the Minister for Overseas France.

The Chief Administrator of a Territory, appointed by decree in Council of Ministers shall be, by permanent delegation of the High Commissioner, the depositary within that Territory of the powers of the Republic.

Article 7. The High Commissioner of the Republic shall be assisted by a General Secretary of the High Commissioner's Office, appointed by decree, who shall replace him in the event of absence or impediment in his dual capacity as High Commissioner and Chief Administrator of the Group of Territories and to whom the High Commissioner may delegate certain of his functions.

Article 8. The High Commissioner of the Republic shall be the depositary of the powers of the Republic for all the territories under the jurisdiction of his Office.

He shall ensure the promulgation, publication and execution of acts and decrees and the application of decisions and instructions of the Minister for Overseas France.

He shall have the power to issue regulations.

He shall ensure and co-ordinate the defence of the Territories under his jurisdiction and their participation in the joint defence effort

He shall ensure the maintenance of public order and the safety of persons and property; he shall see that justice is properly administered.

He shall proclaim martial law ("état de siège").

In case of necessity he may transfer the seat of the High Commissioner's Office, subject to a report being made to the Minister for Overseas France.

The High Commissioner shall communicate with the representatives of the Republic overseas, the authorities of foreign countries in Africa and the representatives of the Republic in those countries, and the duly accredited consular representatives of foreign governments whose jurisdiction extends to the territories of the group.

He shall negotiate with the said authorities and representatives all agreements, in particular those referring to trade, which apply in all or part of the Territories under his jurisdiction, after consultation with the Government Councils concerned and within the scope defined by government instructions. He shall conclude these agreements subject to their approval by the Government of the Republic.

Article 9. The High Commissioner of the Republic, subject to the laws and regulations, and in particular those governing the public services of the State, shall:

- (a) Organize the State services at the Group of Territories level and direct their activities;
- (b) Supervise the use of all appropriations under the State budget;
- (c) Be the secondary certifying officer for the budget of State civil expenditures for the territories under the jurisdiction of the High Commissioner's Office and, in that capacity, he may assign to the Chief Administrators of Territories under his authority all or part of the appropriations assigned to him;
- (d) Represent the State in all judicial matters and in all civil acts and proceedings subject to such delegations of authority as may be prescribed by the laws in force;
- (e) Ensure general co-ordination of the activities of the State services and the joint and territorial services;
- (f) Establish, after consultation with the Grand Council, the general regulations applicable to the authorities responsible for representing economic interests.

Article 10. The High Commissioner of the Republic shall report on the State officials serving in the Group of Territories; he shall exercise disciplinary authority over them as prescribed in article 80 of the Act of 19 October 1946 enacting general regulations for State officials.

He shall make appointments to all civil posts in the State services within the jurisdiction of the High Commissioner's Office, except the posts of Chief Administrator of the Territory. General Secretary to the territorial government or to the High Commissioner's Office, Inspector General of Administrative Affairs, judicial officers, Inspector General of Labour and Social Welfare, and Comptroller. The employees of the State Comptroller's Office, university professors and lecturers, Treasury accountants and officials on the general establishment of the Overseas treasuries shall continue to be governed by their own statutory regulations.

TITLE III

The Group of Territories

Chapter I. The Chief Administrator of a Group of Territories

Article 11. The Chief Administrator of a Group of Territories shall represent the Group in all judicial matters and in all civil acts and proceedings. In the event of litigation between the State and the Group, the Group shall be represented by the President of the Grand Council.

He shall administer the property of the Group and dispose of it in conformity with the decisions of the Grand Council.

He shall arrange for collection of the taxes, duties, charges and fees which are to accrue as reserve to the Group.

He shall have the power to issue regulations to ensure the application and execution of the decisions of the Grand Council and the operation of joint services, which shall be placed under his jurisdiction.

He shall organize the inter-territorial services referred to in article 13 hereunder after consultation with the Grand Council.

He shall make appointments to all posts in the joint services and exercise in regard to officials of those services the disciplinary powers for which their regulations provide.

He shall be the certifying officer for the budget and budget annexes of the Group of Territories and may delegate his functions in that capacity to one or more officials of his choice acting under his responsibility. He may also appoint secondary and deputy certifying officers.

Article 12. When exceptional circumstances so require, the Chief Administrator of a Group of Territories may make orders, which shall be immediately enforceable, with a view to suspending or temporarily reducing import and export duties on mining and petroleum products, and mining and petroleum royalties.

These orders shall be subject to ratification by the Grand Council. If the Grand Council is in session, the orders shall be submitted to it. If the Grand Council is not in session, the orders shall be submitted forthwith to the Standing Committee, which shall report thereon to the Assembly with a view to their ratification. When the decision of the Grand Council has become definitive, it shall have effect from the date on which it was taken.

Chapter II. Organization of the Group of Territories

Article 13. In order to ensure co-ordination of action by the Territories, the following services may be established, apart from the general administrative bodies required for their actual operation, at the level of the Group of Territories.

- 1. A general financial administration, responsible both for the administration of the common interests of the Group and the financial administration of its services;
- 2. An economic affairs co-ordination service, assisted by a statistical survey and co-ordination service;
- 3. A service for the co-ordination of capital equipment and planning problems common to two or more Territories;
 - 4. A geological and mineral prospecting service;
- 5. An academy to co-ordinate the educational, cultural and research services of the Territories;
 - 6. A service for the control of the important endemic diseases;
 - 7. A service for the control of epizootic diseases;
 - 8. A plant health service;
 - 9. A soil conservation service.

This list of services of common interest is restrictive. Nevertheless, this provision shall not limit the right of the Territorial Assemblies, by decision, to make the Group of Territories responsible for the establishment, organization and administration

of inter-territorial services or for the establishment, organization and financial supervision of joint public institutions, the cost of which shall be borne by the territorial budgets in proportions to be determined by an agreement approved by the Territorial Assemblies concerned.

Adjacent Territories may, by decision of their respective Assemblies, establish joint services.

Article 14. With a view to the discussion of questions of common interest, the Chief Administrator of the Group of Territories may convene an inter-territorial conference to be attended by the Chief Administrators of Territories or their representatives and by the Vice-Presidents of the Government Councils, assisted by competent members of the Government Councils of the Territories concerned.

The conference shall be convened automatically if it is requested by a majority of the Government Councils of the Territories which comprise the Group.

Chapter III. The Grand Council

Article 15. Titles III and IV of the Act of 29 August 1947 are hereby replaced by the provisions of this Chapter and of Chapter IV hereunder.

Article 16. The Grand Council shall be responsible for the administration of the common interests of the Group of Territories.

It shall take decisions on the matters placed within its jurisdiction by the laws and regulations, in particular by articles 17, 19, 20, 22, 23, 24 and 28 to 31 of this Decree. Its decisions may provide penalties, in the manner prescribed by article 2 of the Act of 23 June 1956.

It shall give advisory opinions, in particular in the cases specified in articles 32 to 34 hereinafter.

Article 17. The Grand Council may make recommendations for the purpose of ensuring the co-ordination and possible unification of the regulations and fiscal systems of the Territories. Such recommendations shall be communicated by the Chief Administrator of the Group of Territories to the Chief Administrators of the Territories concerned, who shall refer them to the Government Councils or to the Territorial Assemblies, as the case may be.

The Grand Council may be called upon to take a decision in any matter within the jurisdiction of the Territorial Assemblies in respect of which the Assemblies or two or more Territories of the Group consider it desirable to have a set of regulations common to the Territories concerned.

If a decision taken by a Territorial Assembly in an economic or financial matter may be prejudicial to the interests of another Territory or other Territories of the Group, the Assemblies of the latter Territories may decide to refer the question to the Chief Administrator of the Group of Territories through the Chief Administrator of the Territory.

The Chief Administrator of the Group of Territories shall convene, in the manner prescribed in article 14, an inter-territorial conference of the various Territories of the Group at which a recommendation shall be drawn up.

If the recommendation is not accepted by the Territorial Assembly concerned, the final decision shall be taken under a decree adopted in Council of Ministers, after consultation with the Assembly of the French Union and after the "Conseil d'Etat" has been heard.

Article 18. No taxes or duties of any kind may be imposed for the benefit of any treasury whatsoever on any products in movement from one Territory to another Territory in the same Group.

Article 19. The Grand Council shall decide on the opening date of its regular sessions, the duration of which shall not exceed two months. Such sessions shall, however, be governed by the rules laid down below.

The Grand Council shall hold two regular sessions each year, upon convocation by the High Commissioner. The first session shall begin during the first quarter of the year and the second before the end of October. The budget shall be considered at the second regular session. If a regular or special session adjourns and the Grand Council has not fixed the date for the

opening of its next regular session, the date shall be fixed in due time by the Standing Committee.

The Grand Council shall also be convened in special session:

- (a) If at least two-thirds of its members submit a request in writing to that effect to the President, or
- (b) If the Chief Administrator of the Group of Territories makes an order to that effect.

The duration of a special session may not exceed fifteen days.

The provisions of this article shall supersede those of article
28 of the Act of 29 August 1947.

Article 20. Subject to the provisions of article 21 of this Decree, the Grand Council shall take decisions on draft legislation submitted by the Chief Administrator of the Group of Territories concerning the domanial interests of the Group.

Article 21. However, the Chief Administrator of the Group may:

- 1. On his own initiative arrange settlements relating to the duties and charges of the Group of Territories in suits involving a sum of less than 5 million francs C.F.A.;
- 2. Accept on his own initiative and on an interim basis, gifts and bequests;
- 3. In cases of emergency and with the concurrence of the Standing Committee, institute any proceedings on behalf of the Group of Territories or defend its interests in such proceedings.

In cases of litigation between the State and the Group of Territories, the proceedings shall be instituted and conducted on behalf of the Group of Territories by the President of the Grand Council or by a member of the Standing Committee appointed especially for that purpose by the Grand Council;

4. Perform any acts for the purpose of conserving or interrupting prescription.

Article 22. The Grand Council may take a decision fixing the amount and conditions of payment of the compensation allotted to its members and also the rules applying to reimbursement of their travel expenses.

Such compensation, whatever its form, shall be fixed by reference to the salary of a category of officials serving in the Group of Territories.

No member may receive this compensation, during one and the same period, concurrently with either the compensation paid to members of the Territorial Assemblies or the salary of a member of the Government Council of a Territory of the Group.

Officials on active service or on secondment who are members of the Grand Council shall receive the difference between their salary, plus any travel expenses, and the compensation payable to members of the Grand Council, or their salary only, plus any travel expenses, if the total thereof is greater than the said compensation.

The Grand Council may also vote its President an annual lump-sum payment as a representation allowance.

The provisions of this article shall supersede those of article 27 of the Act of 29 August 1947.

Article 23. Subject to compliance with international conventions, to the provisions of article 32 of the Act of 30 December 1953 and to prior consultation with the "assemblées consulaires" (commercial arbitral assemblies) on matters within their jurisdiction, the Grand Council shall take decisions on the financial implications of any proposal made by the Chief Administrator of the Group of Territories or by one of its members relating to the following matters:

- 1. Method of assessment and rules for the collection of duties and taxes, including customs duties, collected upon entry into the Group of Territories, and schedules of such duties and taxes:
- 2. Method of assessment and rules for the collection of duties collected upon departure from the Group of Territories, including customs duties, and schedules of such duties, where these apply to mining and petroleum products and to mining and petroleum royalties;
- 3. Contracts to be concluded and specifications to be laid down by the Group of Territories.

No concession to operate a public service applied for by or on behalf of an alien may be granted unless there is agreement between the High Commissioner and the Grand Council. In case of disagreement, the matter shall be settled by decree;

- 4. Schedule of fees payable by concessionaries and of charges for supplies from and performance by the public services of the Group of Territories; fees payable for occupation of public lands of the Group and other related charges;
- 5. Determination of costs coming under the head of "court costs", preparation of schedules of such costs, methods of payment and collection, defining of conditions to be met by the recipients and, in general, regulation of all matters relating to court costs; schedules of fees for the issue of copies of or extracts from public instruments;
- 6. Fiscal tariff agreements relating to taxes levied by the Group of Territories, in the cases provided by law;
- 7. Loans, sureties, guarantees and shares of the Group of Territories in the capital of public and semi-public corporations and, in exceptional cases, of private companies participating in the economic development of the Group of Territories;
- 8. Acceptance of offers to contribute to the expenditures of the Group of Territories, the share of the Group of Territories under its budget in the expenditures of the State, of another Group of Territories or of a Territory which is not a member of a group, or of a public organization of the Group of Territories, in connexion with works which concern the Group of Territories;
- 9. At the request of the Assemblies of two or more Territories of the Group, the establishment or abolition of joint public institutions and inter-Territorial public services attached to the Group of Territories, as enumerated in the penultimate paragraph of article 13, and the agreements to be concluded for that purpose by the Group with the Territories concerned;

10. Subsidies and loans, contributions, refunds and royalties, borrowings, applications for loans or advances and the security to be required for them, investment of funds and alienation of property of the Group of Territories.

The Grand Council may fix a time limit within which the "assemblées consulaires" shall give their advisory opinion. If they fail to do so, the Grand Council shall proceed without their opinion. This time limit may not be less than fifteen days.

Article 24. The budget estimates of the Group of Territories and the budget annexes drawn up in local currency shall be prepared by the Chief Administrative Officer of the Group of Territories and filed by him with the Secretariat of the Grand Council at its second regular session each year. The budgets shall be considered and voted on, when balanced, by the Grand Council at that session.

The revenue and expenditure heads of the budget of the Group of Territories shall be divided into chapters and articles.

The right to amend the estimates of revenue and expenditure shall belong jointly to the Chief Administrator of the Group of Territories and to the Grand Council. However, the estimation of future revenue shall be the responsibility of the Chief Administrator of the Group of Territories. No proposal to increase expenditures or reduce revenue shall be admissible unless accompanied by a proposal for a corresponding increase in revenue or reduction in expenditure.

A separate decision shall be taken on each chapter of the budget. The budget as a whole shall then be voted upon by the Grand Council, which shall decide where appropriate on measures to be taken to ensure a true balance between revenue and expenditures, taking into account the funds required to cover the expenditures specified in the second paragraph of article 44 hereinafter.

No changes may be made in the budget during the financial year except by the Grand Council, in accordance with the procedure laid down for preparing the budget estimates and in such a manner as to ensure a continued balance between revenue and expenditures. Any transfer from one chapter to another shall be authorized by the Grand Council or, in urgent cases, by its Standing Committee, which shall report thereon to the Grand Council at its next session. No new post may be established unless it is provided for in the budget of the Group of Territories.

Article 25. Proposals for supplementary appropriations and withdrawals from the reserve fund shall be made and decided in the same manner.

In emergencies and when the Grand Council is not in session, supplementary appropriations and withdrawals from the reserve fund may be made by order of the Chief Administrator of the Group of Territories with the concurrence of the Standing Committee. Such orders shall be submitted to the Grand Council at its first session thereafter for ratification.

The sole purpose of changes so decided upon shall be to correct errors of estimation or to meet shortages of funds which have become apparent in the light of events subsequent to the preparation of the budget estimates, or to cover expenditures necessitated by unforeseeable circumstances.

Article 26. No benefit may be conferred by the Grand Council on an official or employee or on a category of officials or employees otherwise than on the proposal of the Chief Administrator of the Group of Territories.

Unless otherwise provided by law, no special service operating on extra-budgetary account may be established except by an order of the High Commissioner, made in agreement with the Minister for Overseas France and the Minister of Economic and Financial Affairs.

The establishing order shall define the conditions on which the account is to operate and provide for the supervision of its revenue and expenditures by the Grand Council.

The jurisdiction of the Chief Administrator of the Group of Territories and the Grand Council with respect to the drawing up of the schedules of charges and the budgets of bodies established by law to operate as self-governing public authorities ("régies") or as offices shall be defined by the texts laying down the statute of such bodies.

Article 27. If the Grand Council does not meet before the first day of the calendar year, or adjourns without having voted the budget or without having voted a balanced budget, the Chief Administrator of the Group of Territories shall ex officio make an order establishing a provisional budget, taking as the basis the budget for the previous year and the schedule of taxes adopted by the Grand Council. Where necessary, however, this order may prescribe any reductions in expenditures or increases in fiscal or other revenue. The Chief Administrator of the Group of Territories shall within fifteen days convene the Grand Council in a special eight-day session. If the Grand Council fails to vote a truly balanced budget by the end of the said special session, the budget shall be established in final form by the Chief Administrator of the Group of Territories, in the manner prescribed hereinabove. If the Grand Council fails to approve all the obligatory expenditures, the Chief Administrator of the Group of Territories shall ex officio enter all or part of the expenditures omitted and shall restore true balance to the budget either by deductions from uncommitted funds or the funds for miscellaneous and unforeseen expenditures or by a reduction in optional expenditures.

Article 28. The Grand Council shall take decisions enacting regulations applicable to all the Territories of the Group in the following matters of common interest:

- (a) The professions, ministerial and public offices;
- (b) Civil procedure, except as regards the system of judiciary;
 - (c) The activities of joint institutions and services;
- (d) The public lands of the Group of Territories. Nevertheless, State rights in respect of immovable property and easements enjoyed by the State may not be prejudiced in any way.

Should the State subsequently allocate certain premises for the operation of public services, such premises shall enjoy the easements for the public advantage inherent in the operation of the said services;

- (e) Control of the major endemic diseases;
- (f) Plant health control;
- (g) Epizootic disease control;
- (h) Internal transport, traffic, haulage;
- (i) Navigation on rivers and canals of interest to a number of Territories;
- (j) After consultation with the National Insurance Council through the Minister for Overseas France, regulations for the purpose of instituting compulsory insurance for individuals and corporate bodies whose civil liability may be involved under articles 1382 to 1386 of the Civil Code, provided that such

regulations may not otherwise alter the insurance laws and regulations or be applied to coverage of risks connected with industrial accidents or occupational diseases;

- (k) Methods of applying the regulations governing mineral resources;
- (1) Organization of the savings banks in the Group of Territories;
- (m) Tourism for the purpose of hunting; regulation of hunting in areas set aside for hunting by tourists;
- (n) Forms and terms of invitations for tenders and of contracts to be concluded in the Group of Territories for works and supplies which concern the Group, subject to compliance with the general rules applicable in such matters. These rules shall be laid down by a decree made in the manner prescribed in article 1 of the Act of 23 June 1956.

Article 29. Decisions on the matters referred to in the preceding article may be taken notwithstanding any provisions of law or regulations to the contrary enacted before the date of entry into force of this Decree, subject however to the provisions of international conventions, of the laws and regulations on the matters dealt with in the Commercial Code and the Maritime Code, of the Act of 15 December 1952, of the Act of 30 April 1946 and the decrees adopted in application thereof, of Decrees Nos. 55-625 and 55-634 of 20 May 1955 and of the ethical codes.

Article 30. The acts and decrees relating to the matters listed in article 28 of this Decree shall, however, remain in force, with the effect of regulations for the Group of Territories. These regulations may be cancelled or amended by decision of the Grand Council.

Article 31. The Grand Council shall take decisions regarding the common sections of programmes for implementing and executing the capital equipment and development plan provided for by the Act of 30 April 1946, in the manner prescribed by the decrees made in application of the said Act.

Article 32. The Grand Council shall be consulted in all cases with regard to draft regulatory orders of the Chief Administrator of the Group of Territories relating to:

- (a) The general organization of joint services and the general regulations applicable to the employees of such services;
- (b) The application, in respect of the Group of Territories, of the provisions of Act No. 52-1322 of 15 December 1952 establishing a labour code in the Territories and Associated Territories for which the Ministry for Overseas France is responsible;
- (c) The fixing for each category of offences under the regulations issued on the basis of the decisions of the Grand Council, of the scale of penalties applicable in accordance with the conditions laid down in article 2 of the Act of 23 June 1956.

Article 33. The Grand Council shall be consulted in all cases on the grant of mining exploration permits, types A and B, where such permits concern a number of Territories. In the event of disagreement between the Grand Council and the High Commissioner, the matter shall be decided pursuant to a decree made in Council of Ministers, after consultation with the Assembly of the French Union.

Article 34. The following shall in all cases be referred by the Chief Administrator of the Group of Territories to the Grand Council for its opinion:

- (a) Administrative accounts relating to the execution of the budget of the Group of Territories and the budget annexes, the public authorities ("régies") of the Group of Territories, and the public institutions of the Group of Territories;
- (b) The annual position of the funds of the Group of Territories.

The Grand Council may make any observations on the administrative accounts of the Group of Territories within the time limit prescribed in article 37. Such observations shall be communicated by the President of the Grand Council to the Chief Administrator of the Group of Territories, who shall send a copy thereof to the Audit Office through the Minister for Overseas France.

Article 35. The Chief Administrator of the Group of Territories shall make a statement to the Grand Council at its bud-

getary session on conditions in the Group of Territories and the state of the joint services.

Article 36. The Grand Council may, through its President, request the Chief Administrator of the Group of Territories and the Minister for Overseas France to furnish any information or observations on matters within its competence. It may also ask to hear any head of a joint service in connexion with a matter with which it is dealing.

The Grand Council may ask the Chief Administrator of the Group of Territories for any information concerning action taken on its decisions and concerning the execution of the budget, and may present its observations on the subject to the Chief Administrator of the Group of Territories.

The Grand Council may assign one or more of its members to gather in the Group of Territories the information it considers necessary in order to deal with a matter within its competence.

Article 37. All matters shall be referred to the Grand Council either by the Chief Administrator of the Group of Territories or by one of the members of the Council, except matters in respect of which the right of action is vested exclusively in the Chief Administrator of the Group of Territories.

In the interval between sessions, bills submitted by the Chief Administrator of the Group of Territories for decision by the Grand Council and bills proposed by members of the Grand Council shall be filed with the Secretariat of the Standing Committee.

Bills proposed by members of the Grand Council shall be communicated, within ten days from the date of filing, to the Chief Administrator of the Group of Territories, who may state his views on them. The Grand Council may not, if the Chief Administrator of the Group of Territories so requests, refuse to defer consideration of the bill to its next session, but not later.

The Chief Administrator of the Group of Territories shall be kept informed of the agenda of the Grand Council and its committees. He may attend and address the meetings of the committees of the Grand Council or send a representative to attend them.

Bills and proposals submitted to the Grand Council for decision shall be considered by the Council at the session during which they were filed or, at the latest, at the following session, unless the Standing Committee is delegated to act on them in the interval between the two sessions.

In matters which must be referred to the Grand Council for its opinion, the Chief Administrator of the Group of Territories may, if the Council fails to give its opinion within the time limits prescribed above, proceed without it, after notifying the President of the Grand Council to that effect.

Article 38. The acts of the Grand Council and its Standing Committee shall be delivered in duplicate, together with an extract from the records of meetings relating to the discussion and voting thereon, to the Chief Administrator of the Group of Territories within a period of thirty clear days from the closing of the session. Upon receipt of the documents, the Chief Administrator of the Group of Territories shall transmit one set of copies to the Minister for Overseas France.

Within thirty clear days from the date of their receipt, the Chief Administrator of the Group of Territories shall put the decisions of the Grand Council or its Standing Committee into effect or shall either refer them back to the Grand Council for second reading, or refer them to the Minister for Overseas France for the purpose of annulment, in the manner prescribed by articles 39 and 40.

If the Chief Administrator of the Group of Territories requests the Minister for Overseas France to annul a decision, he shall so advise the President of the Grand Council or, in the interval between the sessions of the Grand Council, the Chairman of the Standing Committee.

Article 39. The Minister for Overseas France may take action to annul decisions of the Grand Council and its Standing Committee on grounds of excess of power or of violation of the law, by means of a decree made in the form of an administrative regulation.

If, for any reason whatever, a decision of the Grand Council or its Standing Committee which has been submitted to the Minister for annulment has not been annulled within a period of ninety clear days from the date of its communication to the Chief Administrator of the Group of Territories, the Chief Administrator shall put it into effect not later than eight clear days after the expiry of the above-mentioned period.

The decisions of the Grand Council or the Standing Committee in customs matters shall continue to be subject to the provisions of article 3 of the Decree of 14 October 1954.

Article 40. The Chief Administrator of the Group of Territories may, within the period of thirty clear days prescribed in article 38, invite the Grand Council to rule at second reading, on decisions taken by it or its Standing Committee, if he considers them to be inconsistent with the general interest or the orderly administration of the Group of Territories.

In that case, the periods prescribed by articles 38 and 39 shall run from the date on which the Chief Administrator of the Group of Territories receives the new decision of the Grand Council.

Article 41. Pending the publication of the orders of the Chief Administrator of the Group of Territories putting into effect the decisions of the Grand Council or its Standing Committee, all taxes, duties, charges and fees shall be levied on the former bases and in accordance with the previous schedules.

Decisions taken by the Grand Council or its Standing Committee, at a session which began before 1 January, in the matter of direct taxes or of duties or charges treated as such, shall have effect as from that date, even if they could not be made enforceable by then.

Similarly, if it has not been possible to put the budget into effect before 1 January, the Chief Administrator of the Group of Territories shall be authorized to make provisional monthly appropriations on the basis of the appropriations in the budget for the preceding year. Further appropriations may be made each month until the budget is put into effect.

Article 42. A code of the regulations resulting from the decisions of the Grand Council and a code of administrative regulations made by the Chief Administrator of the Group of Territories shall be established under orders to be made by the Chief Administrator of the Group of Territories and published in the Journal officiel of the Group of Territories. The said codes shall be brought up to date annually.

Article 43. The Chief Administrator of the Group of Territories shall each month communicate to the Standing Committee of the Grand Council a detailed report, as at the end of the preceding month, of budgetary receipts, obligations, orders of assignment and payment issued against the budget, the budget annexes and the extra-budgetary accounts of the Group of Territories.

He shall also communicate to the Standing Committee a quarterly summary concerning the execution of the budget of the Group of Territories, as shown by the consolidated accounting report and the periodic reports submitted by the assistant certifying officers.

The Standing Committee may, in order to verify that deductions of expenditures under the budget are in order, request the production of particular payment orders.

The Standing Committee shall receive quarterly reports concerning the status of works being carried out under the budget of the Group of Territories and under the section relating to the Group of Territories in the Investment Fund for the Economic and Social Development of the Overseas Territories, instituted under the Act of 30 April 1946.

The Standing Committee may request the Grand Council to appoint one of the Council's members to ascertain on the spot the progress being made with particular works being carried out under the budget of the Group of Territories.

The provisions of this article shall supersede those of article 65 of the Act of 29 August 1947.

Chapter IV. Budget of the Group of Territories

Article 44. The budget of the Group of Territories shall cover:

(a) The debts of the Group of Territories;

- (b) Contributions and assessments payable by the Group of Territories under legislative or contractual provisions;
 - (c) Expenditure for supervision of common public services;
- (d) Operating costs of common public services and institutions, agencies and operations established at the territorial group level. A schedule of posts indicating the establishment of the services shall be annexed to the budget documents;
- (e) General capital expenditures not covered by the territorial budgets;
- (f) Any subsidies granted by the Grand Council in aid of the budgets of the Territories in the Group.

The budgetary appropriations shall cover expenditure relating to:

- (a) Settlement of due debts and covering of previous budget deficits:
- (b) Contributions, assessments and expenditures imposed under legislative provisions. A decree made in the manner prescribed by article 1 of the Act of 23 June 1956 shall specify the manner in which this paragraph shall be applied.

Article 45. Revenue for financing the budget of the Group of Territories shall be derived from:

- (a) Revenue from duties and taxes levied on imports into the Group of Territories;
- (b) One-half of the mining and petroleum royalties and one-half of the duties levied on exports of mineral and petroleum products from the Territories of the Group;
 - (c) Income from the property of the Group;
 - (d) Revenue of the services of the Group;
- (e) Fees paid by concessionnaires, farmers and other operators of Group services;
- (f) Interest on loans and security deposits, sums realized from borrowings and from financial investments or participations resulting from agreements signed or contracts concluded on behalf of the Group;
- (g) Gifts and bequests to the Group and unforeseen and miscellaneous revenue;
- (h) Withdrawals from the reserve fund of the Group and any other revenue accruing to the Group.

Article 46. Any funds available under the budget of the Group of Territories at the end of the financial year, after the expenditures specified in article 44 have been met and payment has been made into the reserve fund of the Group of Territories of the amount necessary to maintain the statutory minimum level, shall be refunded to the treasuries of the Territories of the Group, by decision of the Grand Council, in proportion to the actual volume of production and consumption activities taxed in each of the Territories.

TITLE IV

Miscellaneous and temporary provisions

Article 47. This Decree shall enter into force in the manner prescribed by article 1 of the Act of 23 June 1956. Nevertheless, subject to the provisions of the second paragraph of this article, the provisions of paragraphs 24 and 25 and the last sub-paragraph of article 38 and of article 46 of the afore-mentioned Act of 29 August 1947 shall remain provisionally in force until 31 December 1957 at the latest.

The provisions of article 13, article 23, paragraphs 1 and 2, and articles 44 and 45 of this Decree shall take effect not later than 1 January 1958. They may enter into force before that date in accordance with procedures established by orders made by the High Commissioner of the Republic, which shall adjust, as necessary, the provisions of the Act of 29 August 1947, referred to in the preceding paragraph.

Article 48. All laws and regulations conflicting with this Decree, in particular, the Decree of 18 October 1904 providing for the reorganization of the Office of the Governor-General of French West Africa, the Decree of 4 December 1920 providing for the reorganization of the Government Council of French West Africa and its Standing Committee, articles 2 to 5 of the Decree of 4 December 1920 providing for the administrative reorganization of Senegal, articles 2 to 8 and 12 to 19 of the

Decree of 16 October 1946 providing for the administrative reorganization of French Equatorial Africa, the Decree of 22 December 1946 providing for the establishment of "conseils privés" in the Territories of French West Africa, excluding Senegal, and subsequent amending texts, are hereby rescinded.

However, nothing in these provisions shall be an impediment in the areas with which the "Organisation commune des régions sahariennes" is concerned, to measures taken under Act No. 57-27 of 10 January 1957.

Article 49. The High Commissioner of the Republic shall make orders as necessary establishing procedures for the application of this Decree.

Article 50. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal official* of the French Republic.

Decree No. 57-459 of 4 April 1957 laying down the conditions for the establishment and operation of Government Councils in the Territories of French West Africa and French Equatorial Africa

The President of the Council of Ministers,

Acting on the reports of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, particularly article 1 thereof;

Having regard to Decrees Nos. 46-2374 and 46-2375 of 25 October 1946 providing for the establishment of territorial assemblies in French Equatorial Africa and French West Africa;

Having regard to Act No. 52-130 of 6 February 1952 concerning the establishment of group assemblies and local assemblies in various territories for which the Ministry for Overseas France is responsible;

Having regard to Decree No. 57-458 of 4 April 1957 providing for the reorganization of French West Africa and French Equatorial Africa;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having consulted the Assembly of the French Union;

After a decision by Parliament approving, subject to amendment, the Decree laying down the conditions for the establishment and operation of Government Councils in the Territories of French West Africa and French Equatorial Africa, filed with the Secretariat of the National Assembly on 4 December 1956.

Decrees as follows:

Article 1. This Decree lays down the conditions and procedures for the establishment and operation of the Government Councils established in the Territories of French West Africa and French Equatorial Africa by Decree No. 57-458 of 4 April 1957 aforesaid.

Article 2. The Government Council shall be presided over by the Chief Administrator of the Territory.

The Territorial Assembly shall elect, in the manner prescribed by the following articles, not less than six nor more than twelve members of the Government Council, who shall have the title of Minister.

The Government Councillor obtaining the largest number of votes shall assume the title of Vice-President of the Government Council.

The Government Council shall have the right to resign if it considers that it no longer enjoys the confidence of the Territorial Assembly.

On matters within their competence, the members of the Government Council shall be required to answer any questions or requests for explanations from members of the Territorial Assembly.

Article 3. The Ministers shall be French citizens in possession of their civil and political rights and not less than twenty-five years of age. The Ministers shall be liable under criminal law for any crimes or offences committed in the performance of their functions.

Article 4. No one may be a member of more than one Government Council of territories for which the Ministry for Overseas France is responsible.

Article 5. The members of the Government Council shall be elected by the Territorial Assembly from within or outside its membership by triple ballot, without splitting of votes or preferential voting.

The electors may vote for a single list only, without deletion or addition of names or modification of the order in which the candidates are listed. Any ballot paper not satisfying these conditions shall be void.

Each member of the Assembly may cast one vote for one of the lists submitted.

If no list obtains a majority of the votes cast by the members of the Assembly on the first two ballots, the third ballot shall be decided by a relative majority.

Article 6. The lists of candidates shall be delivered to the President of the Assembly no later than the day before the day on which the first ballot is to be held.

New lists may be drawn up after each ballot. They shall be delivered to the President of the Assembly not later than three hours before the opening of the meeting scheduled to hold the second or third ballot.

The lists shall be read out before the commencement of each ballot.

Each list shall include as many names as there are members to be elected.

Candidates who are not members of the Territorial Assembly shall satisfy the conditions of eligibility laid down for the election of Territorial Councillors.

They shall be subject to the same conditions with regard to ineligibility and the offices incompatible with membership.

Article 7. The validity of the election may be challenged by the candidates or by the members of the Territorial Assembly. The other provisions of articles 20 to 23, inclusive, of the abovementioned Decrees of 25 October 1946 shall apply to disputes concerning elections to the Government Council.

Article 8. Ministers may not continue in office beyond the term of the Assembly which elected them; nevertheless, their term shall be extended to the date of installation of the new Government Council, which shall take place not later than fourteen days after the opening of the first session of the new Assembly.

Article 9. Ministers shall be required to maintain secrecy regarding the proceedings of the Council and the matters referred to it.

Article 10. A Minister may not at the same time exercise the functions of:

Member of the Government of the Republic;

President of the Territorial Assembly;

Chairman or member of the Standing Committee of the Territorial Assembly.

A Minister who finds that he holds one of the incompatible offices specified above shall opt within fifteen days. If, at the end of that period, he has not made known his choice, he shall be deemed to have relinquished the office of Minister.

Article 11. Ministers may submit their resignation to the President of the Government Council.

Article 12. A Minister may be removed from office by the Chief Administrator of the Territory on the proposal of the Vice-President of the Government Council.

Article 13. If a Minister's seat becomes vacant through death, resignation or any cause whatsoever, such vacancy shall be filled in the following manner: if there are several seats to be filled an election shall be held in the manner prescribed by articles 5 and 6; if a single seat is to be filled an election by uninominal ballot shall be held, the first two ballots being de-

cided by an absolute majority and the third ballot by a relative majority.

Article 14. In addition to reimbursement of their transportation and travel expenses, the Vice-President and the Ministers shall receive an annual allowance, payable monthly, the amount of which shall be fixed uniformly by the Territorial Assembly with reference to the salary of a category of officials serving in the Territory.

Article 15. The expenditures necessary for the operation of the Government Council, in particular those relating to the compensation payable to Ministers, the installation and equipment of the Council and the travel of its members, shall be borne by the territorial budget.

Article 16. The Government Council shall sit in the chief town of the Territory, unless otherwise decided by an order of the Chief Administrator of the Territory.

The agenda shall be prepared by the President of the Government Council.

The Chief Administrator of the Territory shall provide a Secretariat for the Council and shall be responsible for the safekeeping of the Council's records. These records shall include those of the "Conseil privé".

The General Secretary of the Territory may attend the meetings of the Council.

Article 17. The Government Council may not be dissolved except by a decree made in Council of Ministers after consultation with the Territorial Assembly.

Article 18. The provisions of this Decree shall enter into force in respect of each of the Territories of French West Africa and French Equatorial Africa no later than 1 July 1957.

Article 19. The procedures for the application of this Decree shall be determined, as necessary, by orders to be made by the Chief Administrators of the Territories.

Article 20. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-460 of 4 April 1957 defining the powers of the Chief Administrators, Government Councils and Territorial Assemblies of the Territories of French West Africa and French Equatorial Africa

The President of the Council of Ministers,

Acting on the reports of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, particularly articles 1 and 2 thereof;

Having regard to Decrees Nos. 46-2374 and 46-2375 of 25 October 1946 providing for the establishment of Territorial Assemblies in French Equatorial Africa and in French West Africa;

Having regard to Act No. 55-1489 of 18 November 1955 providing for municipal reorganization in Africa and in Madagascar;

Having regard to Act No. 46-860 of 30 April 1946 for the establishment, financing and execution of plans for the equipment and development of the Territories for which the Ministry for Overseas France is responsible;

Having regard to Decree No. 57-458 of 4 April 1957 providing for the reorganization of French West Africa and French Equatorial Africa;

Having regard to Decree No. 57-459 of 4 April 1957 laying down the conditions for the establishment and operation of Government Councils in the Territories of French West Africa and French Equatorial Africa;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having regard to the opinion of the Assembly of the French Union:

Having regard to the decision by Parliament approving, subject to amendment, the Decree defining the powers of the Government Councils in the Territories of French West Africa and French Equatorial Africa and broadening the powers of the Territorial Assemblies of the said Territories, filed with the Secretariat of the National Assembly on 4 December 1956,

Decrees as follows:

TITLE I

The Chief Administrator of the Territory

Article 1. The powers of the Republic shall be vested, within the Territory, by permanent delegation of the High Commissioner, in the Chief Administrator of the Territory.

The Chief Administrator of the Territory shall be appointed by decree made in Council of Ministers. He shall rank under the Minister for Overseas France and the High Commissioner of the Republic in the Group of Territories.

He shall be responsible to and receive instructions from the Government. He shall exercise authority over all the State services functioning in the Territory.

Within the Territory, the Chief Administrator of the Territory shall represent the Republic and the Group of Territories in all judicial matters and in all civil acts and proceedings.

Under the authority of the High Commissioner, he shall be responsible for the maintenance of public order in the Territory. He shall have the right of requisition.

He shall communicate with the Chief Administrators of neighbouring Territories, with the Chief Administrators of the Territories of the Group, and with the High Commissioner of the Republic, having jurisdiction over the Territory.

Article 2. The Chief Administrator of the Territory shall be the representative of the Territory.

The Chief Administrator of the Territory shall perform his functions in accordance with the laws and regulations in force.

He shall be the chief administrative officer of the Territory.

Article 3. The Chief Administrator of the Territory shall be assisted by a General Secretary, appointed by decree, who shall replace him in the event of absence or impediment in his dual capacity as representative of the Government and Chief Administrator of the Territory, and to whom he may delegate his powers.

TITLE II

Functions of the Government Councils

Article 4. The Government Council, presided over by the Chief Administrator of the Territory and under his high authority, shall be responsible for administration of the territorial services.

Article 5. In the absence of the Chief Administrator of the Territory, the Vice-President shall preside over the Government Council.

Chapter I. Collective functions

Article 6. The Government Council shall act in matters within its competence as defined in this chapter. All its members shall be jointly responsible for such decisions as it takes under their collective functions.

All proposals relating to matters concerning the Territory, to be submitted to the Territorial Assembly and its Standing Committee for consideration, shall be drawn up in Government Council

Article 7. Regulatory decisions concerning the administration of territorial affairs, including orders on which the Territorial Assembly must first be consulted, shall be taken in the Government Council.

The Council shall delegate the Minister competent to give the Assembly any explanations which may be required concerning the application of the Assembly's decisions.

Article 8. Orders or decisions relating to the following subjects, in particular, shall be adopted in Government Council:

- (a) Financial regulation of internal trade and prices;
- (b) Organization of fairs and markets:
- (c) Measures for applying the regulations concerning assistance to production;
- (d) Establishment of institutions representing economic interests after consultation with the Territorial Assembly;
- (e) Organization of chiefdoms, after consultation with the Territorial Assembly:
- (f) Establishment, elimination and modification of "circonscriptions administratives" in the Territory and modification of their boundaries, after consultation with the Territorial Assembly:
- (g) Establishment, constitution, organization and operation of rural communities and "conseils de circonscription," after consultation with the Territorial Assembly;
- (h) Establishment of communes, other than "communes de plein exercice," after consultation with the Territorial Assembly:
 - (1) Establishment of registry offices;
 - (j) Expansion of fundamental education;
- (k) The special regulations applicable to the territorial civil service establishments, salary scales, leave provisions, social benefits and pensions, after consultation with the Territorial Assembly;
- (1) The regulations adopted to give effect to legislation concerning labour and working conditions.

Article 9. The directors of territorial public services placed under the direct control of the Ministers shall be appointed by the Chief Administrator of the Territory in Government Council, on the recommendation of the Minister having jurisdiction over the service in question.

Article 10. The Government Council shall decide all questions concerning the administration of domanial and financial interests and territorial public works.

However, in respect of the subjects listed in articles 28 and 31, it shall decide only on measures to give effect to the decisions of the Territorial Assembly.

Article 11. When exceptional circumstances so require, the Chief Administrator of the Territory may, by orders made in Government Council, take such immediately enforceable decisions as are necessary to suspend or temporarily reduce export duties, with the exception of those on mining and petroleum products, and indirect taxes on production, movement and consumption of goods.

Such decisions shall be subject to ratification by the Territorial Assembly. If the latter is in session, the decisions shall be submitted to it immediately. If the Territorial Assembly is not in session, the decisions shall be submitted to the Standing Committee at its first meeting thereafter; the latter shall report thereon to the Assembly at its next session, with a view to their ratification. When the decision of the Assembly has become definitive, it shall have effect from the date on which it was taken.

Article 12. If the Chief Administrator of the Territory considers that a decision of the Government Council exceeds the Council's powers or is likely to prejudice national defence, public order or the maintenance of security or public freedoms, he shall refer it through the High Commissioner, to the Minister for Overseas France. The latter may annul the decision by a decree made after consultation with the "Conseil d'Etat." Such decree shall be issued within the three months following the date of the decision. During this period the decision shall be suspended.

Article 13. Subject to the powers of the Administrative Disputes Council, appeal against decisions of the Government Council may be lodged with the "Conseil d'Etat" ruling as an administrative disputes court.

Article 14. Any decision taken by the Government Council in the absence from the Chair of the Chief Administrator of the Territory, his legal deputy or the Vice-President, shall be null and void.

The Chief Administrator of the Territory shall by means of an order accompanied by a statement of his reasons, declare the meeting illegal, pronounce any decisions taken null and void and take such steps as are required to ensure the immediate adjournment of the Council.

He shall report on the matter to the Minister for Overseas France through the High Commissioner.

Article 15. The Vice-President shall lay annually before the Government Council for its opinion the report which he is required to submit to the Assembly on the general activities of the Government Council and the functions of the territorial public services.

Chapter II. Individual functions

Article 16. Each Minister shall be made responsible, by delegation from the Chief Administrator of the Territory, after consultation with the Vice-President, for the administration of one or more territorial public services.

Article 17. The functions of the Ministers shall be defined by an order made by the Chief Administrator of the Territory, countersigned by the Vice-President and published in the *Journal officiel*.

Article 18. Each Minister shall be responsible to the Government Council for the functioning of the public services and the conduct of the affairs of the administrative branch within his jurisdiction and shall report regularly to the Government Council thereon.

Article 19. A Minister may be made responsible for an administrative branch having one or more divisions, the administration of which is entrusted to other Ministers but whose activities he co-ordinates.

Article 20. The Minister responsible for the operation of a branch or division of the territorial administration shall take all decisions concerning the conduct of affairs within the jurisdiction of the territorial public services with which his branch or division is concerned, except for matters within the jurisdiction of the Government Council or the Territorial Assembly.

He may set up a secretariat within the limits of the budgetary appropriations voted by the Assembly.

He shall direct the services of his branch or division with the assistance of heads of department ("chefs de service") to whom he shall delegate all necessary powers.

He shall be responsible for ensuring that his services carry out the decisions of the Government Council and of the Territorial Assembly.

Article 21. The Minister shall submit to the Government Council, after preparation by his services, such matters as require the making of an order or the taking of a decision in Government Council.

He shall also present to the Government Council such proposals and reports on matters falling within the jurisdiction of his branch or division as are required to be submitted to the Territorial Assembly. He shall be responsible for following the discussion of such matters and speaking in support of them in the Territorial Assembly, in accordance with the instructions of the Government Council. He may be assisted in this by officials of his services.

Article 22. In accordance with the staff regulations of the officials and employees concerned and on the recommendation of the Minister to whom they are responsible, the Chief Administrator of the Territory shall:

Appoint and promote personnel of the territorial establishments:

Assign officials and employees to posts in the territorial public services and impose or recommend, as appropriate, any necessary disciplinary measures against such officials and employees.

The Chief Administrator of the Territory, acting in Government Council, may delegate the powers specified in the two preceding paragraphs to each of the Ministers concerned as part of their functions and in respect of certain categories of staff.

Reports on territorial public service employees shall be made successively by the officials responsible for making such reports under the general and special regulations applicable to the civil service establishments and by the Minister responsible for the service to which they are assigned.

Article 23. In addition to the general obligation specified in article 9 of Decree No. 57-459 of 4 April 1957 laying down the conditions for the establishment and operation of Government Councils in the Territories of French West Africa and French Equatorial Africa, each member of the Government Council shall be bound, in respect of his individual actions on behalf of the branch or division for which he is responsible, by the same rules of professional secrecy as apply to public service officials.

Article 24. Where necessary, detailed procedures for the application of this Title shall be issued in the form of orders made by the Chief Administrator of the Territory and countersigned by the Vice-President.

TITLE III

Functions of the Territorial Assemblies

Article 25. Title III of Decrees Nos. 46-2374 and 46-2375 of 25 October 1946 providing for the establishment of territorial representative assemblies in French Equatorial Africa and in French West Africa is hereby replaced by the following provisions.

Article 26. The Assembly shall vote the budget of the Territory.

It shall take decisions on the matters placed within its jurisdiction by the laws and regulations, in particular by articles 27 to 29, 31, 36, 39 and 40 of this Decree. Its decisions may provide penalties, in the manner prescribed by article 2 of the Act of 23 June 1956.

It shall give advisory opinions, in particular in the cases specified in articles 41 to 43 hereunder.

Article 27. The Assembly may take a decision fixing the amount and conditions of payment of the monthly compensation allotted to its members and also the rules applying to reimbursement of their travel expenses.

Such compensation, whatever its form, shall be fixed by reference to the salary of a category of officials serving in the Territory.

No member may receive this compensation concurrently with the compensation paid to members of the Government Council or that paid to members of the Constitutional Assemblies.

Officials on active service or on secondment, who are members of the Assembly, shall receive the difference between their salary, plus any travel expenses, and the compensation payable to members of the Assembly, or their salary only, plus any travel expenses, if the total thereof is greater than the said compensation.

The Assembly may also vote its President an annual lump sum payment as a representation allowance.

The provisions of this article shall supersede those of articles 18 of Decrees Nos. 46-2374 and 46-2375 of 25 October 1956.

Article 28. In matters relating to domanial interests and territorial public works, the Assembly shall take decisions on all proposals made by the Chief Administrator of the Territory in Government Council, dealing with the following subjects:

- (a) Settlements relating to duties and charges of the Territory in suits involving a sum of more than 10 million francs C.F.A.;
- (b) Acceptance or refusal of gifts or bequests to the Territory, involving encumbered immovable property. By a decision taken in Government Council, the Chief Administrator of the Territory may accept all such gifts or bequests on an interim basis. The subsequent decision of the Assembly shall have effect as from the date of such provisional acceptance. In urgent cases, the Chief Administrator of the Territory may by himself take all necessary interim measures and accept gifts and bequests;
 - (c) Transfer of immovable property of the Territory;
- (d) Selection of the method of operating public works in the Territory;
- (e) Granting of agricultural and forestry concessions and temporary foresting permits for periods exceeding five years;
- (f) Classification and declassification of public land and, in particular, of territorial main roads, aerodromes operated under the territorial budget, canals and fords.

Article 29. After decision by the Territorial Assembly, the Government Council shall grant type B mining exploration permits.

Article 30. The Chief Administrator of the Territory shall represent the Territory in all judicial matters and in all civil acts and proceedings.

Article 31. Subject to international conventions, to the provisions of article 32 of the Act of 31 December 1953, to the functions of the Grand Council, and to prior consultation with the "assemblées consulaires" on matters within their jurisdiction, the Assembly shall take decisions on the financial implications of any proposal made by the Government Council or by one of its members relating to the following matters:

(a) Determination of taxes, charges, apportioned charges, duties and contributions of all kinds, including customs duties, which may be levied in aid of the territorial budget, establishment of their method of assessment, rules for their collection and schedules of such duties and taxes, and maximum amounts of additional centime tax which may be collected in aid of communities or public institutions in the Territory.

No taxes or duties of any kind may be imposed for the benefit of any treasury whatsoever on any products in movement from one Territory to another Territory in the same Group;

- (b) Contracts to be concluded and specifications to be laid down by the Territory. No concession applied for by or on behalf of an alien may be granted unless there is agreement between the Chief Administrator of the Territory and the Territorial Assembly. In case of disagreement, the High Commissioner shall make an order ruling on the application;
- (c) Schedules of fees payable by persons holding licences to operate public services in the Territory, and of charges for supplies from and performance by the territorial services;
- (d) Maximum rates of duties and taxes of all kinds to be collected in aid of secondary units and public agencies functioning within the Territory, with the exception of "communes" governed by the Act of 18 November 1955;
- (e) Fees payable for occupation of public lands of the Territory and other related charges;
- (f) Regulations governing charges for services and for the provision of materials, labour and work;
 - (g) Fiscal tariff agreements in the cases provided by law;
- (h) Loans, sureties, guarantees and shares of the Territory in the capital of public and semi-public corporations and, in exceptional cases, of private companies participating in the economic development of the Territory;
- (i) Establishment and abolition of territorial public services and territorial public institutions;
- (j) Determination of the number of scholarships and other school grants payable out of territorial funds in accordance with the regulations in force;
- (k) Conditions for the grant of settlers' installation loans out of territorial funds;
- (1) Grants, offers of assistance and loans from the territorial budget to the budgets of other public organizations or public institutions of the Territory, the Group of Territories or the State;
- (m) Contributions, refunds and fees payable to public institutions in the Territory, the Group of Territories or the State;
- (n) Borrowings or applications by the Territory for loans or advances from the State, the "Caisse centrale de la France d'outre-mer" or other public credit institutions, and resources of the Territory assigned as security for such loans or advances.

The Assembly may fix a time limit within which the "assemblées consulaires" shall give their opinion. If they fail to do so, the Assembly shall proceed without their opinion. This time limit may not be less than fifteen days from the date on which notice of the request for an opinion is given.

Article 32. The budget estimates of the Territory and the budget annexes, drawn up in local currency, shall be prepared by the Government Council and submitted to the Assembly at its second regular session each year by the Minister responsible. They shall be considered and voted, when truly balanced, by the Assembly at that session.

The revenue and expenditure heads of the territorial budget shall be divided into chapters and articles.

The revenue of the territorial budget shall consist of the following:

- (a) Revenue from taxes, duties, charges, apportioned charges, contributions and fees levied in aid of the territorial budget;
- (b) Revenue obtained from the furnishing of supplies and performance by the territorial public services;
- (c) Income from territorial public land and fees payable by concessionaires, farmers and other operators of territorial public services:
 - (d) Grants-in-aid, subsidies, advances and contributions;
 - (e) Sums realized from borrowings;
- (f) Gifts, bequests, unforeseen revenue and miscellaneous income;
- (g) Withdrawals from the reserve fund and any other revenue which may accrue to the territorial treasury.

The territorial budget shall cover the following items of expenditure:

- 1. The debts of the Territory;
- 2. Cost of the territorial public services and of the instituttions, agencies and operations under their jurisdiction. A schedule of posts indicating the number of personnel shall be annexed to the budget documents;
- 3. The cost of territorial public works, maintenance and equipment;
- 4. Contributions, loans, subsidies, refunds, participations and grants-in-aid approved in the interests of the Territory;
- 5. Contributions and assessments payable by the Territory under legislative or contractual provisions.

Article 33. The right to amend the estimates of revenue and expenditure shall belong jointly to the Chief Administrator of the Territory in Government Council and to the Assembly. However, the estimation of future revenue shall be the responsibility of the Chief Administrator of the Territory acting in Government Council. No proposal to increase expenditures or reduce revenue shall be admissible unless accompanied by a proposal for a corresponding increase in revenue or reduction in expenditure.

A separate decision shall be taken on each chapter of the budget. The budget as a whole shall then be voted upon by the Assembly, which shall decide, where appropriate, on measures to be taken to ensure a true balance between revenue and expenditure, taking into account the funds required to cover the expenditures specified in article 49 hereinafter.

No changes may be made in the budget during the financial year except by the Assembly, in accordance with the procedure laid down for preparing the budget estimate and in such a manner as to ensure a continued balance between revenue and expenditure. Any transfer from one chapter to another and any supplementary appropriation or withdrawal from the reserve fund shall be authorized by the Assembly or, in urgent cases, by the Standing Committee, which shall report thereon to the Assembly at its next session. No new post may be established unless it is provided for in the territorial budget.

In emergencies and when the Assembly is not in session, supplementary appropriations and withdrawals from the reserve fund may be made by order of the Chief Administrator of the Territory in Government Council, with the concurrence of the Standing Committee. Such orders shall be submitted for ratification to the Assembly at its first session thereafter. The sole purpose of changes so decided upon shall be to correct errors of estimation or to meet shortages of funds which become apparent in the light of events subsequent to the preparation of the budget estimates, or to cover expenditures necessitated by unforeseeable circumstances.

No direct or indirect benefit may be conferred by the Assembly on an official or employee or on a category of officials or employees, otherwise than on the proposal of the Chief Administrator of the Territory made in the Government Council.

Article 34. If the Assembly does not meet before the first day of the calendar year, or adjourns without having voted the budget or without having voted a truly balanced budget, the

Chief Administrator shall ex officio make an order in Government Council establishing a provisional budget, taking as the basis the budget for the previous year and the schedule of taxes adopted by the Assembly. Where necessary, however, this order may prescribe any reductions in expenditures or increases in fiscal or other revenue. The Chief Administrator, acting in Government Council, shall within fifteen days convene the Assembly in a special eight-day session. If the Assembly fails to vote a truly balanced budget by the end of the said special session, the budget shall be established in final form by the Chief Administrator in Government Council, in the manner prescribed hereinabove. Any new revenue created in this way shall, if derived from direct taxes or from duties or charges treated as such, be payable as of 1 January.

If the Assembly fails to approve all the obligatory expenditures, the Chief Administrator shall *ex officio* enter the expenditures all or part of which have been omitted and shall restore true balance to the budget either by deductions from uncommitted funds or the funds for miscellaneous and unforeseen expenditures or by a reduction in optional expenditures.

Article 35. Unless otherwise provided by law, no special service operating on extra-budgetary account may be established except by an order made by the High Commissioner after consultation with the Comptroller. In the event of disagreement, the High Commissioner shall refer the matter for decision to the Minister for Overseas France and the special service may not be authorized without the agreement of the Minister of Economic and Financial Affairs. The establishing order shall define the conditions on which the account is to operate and provide for the supervision of its revenue and expenditures by the Territorial Assembly.

The jurisdiction of the Chief Administrator and the Territorial Assembly with respect to the drawing up of the schedules of charges and the budgets of bodies established by law to operate as self-governing public authorities ("régies") or as public offices shall be defined by the texts laying down the statutes of such bodies.

Article 36. The Assembly shall take decisions enacting territorial regulations in the following matters:

- 1. The general regulations applicable to employees of the territorial establishments, pursuant to the decrees concerning the public service provided for in article 3 of the Act of 23 June 1956;
- 2. Customary law relating to civil status and regulation of civil status within the framework of the relevant legislation;
- 3. Verification, description and codification of traditional customs; adaptation of customs to social evolution; immovable property and immovable property rights regulated by custom and, in particular, definition of the customary rights to be treated as real rights capable of establishing credit; in general, all matters coming under local law;
- 4. The public lands of the Territory, including vacant and ownerless lands, which form part of the Territory's private domain. Nevertheless, rights in respect of immovable property and easements enjoyed by the State or the Group of Territories on the date of this Decree may not be prejudiced in any way;

Should the State or the Group of Territories subsequently allocate certain premises for the operation of public services, such premises shall enjoy the easements for the public advantage inherent in the operation of the said services;

- 5. Internal trade, handicrafts and all occupations relating to those activities, such as those of salesmen, pedlars and the like;
- 6. Agriculture, forests, regulation of inland water resources, soil conservation and the protection of nature and plant-life;
 - 7. Stock-raising, the movement, sale and slaughter of cattle;
- 8. River and coastal fishing, without prejudice to the provisions of the Act of 1 March 1888;
- 9. Tourism and hunting outside the areas set aside for hunting by tourists:
- 10. Traditional local beverages; manufacture and sale of beverages; conditions of hygiene and safety in retail liquor establishments;
 - 11. Preparation of products for export, not including the

fixing of standards, which shall continue to be regulated by decree;

- 12. Inland waterways, not including inter-territorial waterways;
- 13. Mutual societies, subject to the provisions of Decree No. 56-1155 of 13 November 1956 concerning rural development mutual societies and of any general laws which may be enacted in this field:
 - 14. Producers' and consumers' associations, co-operatives;
- 15. Establishment of savings banks, not including postal savings banks and savings banks belonging to the Group of Territories;
- 16. Public hygiene, thermal springs, the protection of public health and the insane;
- 17. Societies working in health, education and training; care of delinquent and abandoned children;
- 18. Town planning; regulation of dangerous, unsuitable and insanitary premises; environmental conditions, low-cost housing, rents;
- 19. Primary and secondary education, vocational and technical education, not including study programmes, examination programmes and procedures, certificates and diplomas and teachers' qualifications;
- 20. Regulations concerning scholarships granted out of the Territory's budgetary funds;
 - 21. Public libraries, cultural centres;
 - 22. Sports and physical education;
 - 23. Welfare, assistance, relief and allowances, lotteries;
 - 24. Protection of monuments and historic sites;
 - 25. Prison system;
- 26. The conditions in which aliens are required to obtain administrative authorization before engaging in certain professions and commercial and industrial occupations;
- 27. Procedure and conditions for acceptance of tenders and award of contracts, subject to the general rules applicable in these matters. These rules shall be established by a decree made in the manner prescribed by article 1 of the Act of 23 June 1956.

Article 37. Decisions on the matters referred to in the preceding article may be taken notwithstanding any provisions of law or regulations to the contrary enacted before the date of entry into force of this Decree, subject, however, to the provisions of international conventions, of the laws and regulations on the matters dealt with in the Commercial Code and the Maritime Code, of the Act of 15 December 1952, the Act of 30 April 1946 and Decrees Nos. 55-625 and 55-634 of 20 May 1955, and of the laws and regulations respecting the prevention of fraud and the inspection of weights and measures.

Article 38. The acts and decrees relating to the matters listed in article 36 above shall, however, remain in force, with the effect of territorial regulations in these matters.

These territorial regulations may be cancelled or amended by decision of the Assembly.

Article 39. The Assembly shall decide on the opening date and duration of its regular sessions. Such sessions shall, however, be governed by the following rules:

The Assembly shall hold two regular sessions each year. The first shall begin during the second quarter of each year and the second during the fourth quarter. The budget shall be considered at the second regular session. If a regular or special session adjourns and the Assembly has not fixed the date for the opening of its next regular session, the date shall be fixed in due time by the Standing Committee. The duration of a regular session may not exceed two months.

The Assembly may also be convened in special session:

- (a) If at least two-thirds of its members submit a request in writing to that effect to the President;
- (b) If the Chief Administrator of the Territory makes an order to that effect in Government Council.

The duration of a special session may not exceed one month. The provisions of this article shall supersede those of article 24 of each of the Decrees Nos. 46-2374 and 46-2375 of 25 October 1946.

Article 40. The Assembly shall take decisions regarding the territorial section of programmes for implementing and executing the capital equipment and development plan provided for by the Act of 30 April 1946, in the manner prescribed by the decrees made in application of the said Act.

Article 41. The Assembly shall be consulted in all cases with regard to draft regulatory orders made in Government Council and relating to:

- (a) The general organization of the territorial public services;
 - (b) The organization of chiefdoms;
- (c) The special regulations applicable to employees of the territorial public service establishments, method and scales of remuneration, leave provisions, social benefits and the pension scheme applicable to such employees;
- (d) Labour and social security provisions, in particular, the application in respect of the Territory of the provisions of Act No. 52-1322 of 15 October 1952 establishing a labour code in the Territories and Associated Territories for which the Ministry for Overseas France is responsible;
- (e) Officials of the French civil service establishments who are seconded to territorial public services;
- (f) The establishment, organization and operation of Mixed Communes;
- (g) The establishment of institutions representing economic interests;
 - (h) Measures to encourage production;
- (i) The fixing, for each category of offences under the regulations issued on the basis of the decisions of the Territorial Assembly, of the scale of penalties applicable in accordance with the conditions laid down in article 2 of Act No. 56-619 of 23 June 1956.

Article 42. The Assembly shall be consulted in all cases on the grant of type A mining exploration permits, where such permits concern the Territory alone. In the event of disagreement between the Assembly and the authority competent to issue the permits, the matter shall be decided pursuant to a decree made in Council of Ministers, after consultation with the Assembly of the French Union.

Article 43. The following shall in all cases be referred to the Assembly by the Government Council:

- (a) Administrative accounts relating to the execution of the territorial budget and the budget annexes, public authorities ("régies") of the Territory and the territorial public institutions;
 - (b) The annual position of the Territory's funds.

Any observations which the Assembly may decide to make on the accounts of the Territory within the time limit specified in article 46 shall be communicated by the President of the Assembly to the Chief Administrator of the Territory, who shall send a copy thereof to the Audit Office through the High Commissioner and the Minister.

Article 44. The Assembly may, through its President, request the Chief Administrator of the Territory and the Minister for Overseas France to furnish any information and observations on matters within its competence. It may ask to hear any Minister in connexion with a matter with which it is dealing.

It may ask the Government Council for any information concerning action taken on its decisions and concerning the execution of the budget, and may present its observations on the subject to the Government Council.

The Assembly may assign one or more of its members to gather in the Territory the information it considers necessary in order to deal with a matter within its competence.

Article 45. All matters shall be referred to the Assembly by the Government Council or by one of its members, except matters in respect of which the right of action is vested exclusively in the Chief Administrator of the Territory.

In the interval between sessions, bills submitted by the Government Council for decision by the Assembly and bills proposed by members of the Assembly itself shall be filed with the Secretariat of the Standing Committee.

Members' bills shall be communicated, within ten days from the date of filing, to the Government Council, which may give its opinion on them. The Territorial Assembly may not, if the Government Council so requests, refuse to defer consideration of the bill to its next session, but no later.

The Government Council shall be kept informed of the agendas of the Assembly and its committees. Its members may attend and address the meetings of the Assembly's committees or be represented at them.

Bills and proposals submitted to the Assembly for decision shall be considered by the Assembly at the session during which they were filed, or, at the latest, at the following session, unless the Standing Committee is delegated to act on them in the interval between the two sessions.

In matters which must be referred to the Assembly for its opinion, the Government Council may, if the Assembly fails to give its opinion within the time limit prescribed above, proceed without it, after notifying the President of the Assembly to that effect.

Article 46. The acts of the Assembly and its Standing Committee shall be delivered in triplicate, together with an extract from the records of meetings relating to the discussion and voting thereon, to the Chief Administrator of the Territory within a period of thirty clear days from the closing of the session. Upon receipt of the documents, the Chief Administrator of the Territory shall transmit them to the Minister for Overseas France and to the High Commissioner.

Within thirty clear days from the date of their receipt, the Chief Administrator of the Territory shall put the decisions of the Assembly or its Standing Committee into effect or shall refer them either to the Assembly for second reading or to the Minister for Overseas France through the High Commissioner for the purpose of annulment, in the manner prescribed by articles 47 and 48 hereinbelow.

If the Chief Administrator of the Territory requests the Minister for Overseas France to annul a decision of the Territorial Assembly or its Standing Committee, he shall so advise the President of the Assembly or, in the interval between the sessions of the Assembly, the Chairman of the Standing Committee.

Decisions of the Assembly or its Standing Committee concerning economic and financial matters shall be communicated through the Chief Administrators of the Territories to the Presidents of the Territorial Assemblies of the other Territories or to the Chairmen of their Standing Committees.

In the absence of a request for annulment, these decisions shall be put into effect on the expiry of a period of sixty days from the date of their communication by the Chief Administrator of the Territory to the Chief Administrators of the other Territories of the Group. Nevertheless, if during this period, a Territorial Assembly of the Group, or its Standing Committee, decides that a particular decision is prejudicial to the interests of the Territory, the procedure prescribed by articles 14 and 17 of the Decree providing for the reorganization of French West Africa and French Equatorial Africa shall be applicable.

Article 47. The Minister for Overseas France may take action to annul decisions of the Assembly and its Standing Committee on grounds of excess of power or of violation of the law, by means of a decree made in the form of an administrative regulation.

If a decision of the Assembly or its Standing Committee which has been submitted to the Minister for Overseas France for annulment is not annulled within a period of ninety clear days from the date of its communication to the Chief Administrator of the Territory, the latter shall put it into effect not later than eight clear days after the expiry of the above-mentioned period.

The decisions of the Assembly or its Standing Committee in customs matters shall continue to be subject to the provisions of article 3 of the Decree of 14 October 1954.

Article 48. The Chief Administrator of the Territory may, within the period of thirty clear days prescribed in article 46, invite the Assembly to rule at second reading on decisions taken by it or by its Standing Committee, if he considers them to be inconsistent with the general interests or the orderly administration of the Territory.

In that case, the periods prescribed by articles 46 and 47 shall

run from the date on which the Chief Administrator of the Territory receives the new decision of the Assembly.

Article 49. The territorial budgetary appropriations shall cover expenditure relating to:

- (a) Settlement of due debts and covering of previous budget deficits:
- (b) Contributions, assessments and expenditures imposed under legislative provisions. A decree made in the manner prescribed by article 1 of the Act of 23 June 1956 shall specify the manner in which this paragraph shall be applied.

Article 50. Pending publication of the orders of the Chief Administrator of the Territory putting the decisions of the Assembly or its Standing Committee into effect, all taxes, duties, charges and fees shall be levied on the former tax bases and m accordance with the previous schedules.

Decisions taken by the Assembly or its Standing Committee, at a session which began before 1 January, in the matter of direct taxes or of duties or charges treated as such, shall have effect as from that date, even if they could not be made enforceable by then.

Similarly, if it has not been possible to put the budget into effect before 1 January, the Chief Administrator of the Territory shall be authorized to make provisional monthly appropriations on the basis of the budgetary appropriations for the previous year. Further appropriations may be made each month until the budget is put into effect.

Article 51. A code of the territorial regulations resulting from the decisions of the Assembly and a code of the administrative regulations made by the Chief Administrator of the Territory shall be established under orders made by the Chief Administrator in Government Council and published in the Journal officiel of the Territory. The said codes shall be brought up to date annually.

TITLE IV

Miscellaneous and temporary provisions

Article 52. This Decree shall enter into force in the manner prescribed by article 1 of the Act of 23 June 1956. Nevertheless, subject to the provisions of the second paragraph of this article, the provisions of paragraphs 24 and 25 of article 39, and of article 46 of Act No. 47-1620 of 29 August 1947 defining the method of election, composition, functioning and competence of the Group Assemblies in French West Africa and French Equatorial Africa, shall remain provisionally in force until 1 July 1957 at the latest.

Orders shall be made by the High Commissioner before 1 July 1957 with a view to adapting the above-mentioned provisions of the Act of 29 August 1947 and to transferring to the territorial institutions the functions devolving upon them under this Decree, in particular in fiscal and budgetary matters and in the establishment and organization of the territorial public services and their establishments of employees, and the determination of the regulations applicable to them.

Article 53. All laws and regulations conflicting with this Decree are hereby rescinded, with respect to French West Africa and French Equatorial Africa.

However, nothing in the provisions of this Decree shall be an impediment, in the areas with which the "Organisation commune des régions sahariennes" is concerned, to measures taken under Act No. 57-27 of 10 January 1957.

Article 54. The Chief Administrators of Territories shall make orders, as necessary, determining the procedures for the application of this Decree.

Article 55. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the Journal official of the French Republic.

Decree No. 57-461 of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in French West Africa and French Equatorial

The President of the Council of Ministers, Acting on the report of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular, article 1, paragraph 4, thereof,

Having regard to the Decree of 30 December 1912, as amended, concerning the financial administration of the Overseas Territories,

Having regard to the Act of 5 April 1884 concerning municipal organization, in particular, articles 169 to 179 thereof,

Having regard to Act No. 55-1489 of 18 November 1955 providing for municipal reorganization in Africa and Madagascar,

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers,

Having consulted the Assembly of the French Union,

After a decision by Parliament approving, subject to amendment, the Decree laying down the conditions for the establishment and operation of rural communities in French West Africa and French Equatorial Africa, filed with the Secretariat of the National Assembly on 4 December 1956.

Decrees as follows:

Article 1. In the Territories of French West Africa and French Equatorial Africa the Chief Administrators may, by orders made in Government Council after consultation of the Territorial Assembly, establish rural communities possessing legal status, where such communities have sufficient resources to balance a budget.

These rural communities may be formed of "circonscriptions administratives," parts of "circonscriptions administratives" or groups of "circonscriptions administratives."

Article 2. The rural community shall be administered by a rural community council.

Article 3. The rural community may bring actions at law and shall be represented in court by the president of its council.

Article 4. The rural community shall have a budget, which shall be approved by its council and put into effect by the Chief Administrator of the Territory, who shall supervise its administration.

The council shall take decisions on all measures affecting the domain and the domanial interests of the community; it shall, in particular, decide on the programme of economic and social projects to be carried out with funds from the community budget and shall take all necessary decisions for its application.

Article 5. The Chief Administrator of the Territory shall determine, by an order, the manner in which administrative and financial supervision ("tutelle") over rural communities shall be exercised. Such supervision shall be defined by reference to the provisions of Act No. 55-1489 of 18 November 1955 providing for municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar.

He shall exercise this supervision himself or he may delegate its exercise to the chief officers of the "circonscriptions administratives." However, the Chief Administrator may take the place of the person delegated by him whenever he considers it advisable to do so.

Article 6. With respect to their domain, finances and budget, rural communities shall be separate and distinct from other public communities.

Two or more rural community budgets may not be combined, nor may the budget of a rural community be combined with the budget of a "commune de plein exercice," a "commune de moyen exercice" or a mixed commune.

When a new commune or a new rural community is established, there shall be a redistribution of property between the communities affected thereby.

Any rural community may contribute to the budgetary expenditure of another public community where such expenditure relates to matters of common interest.

Article 7. The budget of a rural community shall be truly balanced when approved.

If the budget is not approved in time, the supervisory authority shall order the council of the community concerned to convene in special session and shall set the date therefor. The council shall then decide the matter within a period of eight days and the budget shall immediately be referred back to the supervisory authority.

If a truly balanced budget is not approved after a second deliberation or is not referred back to the supervisory authority within one month, the Chief Administrator of the Territory shall make the necessary adjustments and balance the budget.

If the budget for the next financial year is not approved in true balance, the Chief Administrator of the Territory, in Government Council, shall establish it *ex officio*. In addition, the council of the rural community concerned may be dissolved by an order of the Chief Administrator of the Territory, made in Government Council; in such case the Chief Administrator of the Territory shall appoint a special delegation. A new rural community council shall then be established within three months.

If a rural community council fails to approve a truly balanced budget over a period of at least three successive years, the Chief Administrator of the Territory shall, by an order made in Government Council, either declare the council concerned dissolved and appoint a special delegation pending the establishment of a new council as described above, or withdraw legal status from the rural community or combine the community with another rural community. If a rural community is dissolved or combined with another rural community, the future disposition of its domain shall be regulated by an order of the Chief Administrator of the Territory.

Article 8. The general rules and special procedures for the application of this Decree shall be laid down by the Chief Administrators of Territories in orders made in Government Council, after consultation with the Territorial Assembly.

These orders shall determine, in particular:

- (a) The composition of the rural community councils and the conditions in which they are to operate and perform their functions;
- (b) The items of the budget and, in particular, the nature of the regular and extraordinary funds available to the rural communities, as well as the authority of the latter to contract loans:
- (c) The procedures for the execution and audit of the said budgets;
- (d) The conditions in which a rural community may be required to share in, or may contribute to, expenditure incurred by another public community for a common purpose;
- (e) The rules applicable to any associations the establishment of which may be authorized between the public communities of a "circonscription," as defined with respect to communes in articles 169 to 179 of the Act of 5 April 1884 as amended.

Article 9. The conditions governing the appointment of accountants for rural communities and the accounting rules applicable to such communities shall be determined by an order of the Chief Administrator of the Territory.

Independently of the conditions governing the exercise of administrative and financial supervision prescribed in article 5 above, supervision of financial and accounting operations shall be exercised by the Comptroller's Office, in accordance with article 17 of Decree No. 52-1356 of 19 December 1952. It shall also be exercised either on a permanent basis by the chief officer of the "circonscription administrative" or on a contingent basis by the administrative affairs inspectors.

Article 10. All provisions which conflict with this Decree are hereby rescinded.

Article 11. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar

The President of the Council of Ministers, Acting on the report of the Minister for Overseas France, the Minister of Economic and Financial Affairs, the Minister for the Armed Forces and National Defence and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956, authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular articles 1 and 3;

Having regard to the Decree of 11 December 1895 relating to the powers of the Resident-General of Madagascar;

Having regard to the Decree of 30 July 1897 establishing the office of Governor-General of Madagascar;

Having regard to Decree No. 46-2509 of 9 November 1946 providing for the administrative reorganization of Madagascar;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having regard to the opinion of the Assembly of the French Union;

Having regard to the decision by Parliament approving, subject to amendment, the Decree providing for the reorganization of Madagascar, filed with the Secretariat of the National Assembly on 4 December 1956,

Decrees as follows:

Article 1. In order to ensure the co-ordination and administration of the interests of the island and its dependencies as a whole, Madagascar shall constitute a territorial unit which shall have its own institutions and shall comprise the Provinces of Fianarantsoa, Majunga, Tamatave, Tananarive, Tuléar and Diégo-Suarez.

These Provinces shall constitute public communities, having institutions responsible for the management and administration of matters of concern to the Province.

TITLE I

The High Commissioner of the Republic

Article 2. In Madagascar the administration of the affairs of the State shall be under the jurisdiction of a High Commissioner of the Republic.

The seat of the High Commissioner's Office shall be determined by decree, subject to the provisions of the seventh paragraph of article 5 hereunder.

Article 3. The High Commissioner of the Republic shall be appointed by decree of the President of the Republic made in Council of Ministers. He shall perform the functions of High Commissioner and of Chief Administrator of the Territory.

Within the jurisdiction of Madagascar he shall be the representative of the Government. He shall be directly responsible to the Minister for Overseas France.

Article 4. The High Commissioner of the Republic shall be assisted by a General Secretary of the High Commissioner's Office, appointed by decree, who shall replace him in the event of absence or impediment in his dual capacity as High Commissioner and Chief Administrator of the Territory and to whom the High Commissioner may delegate certain of his functions.

The Chief Provincial Administrators shall be the permanent representatives of the High Commissioner of the Republic in the Provinces of Madagascar; they shall be under his authority and shall receive his directions and carry out his instructions.

The Chief Provincial Administrators shall be appointed by decree of the Council of Ministers on the proposal of the Minister for Overseas France; their status shall be defined and their rank in the general civil service organizations established by an administrative regulation.

Article 5. The High Commissioner of the Republic shall be the depositary of the powers of the Republic in respect of all the Provinces of Madagascar.

He shall ensure the promulgation, publication and execution of acts and decrees and the application of decisions and instructions of the Minister for Overseas France.

He shall have the power to issue regulations.

He shall ensure and co-ordinate the defence of Madagascar and its participation in the joint defence effort. Units of the

land, sea and air forces and the frontier security forces shall be under his jurisdiction.

He shall ensure the maintenance of public order and the safety of persons and property; he shall see that justice is properly administered.

He shall proclaim martial law.

In case of necessity, he may transfer the seat of the High Commissioner's Office, subject to a report being made to the Minister for Overseas France.

He may determine rectifications to be made in the boundaries between two Provinces, by orders made with the concurrence of the Provincial Assemblies concerned.

He shall communicate with the representatives of the Republic overseas, the authorities of foreign countries in Africa and Asia and the representatives of the Republic in those countries, and the duly accredited consular representatives of foreign governments whose jurisdiction extends to Madagascar.

The High Commissioner, after consultation with the Government Council, shall negotiate with the said authorities and representatives all agreements, in particular those referring to trade, which apply in all or part of the Territory under his jurisdiction, within the scope defined by government instructions, and shall conclude such agreements subject to their approval by the Government of the Republic.

Article 6. The High Commissioner of the Republic, subject to the laws and regulations, and in particular to those governing the public services of the State, shall:

- (a) Organize the State services and direct their activities;
- (b) Supervise the use of all appropriations under the State budget;
- (c) Be the secondary certifying officer for the budget of State civil expenditures for Madagascar and, in that capacity, he may delegate the right to sign his name; he may also assign to the Chief Provincial Administrators under his authority all or part of the appropriations assigned to him;
- (d) Represent the State in all judicial matters and in all civil acts and proceedings, subject to such delegations of authority as may be prescribed by the laws in force;
- (e) Ensure general co-ordination of the activities of the State services and the services of the public communities of Madagascar;
- (f) Establish after consultation with the Representative Assembly, the general regulations applicable to the authorities responsible for representing economic interests;
- (g) Grant type A mining exploration permits on the advice of the Representative Assembly, notwithstanding the provisions of article 9 of Decree No. 54-1110 of 13 November 1954.

Article 7. The High Commissioner of the Republic shall report on the State officials serving within the jurisdiction of the High Commissioner's Office. He shall exercise disciplinary authority over them as prescribed in article 80 of the Act of 19 October 1946 enacting general regulations for State officials.

He shall make appointments to all civil posts in the State services within the jurisdiction of the High Commissioner's Office, except the posts of General Secretary of the High Commissioner's Office, Chief Provincial Administrator, Inspector General of Administrative Affairs, judicial officers, Comptroller and Inspector General of Labour and Social Welfare. The employees of the State Comptroller's Office, university professors and lecturers, Treasury accountants and officials on the general establishment of the Overseas treasuries shall continue to be governed by their own statutory regulations.

He shall appoint in particular the deputies to the Chief Provincial Administrators from among the members of the administrative staff of Overseas France.

TITLE II

Organization of Madagascar

Article 8. The Territory of Madagascar shall have civil personality and administrative and financial autonomy.

It shall possess a domain, divided into public and private. Its interests shall be managed and administered by the following institutions:

- A Chief Administrator of the Territory;
- A Government Council;
- A Representative Assembly.

- Article 9. In order to ensure general co-ordination in administrative, economic, financial, social and cultural matters, the following territorial services shall be established, apart from the general administrative bodies required for their actual operation, at the level of the Territory of Madagascar.
- 1. A general financial administration, responsible both for the administration of the financial interest of the Territory and for the financial administration of its services;
- 2. An economic affairs co-ordination service, assisted by a statistical service;
- 3. A service responsible for joint capital-equipment and planning projects;
 - 4. A geological and mineral prospecting service;
 - 5. A personnel department;
- 6. An academy to co-ordinate educational, cultural and research services;
- 7. A public health co-ordination service for the control of the important endemic diseases;
- 8. A service for stock-breeding and the control of epizootic diseases:
 - 9. A plant health service:
 - 10. A soil conservation service.

This list of services is restrictive.

Nevertheless, it shall not limit the right of the Provincial Assemblies, by decision, to make the territorial unit of Madagascar responsible for the establishment, organization and administration of the joint public services and for the establishment, organization and financial supervision of joint public institutions, the cost of which shall be borne by the provincial budgets in proportions to be determined by an agreement approved by the Provincial Assemblies concerned.

Article 10. The Chief Administrator shall represent Madagascar in all judicial matters and in all civil acts and proceedings. In the event of litigation between the State and the territorial unit, the latter shall be represented by the President of the Representative Assembly.

He shall ensure the general co-ordination of economic, social, administrative and financial activities and the administration of territorial interests in Madagascar.

He shall administer the property of the Territory and dispose of it in conformity with the decisions of the Representative Assembly. He shall perform any acts for the purpose of conserving or interrupting forfeitures.

He shall arrange for collection of the taxes, duties, charges and fees which are to accrue as revenue under the budget of Madagascar.

He shall have the power to issue regulations, in particular to ensure the application and execution of the decisions of the Representative Assembly and the operation of the territorial unit services to be placed under his authority.

He shall organize these services.

He shall make appointments to all posts in these services and exercise in regard to officials of these services the disciplinary powers for which their regulations provide.

He shall be the certifying officer for the budget and budget annexes of Madagascar, and may delegate his right of signature in that capacity to one or more officials of his choice acting under his responsibility. He may also appoint secondary and deputy certifying officers.

Article 11. With a view to the discussion of questions of common interest, the Chief Administrator of the Territory may, for the purpose, convene under his chairmanship an interprovincial conference to be attended by the Chief Provincial Administrators, assisted by competent members of the Government Council and the Vice-Presidents of the Provincial Councils concerned.

TITLE III

The Provinces of Madagascar

Article 12. The Provinces comprising Madagascar shall be public communities, having civil personality and administrative and financial autonomy.

They shall possess a domain, divided into public and private.

Vacant and ownerless land shall belong to the private domain of the Provinces.

The interests of each Province shall be managed and administered by the following institutions:

The Chief Provincial Administrator;

A Provincial Council;

A Provincial Assembly.

Article 13. The Chief Provincial Administrator shall be both the representative of the High Commissioner and the representative of the Chief Administrator of the Territory. By permanent delegation from the High Commissioner, he shall be the depositary of the powers of the Republic in the Province.

The Chief Provincial Administrator shall be assisted by a deputy, appointed in the manner prescribed by article 7 above, who shall replace him in the event of absence or impediment and to whom he may delegate certain of his functions.

Article 14. The Chief Provincial Administrator, as the representative of the Province and the chief administrator of the public services of the Province, shall exercise the powers provided by the laws and regulations in force, including the power to issue regulations, without prejudice to the powers granted to the Provincial Councils and Provincial Assemblies under the decrees made pursuant to article 1 of the aforementioned Act of 23 June 1956. He shall be the certifying officer for the provincial budget and budget annexes, and may delegate this power, by a special order, to any officials of his choice. He shall communicate personally and directly with the High Commissioner in his capacity as representative of the State and Chief Administrator of the Territory of Madagascar.

In the event of litigation between the State or the Territory and the Province, the Province shall be represented by the President of the Provincial Assembly.

TITLE IV

Miscellancous provisions

Article 15. All laws and regulations conflicting with this Decree are hereby rescinded, and in particular:

Decree No. 45-923 of 4 May 1945 establishing the Government Council of Madagascar and its dependencies;

Articles 3 to 10, 14, 16 to 18, 21 and 24 to 26 of Decree No. 46-2509 of 9 November 1946 providing for the administrative reorganization of Madagascar.

The provisions of article 9 of the present Decree shall take effect not later than 1 January 1958. They may enter into force before that date in accordance with procedures to be determined by orders of the High Commissioner of the Republic, which will accordingly adjust the provisions of Decree No. 46-2373 of 25 October 1946.

Article 16. The High Commissioner of the Republic shall make orders, as necessary, establishing procedures for the application of this Decree.

Article 17. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-463 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Government Council, defining its powers, and broadening the powers of the Madagascar Representative Assembly

The President of the Council of Ministers,

Acting on the report of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular articles 1 and 2;

Having regard to Decree No. 46-2509 of 9 November 1946 providing for the administrative reorganization of Madagascar;

Having regard to Decree No. 46-2373 of 25 October 1946

establishing a Representative Assembly and Provincial Assemblies in Madagascar;

Having regard to Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar;

Having regard to Act No. 46-860 of 30 April 1946 for the establishment, financing and execution of plans for the equipment and development of the Territories for which the Ministry for Overseas France is responsible;

Having regard to Act No. 52-130 of 6 February 1952 concerning the establishment of group assemblies and local assemblies in various Territories for which the Ministry for Overseas France is responsible;

Having regard to Act No. 55-1489 of 18 November 1955 providing for municipal reorganization in Africa and Madagascar;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having regard to the opinion of the Assembly of the French Union;

Having regard to the decision by Parliament approving, subject to amendment, the Decree laying down the conditions for the establishment and operation of the Madagascar Government Council, defining its powers, and broadening the powers of the Madagascar Representative Assembly, filed with the Secretariat of the National Assembly on 4 December 1956,

Decrees as follows:

TITLE I

The Government Council

Chapter I. Establishment and operation

Article 1. The following articles determine the conditions and procedures for the establishment and operation of the Government Council instituted in Madagascar by Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar.

Article 2. The Government Council shall be presided over by the Chief Administrator of the Territory.

Eight members of the Government Council, who shall have the title of Minister, shall be elected by the Representative Assembly from within or outside its membership by a single uninominal ballot. Not less than one nor more than two members shall be elected from any Province.

The Government Council shall elect a Vice-President from among its own members.

The Vice-President shall preside over the Government Council in the absence of the Chief Administrator of the Territory.

The Government Council shall have the right to resign if it considers that it no longer enjoys the confidence of the Representative Assembly.

On matters within their competence the Ministers shall be required to answer any questions or requests for explanation from members of the Representative Assembly.

The Ministers shall be liable under the penal code for crimes and offences committed by them in the exercise of their functions.

Article 3. No one may be a member of more than one Government Council of the Territories for which the Ministry for Overseas France is responsible.

Article 4. Declarations of candidacy shall be delivered to the President of the Assembly not later than the day before the scheduled election date. They shall be read out before the voting begins. No candidacy may be withdrawn after the declaration has been delivered.

Candidates who are not members of the Assembly shall satisfy the conditions of eligibility laid down for the election of Provincial Councillors.

They shall be subject to the same conditions with regard to ineligibility and the offices incompatible with membership.

Article 5. The validity of the elections may be challenged by the candidates or by the members of the Representative Assembly. The other provisions of articles 21 to 24 of the aforementioned Decree of 25 October 1946 shall apply to disputes concerning elections to the Government Council.

Article 6. Ministers may not continue in office beyond the term of the Assembly that elected them; nevertheless, their tenure shall be extended to the date of installation of the new Government Council which shall take place not later than fourteen days after the opening of the first session of the new Assembly.

Article 7. The Ministers shall be required to maintain secrecy regarding proceedings of the Council and the matters referred to it.

Article 8. A Minister may not at the same time exercise the functions of:

Member of the Government of the Republic;

President of the Representative Assembly;

Chairman or member of the Standing Committee of the Representative Assembly;

Member of a Provincial Council.

A Minister who finds that he holds one of the incompatible offices specified above shall opt within fifteen days. If at the end of that period he has not made known his choice, he shall be deemed to have relinquished the office of Minister.

Article 9. Ministers may submit their resignation to the President of the Government Council.

A Minister may be removed from office by the Chief Administrator of the Territory on the proposal of the Vice-President of the Government Council.

Article 10. If a Minister's post becomes vacant through death, resignation or any cause whatsoever, such vacancy shall be filled in the manner prescribed in articles 2, 4 and 5.

Article 11. In addition to reimbursement of their transportation and travel expenses, the Vice-President of the Government Council and the Ministers shall receive an annual allowance, payable monthly, the amount of which shall be fixed uniformly by the Representative Assembly with reference to the salary of a category of officials serving in the Territory.

Article 12. The expenditures necessary for the operation of the Government Council, in particular those relating to the compensation payable to Ministers, the installation and equipment of the Council, and the travel of its members, shall be borne by the budget of the territorial unit.

Article 13. The Government Council shall sit in the chief town of the Territory, unless otherwise decided by an order of the High Commissioner.

The agenda shall be prepared by the President.

The Chief Administrator of the Territory shall provide a secretariat for the Council and shall be responsible for the safekeeping of the Council's records. These records shall include those of the Government Council in Madagascar instituted under Decree No. 45-923 of 4 May 1945 and subsequent texts.

The General Secretary may attend the meetings of the Government Council.

Article 14. The Government Council may not be dissolved except by a decree made in Council of Ministers, after consultation with the Representative Assembly.

The decree shall prescribe a time limit within which a new Government Council shall be elected. This time limit may not exceed one month.

Chapter II. Functions of the Government Council

Article 15. The Government Council, under the high authority of the Chief Administrator of the Territory and presided over by him or by his legal deputy, shall be responsible for the administration of the whole Territory and, in particular, the co-ordination of economic, social, administrative and financial activities therein.

Section 1. Collective functions

Article 16. The Government Council shall act in matters within its competence as defined in this section. All its members shall be jointly responsible for such decisions as it takes under their collective functions.

All proposals relating to the interests of the Territory as a whole, to be submitted to the Representative Assembly and its Standing Committee for consideration, shall be drawn up in Government Council.

Article 17. Regulatory decisions concerning the administration of the affairs of the territorial unit, including orders on which the Representative Assembly must first be consulted, shall be taken in Government Council.

The Council shall delegate the Minister competent to give the Assembly any explanations which may be required concerning the application of the Assembly's decisions.

Article 18. Orders of decisions relating to the following subjects in particular shall be adopted in Government Council:

- (a) General regulation of economic affairs and prices;
- (b) General measures for applying the regulations concerning assistance to production;
- (c) The general rules and special procedures for applying Decree No. 57-465 of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in Madagascar, after consultation with the Representative Assembly;
- (d) The general programme for the expansion of fundamental education.

Article 19. The directors of the public services placed under the direct control of the Ministers, shall be appointed by the Chief Administrator of the Territory in Government Council on the recommendation of the Minister having jurisdiction over the service in question.

Article 20. The Government Council shall decide all questions concerning the administration of domanial and financial interests and public works which concern the territorial unit, including, inter alia:

- (a) Administration of the territorial unit's public land, in particular communication routes, including canals, lakes and ponds, and the land, railway, river, sea and air installations relating thereto, and more generally all real property deemed to be of an inter-provincial nature according to a classification made in pursuance of the decisions of the Representative Assembly;
- (b) Acquisition and exchange of the real property of the territorial unit within the limits of the appropriations voted by the Assembly;
- (c) Changes in purpose or use, leasing and renting, and methods of administration of the property of the territorial unit;
- (d) Leasing and renting of property and insurance of property within the scope of the budget appropriations;
- (e) Conditions for executing public works and approval of surveys and contracts for public works carried by the budget of the territorial unit;
- (f) Investment of funds in accordance with the regulations in force, transfer of securities, terms and conditions of borrowings by the territorial unit;
- (g) Acceptance or refusal of gifts or bequests without encumbrances or servitudes to the Territory, and the bringing or defence of suits on behalf of the Territory, except in urgent cases when the Chief Administrator of the Territory may accept gifts and bequests and take all necessary interim measures;
 - (h) Remission of accounting deficits in the territorial budget;
- (i) Settlements relating to duties and changes of which the schedule is determined by the Representative Assembly, in suits involving a sum of less than 10 million francs C.F.A.;
- (j) Institution of legal proceedings on behalf of the Territory and the defence of its interests in court.

Article 21. The Government Council shall grant type B mining exploration permits on the decision of the Representative Assembly.

Article 22. When exceptional circumstances so require, the Chief Administrator of the Territory may, by orders made in Government Council, take such immediately enforceable decisions as are necessary to suspend or temporarily reduce import and export duties and indirect taxes on the production, movement and consumption of goods.

Such decisions shall be subject to ratification by the Representative Assembly. If the latter is in session, the decisions shall be submitted to it immediately. If the Representative Assembly is not in session, the decisions shall be submitted to the Standing Committee at its first meeting thereafter; the latter shall report

thereon to the Assembly at its next session, with a view to their ratification. When the decision of the Assembly has become definitive it shall have effect from the date on which it was taken.

Article 23. If the High Commissioner considers that a decision of the Government Council exceeds the Council's powers or is likely to prejudice national defence, public order, the maintenance of security, or public freedoms, he shall refer it to the Minister for Overseas France. The latter may annul the decision by a decree made after consultation with the "Conseil d'Etat." Such decree shall be made within the three months following the date of the decision. During this period the decision shall be suspended.

Article 24. Subject to the powers of the Administrative Disputes Council, appeal against decisions of the Government Council may be lodged with the "Conseil d'Etat" ruling as an administrative disputes court.

Article 25. Any decision taken by the Government Council in the absence from the Chair of the Chief Administrator of the Territory or his legal deputy shall be null and void.

The High Commissioner shall by means of an order accompanied by a statement of his reasons, declare the meeting illegal, pronounce the decisions taken null and void, and take such steps as are required to ensure the immediate adjournment of the Council.

He shall report on the matter to the Minister for Overseas France.

Article 26. The Vice-President of the Government Council shall lay annually before the Council for its opinion the report which he is required to submit to the Assembly on the general activities of the Government Council and the functioning of the public services of the territorial unit.

Section 2. Individual functions

Article 27. Each Minister shall be made responsible, by delegation from the Chief Administrator of the Territory after consultation with the Vice-President of the Government Council, for the administration of one or more public services of the territorial unit.

Article 28. The functions of the Ministers shall be defined by an order made by the Chief Administrator of the Territory and published in the *Journal officiel* of Madagascar.

Article 29. Each Minister shall be responsible to the Government Council for the functioning of the public services and the conduct of the administrative affairs branch within his jurisdiction, and shall report regularly to the Council thereon.

Article 30. The Government Council may make a Minister responsible for an administrative branch having one or more divisions, the administration of which is entrusted to other Ministers, and the Minister responsible for the branch as a whole shall co-ordinate the activities of these divisions.

Article 31. The Minister responsible for the administration of a branch or division shall take all decisions concerning the conduct of affairs within the jurisdiction of the territorial public services with which his branch or division is concerned, except for matters within the jurisdiction of the Government Council or the Representative Assembly.

He may set up a secretariat within the limits of the budgetary appropriations voted by the Assembly.

He shall direct the services of his branch or division with the assistance of the heads of department ("chefs de service") to whom he shall delegate all necessary powers.

He shall be responsible for ensuring that his services carry out the decisions of the Government Council and the Representative Assembly.

Article 32. The Minister shall submit to the Government Council, after preparation by his services, such matters as require the making of an order or the taking of a decision in Government Council.

He shall also present to the Government Council such proposals and reports on matters falling within the jurisdiction of his branch or division as are required to be submitted to the Representative Assembly. He shall be responsible for following the discussion of such matters and speaking in their support in the Representative Assembly, in accordance with the instructions of the Government Council. He may be assisted in this by officials of his services.

Article 33. In accordance with the staff regulations of the officials and employees concerned and on the recommendation of the Minister to whom they are responsible, the Chief Administrator of the Territory shall:

Appoint and promote personnel of the territorial establishments belonging to the services of the territorial unit, on the basis of an equal distribution of the personnel of the said establishments between the services of the territorial unit and the provincial services, as determined by the Chief Administrator of the Territory;

Assign officials and employees to posts in the territorial services and impose or recommend, as appropriate, any necessary disciplinary measures against such officials and employees.

The Chief Administrator of the Territory, acting in Government Council, may delegate the powers specified in the two preceding paragraphs to each of the Ministers concerned as part of their functions and in respect of certain categories of staff.

Reports on public service employees of the territorial unit shall be made successively by the officials responsible for making such reports under the general and special regulations applicable to the civil service establishments and by the Minister responsible for the service to which they are assigned.

Article 34. In addition to the general obligation specified in article 8, each Minister shall be bound, in respect of his individual actions on behalf of the branch or division for which he is responsible, by the same rules of professional secrecy as apply to public service officials.

Section 3. Miscellaneous provisions

Article 35. The provisions of this Title shall enter into force not later than 1 July 1957.

Article 36. The procedures for the application of this Title shall be determined, as necessary, by orders made by the Chief Administrator of the Territory and countersigned by the Vice-President of the Government Council.

TITLE II

Functions of the Representative Assembly

Article 37. Titles III and IV of Decree No. 46-2373 of 25 October 1946, in so far as they refer to the Representative Assembly, are hereby replaced by the provisions of this Title and of Title III hereunder.

Article 38. The Representative Assembly shall vote the budget of the territorial unit.

It shall take decisions in the matters placed within its jurisdiction by the laws and regulations, in particular by articles 39, 41 to 44 and 49 and 52 of this Decree. Its decisions may provide penalties in the manner prescribed by article 2 of the Act of 23 June 1956.

It shall give opinions, in particular in the cases specified in articles 53 to 55 hereunder.

Article 39. The Representative Assembly may make recommendations for the purpose of ensuring the co-ordination and possible unification of the provincial regulations and fiscal systems. Such recommendations shall be communicated by the Chief Administrator of the Territory to the Chief Provincial Administrators concerned, who shall refer them to the Provincial Councils or the Provincial Assemblies, as the case may be.

The Representative Assembly may be called upon to take a decision in any matter within the jurisdiction of the Provincial Assemblies in respect of which the Assemblies of two or more Provinces consider it desirable to have a set of regulations common to the Provinces concerned.

If a decision taken by a Provincial Assembly in an economic or financial matter may be prejudicial to the interests of one or more other Provinces, the Chief Administrator of the Territory may refer the matter to the Representative Assembly, either on his own initiative or, if the matter has been submitted to him by a decision of a Provincial Assembly, on the recommendation of a conference convened in the manner prescribed by article 11 of Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar. The Representative Assembly shall take a decision which shall be binding on the Provincial Assemblies concerned.

Article 40. No taxes or duties of any kind may be imposed for the benefit of any treasury whatsoever on any products in movement from one Province of Madagascar to another.

Article 41. The Representative Assembly shall decide on the opening date of its regular sessions, the duration of which shall not exceed two months in length. Such sessions shall, however, be governed by the rules laid down below.

The Representative Assembly shall hold two regular sessions each year. The first session shall begin during the first quarter of the year and the second before the end of October. The budget shall be considered at the second regular session. If a regular or special session adjourns and the Representative Assembly has not fixed the date for the opening of its next regular session, the date shall be fixed in due time by the Standing Committee.

The Representative Assembly shall also be convened in special session:

- (a) If at least two-thirds of its members submit a request in writing to that effect to the President;
- (b) If the Chief Administrator of the Territory makes an order to that effect.

The duration of a special session may not exceed fifteen days.

The provisions of this article shall supersede those of article 27 of the Decree of 25 October 1946, in so far as the Representative Assembly is concerned.

Article 42. In matters relating to domanial interests and public works in connexion with capital equipment, the Representative Assembly shall take decisions on all proposals made by the Chief Administrator of the Territory in Council, dealing with the following subjects:

- (a) Settlements relating to duties and charges, the schedule of which is determined by the Assembly as provided by article 44 hereunder, in suits involving a sum of 10 million francs C.F.A. or more;
- (b) Acceptance or refusal of gifts or bequests burdened with encumbrances or servitudes, to the territorial unit. The Government Council may accept all such gifts and bequests on an interim basis. The subsequent decision of the Assembly shall have effect as from the date of such provisional acceptance. In urgent cases, the High Commissioner may by himself take all necessary interim measures and accept such gifts and bequests;
 - (c) Transfer of immovable property of the territorial unit;
- (d) Selection of the method of operating public works in the territorial unit;
- (e) Classification and declassification of the public land of the territorial units, in particular communication routes, including canals, lakes and ponds of an inter-provincial character, and the land, railway, river, sea and air installations relating thereto.

Article 43. The Assembly may take a decision fixing the amount and conditions of payment of the monthly compensation allotted to its members and also the rules applying to reimbursement of their travel expenses.

Such compensation, whatever its form, shall be fixed by reference to the salary of a category of officials serving in the Territory.

No member may receive this compensation concurrently with the compensation paid to members of the Provincial Assemblies, or that paid to members of the Government Council or of a Provincial Council, or that paid to members of the Constitutional Assemblies.

Officials on active service or on secondment who are members of the Assembly shall receive the difference between their salary, plus any travel expenses, and the compensation payable to members of the Assembly, or their salary only plus any travel expenses, if the total thereof is greater than the said compensation.

The Assembly may also vote its President an annual lumpsum payment as a representation allowance.

The provisions of this article shall supersede those of article 19 of Decree No. 46-2373 of 25 October 1946, in so far as the Representative Assembly is concerned.

Article 44. Subject to international conventions, to the provisions of article 32 of the Act of 31 December 1953 and to prior consultation with the "assemblées consulaires" on matters within their jurisdiction, the Representative Assembly shall take decisions on the financial implications of any proposal made by the Government Council or by one of its members relating to the following matters:

- 1. Method of assessment, rules of collection and schedules of:
- (a) Taxes, duties, charges, apportioned charges and indirect taxes, and fees of all kinds levied in aid of the budget of the territorial unit and the Provincial budgets, including import and export duties and taxes on the production, manufacture or movement of goods, and taxes on exploration and processing;
- (b) The maximum supplements to these taxes which may be collected in aid of communities and public institutions;
 - (c) Stamp and registration duties;
- 2. Method of assessment and rules of collection of direct taxes based on income or turnover, to be collected in the Provinces in aid of the Provincial budget;
- 3. Contracts to be concluded and specifications to be laid down on behalf of the territorial unit.

No concession to operate a public service applied for by or on behalf of an alien may be granted unless there is agreement between the High Commissioner and the Representative Assembly. In case of disagreement, the matter shall be decided by decree;

- 4. Schedules of fees payable by concessionaires and of charges for supplies from and performance by the public services of the territorial unit; fees payable for occupation of public land of the territorial unit and other related charges;
- 5. Determination of costs coming under the head of "court costs", preparation of schedules of such costs, methods of payment and collection, defining of conditions to be met by the recipients and, in general, regulation of all matters relating to court costs; schedules of fees for the issue of copies of or extracts from public instruments;
- 6. Fiscal tariff agreements relating to taxes levied by the territorial unit in the cases provided by law;
- 7. Loans, sureties, guarantees, endorsements and shares of the territorial unit in the capital of public and semi-public corporations and, in exceptional cases, of private companies participating in the economic development of Madagascar;
- 8. Acceptance of offers to contribute to the expenditures of the territorial unit and the share of the territorial unit, under its budget, in the expenditures of the State, of a Province or of a public organization of Madagascar, in connexion with works which concern the territorial unit;
- 9. Within the limits and under the conditions specified in article 9 of the aforementioned Decree of 4 April 1957, the establishment and abolition of public services and public institutions and the possible conclusion of agreements with the Provinces for that purpose;
- 10. Conditions for the grant of settlers' installation loans to be covered by the budget of the territorial unit;
- 11. Subsidies and loans from the budget of the territorial unit to the budgets of other public organizations or public institutions of Madagascar and of the State;
- 12. Contributions, refunds and fees payable to the public institutions of Madagascar or of the State;
- 13. Borrowings or applications by the territorial unit for loans or advances from the State, the "Caisse centrale de la France d'outre-mer" or other public credit institutions, and resources of the territorial unit assigned as security for such loans or advances.

The Representative Assembly may fix a time limit within which the "assemblées consulaires" shall give their opinion. If they fail to do so, the Representative Assembly shall proceed without their opinion. This time limit may not be less than fifteen days from the date on which notice of the request for an opinion is given.

Article 45. The budget estimates of the territorial unit and the budget annexes, drawn up in local currency, shall be pre-

pared by the Government Council and submitted to the Assembly at its second regular session each year by the Minister responsible. They shall be considered, and must be voted in balance by the Assembly at that session.

The revenue and expenditure heads of the territorial unit budget shall be divided into chapters and articles.

The right to amend the estimates of revenue and expenditure shall belong jointly to the Chief Administrator of the Territory in Government Council and the Assembly. However, the estimation of future budgetary revenue shall be the responsibility of the Chief Administrator of the Territory in Government Council. No proposal to increase expenditures or reduce revenue shall be admissible unless accompanied by a proposal for a corresponding increase in revenue or reduction in expenditure.

A separate decision shall be taken on each chapter of the budget. The budget as a whole shall then be voted upon by the Representative Assembly, which shall decide where appropriate on measures to be taken to ensure a balance between revenue and expenditure, taking into account the funds required to cover the expenditures specified in the second paragraph of article 64 hereunder.

No changes may be made in the budget during the financial year except by the Representative Assembly, in accordance with the procedure laid down for preparing the budget estimates and in such a manner as to ensure a continued balance between revenue and expenditure. Any transfer from one chapter to another shall be authorized by the Representative Assembly or, in urgent cases, by its Standing Committee which shall report thereon to the Representative Assembly at its next session. No new post may be established unless it is provided for in the budget.

Article 46. Supplementary appropriations and withdrawals from the reserve fund shall be proposed and approved in the same manner.

In emergencies and when the Representative Assembly is not in session, supplementary appropriations and withdrawals from the reserve fund may be made by order of the High Commissioner in Government Council with the concurrence of the Standing Committee. Such orders shall be submitted for ratification to the Representative Assembly at its next session.

The sole purpose of changes so decided upon shall be to correct errors of estimation or to meet shortages of funds which become apparent in the light of events subsequent to the preparation of the budget estimates, or to cover expenditures necessitated by unforeseeable circumstances.

Article 47. No benefit may be conferred by the Representative Assembly on an official or employee or on a category of officials or employees otherwise than on the proposal of the Chief Administrator of the Territory made in Government Council.

Unless otherwise provided by law, no special service operating on extra-budgetary account may be established except by an order made by the High Commissioner, with the concurrence of the Minister for Overseas France and the Minister of Economic and Financial Affairs.

The establishing order shall define the conditions on which the account is to operate and provide for the supervision of its revenue and expenditures by the Representative Assembly.

The jurisdiction of the Government Council and the Representative Assembly with respect to the drawing up of the schedules of charges and of the budgets of bodies established by law to operate as self-governing public authorities ("régies") or as public offices shall be defined by the texts laying down the statutes of such bodies.

Article 48. If the Representative Assembly does not meet before the first day of the calendar year, or adjourns without having voted the budget or without having voted a balanced budget, the High Commissioner shall, ex officio, make an order in Government Council establishing a provisional budget, taking as the basis the budget for the previous year and the schedule of taxes adopted by the Representative Assembly. Where necessary, however, this order may prescribe any reductions in expenditures or increases in fiscal or other revenue.

The High Commissioner shall, within fifteen days, convene the Representative Assembly in a special eight-day session. If the Representative Assembly fails to vote a balanced budget by the end of the said special session, the budget shall be established in final form by the High Commissioner in Government Council in the manner prescribed in the first paragraph of this article.

If the Representative Assembly fails to approve all the obligatory expenditures, the High Commissioner, in Government Council, shall *ex officio* enter the expenditures all or part of which have been omitted and shall restore the balance of the budget, either by deductions from uncommitted funds or the funds for miscellaneous and unforeseen expenditures or by a reduction in optional expenditures.

Article 49. The Representative Assembly shall take decisions enacting regulations applicable throughout Madagascar in the following matters of general interest:

- 1. The general regulations applicable to employees of the territorial establishments recruited for the services of the territorial unit and the Provincial public services pursuant to the decrees concerning the public service provided for in article 3 of the Act of 23 June 1956;
 - 2. Civil procedure, except as regards the system of judiciary;
 - 3. The professions; ministerial and public offices;
- 4. Determination of the conditions governing the application of local customary law; progressive harmonization and unification of various local rules and practices, as between themselves and with French civil law;
- 5. The public lands of the territorial unit. Nevertheless, rights in immovable property and easements enjoyed by the State may not be prejudiced in any way.

Should the State subsequently assign certain premises for the operation of public services, such premises shall enjoy the easements for the public advantage inherent in the operation of the said service;

- 6. General regulations concerning agriculture and forests; soil conservation; protection of nature and plant-life; plant health control and locust control;
- 7. General regulations concerning stock-raising; epizootic disease control;
- 8. Preparation of products for export, excluding the fixing of standards, which shall continue to be regulated by decree;
- 9. Internal transport, traffic, haulage;
- 10. Navigation on rivers, canals and lagoons;
- 11. Policing of communication routes, excluding airways and waterways;
- 12. After consultation with the National Insurance Council through the Minister for Overseas France, regulations for the purpose of instituting compulsory insurance for individuals and corporate bodies whose civil liability may be involved under articles 1382 to 1386 of the Civil Code, provided that such regulations may not otherwise affect the substance of any insurance laws and regulations or be applied to coverage of risks connected with industrial accidents or occupational diseases:
- 13. Methods of applying the regulations governing mineral resources:
 - 14. Organization of the savings banks in the territorial unit;
- 15. Public hygiene, thermal springs; the protection of public health, excluding regulations governing food offences;
- 16. Care of delinquent and abandoned children; protection of the insane;
 - 17. Control of major endemic diseases;
 - 18. Tourism;
- 19. Town planning; regulation of dangerous, unsuitable and insanitary premises;
 - 20. Protection of monuments and historic sites;
 - 21. The prison system;
- 22. The conditions in which aliens were required to obtain administrative authorization before engaging in certain professions and commercial and industrial occupations;
- 23. Procedure and conditions for acceptance of tenders and awarding contracts in the Territory for work and supplies required for the territorial unit, subject to observance of the general rules applicable in such matters. These rules shall be

established by a decree made in the manner prescribed by article 1 of the Act of 23 June 1956.

Article 50. Decisions on the matters referred to in article 49 may be taken notwithstanding any provisions of law or regulations to the contrary enacted before the date of entry into force of this Decree, subject, however, to the provisions of international conventions, of laws and regulations on the matters dealt with in the Commercial Code and the Maritime Code, of the Act of 15 December 1952, the Act of 30 April 1946 and the decrees issued in application thereof, of Decrees Nos. 55-634 and 55-625 of 20 May 1955, and of the ethical codes.

Article 51. The acts and decrees relating to the matters listed in article 49 of this Decree shall, however, remain in force with the effect of regulations applicable to the Territory of Madagascar and dependencies. These regulations may be cancelled or amended by decision of the Representative Assembly.

Article 52. The Representative Assembly shall decide on programmes to implement and execute the capital equipment and development plan provided for by the Act of 30 April 1946, in the manner prescribed in the decrees made in application of the said Act, after consultation with the Provisional Assemblies on the aspects of the programme which concern the Provinces individually.

Article 53. The Representative Assembly shall be consulted in all cases with regard to draft regulatory orders to be made in Government Council, concerning:

- (a) The general organization of the public services in the territorial unit;
- (b) The special regulations applicable to employees of the territorial establishments mentioned in article 49, paragraph 1, the method and scales of remuneration, leave provisions, social benefits and the pension scheme applicable to such employees;
- (c) Labour and social security provisions, in particular, the application in respect of the Territory of the provisions of Act No. 52-1322 of 15 December 1952 establishing a labour code in the Territories and associated territories for which the Ministry for Overseas France is responsible;
- (d) Officials of the State civil service who are seconded to services of the territorial unit;
 - (e) The organization and operation of mixed communes;
- (f) The fixing, for each category of offences under the regulations issued on the basis of the decisions of the Representative Assembly, of the scale of penalties applicable in accordance with the conditions laid down in article 2 of the Act of 23 June 1956.

Article 54. The Representative Assembly shall be consulted in all cases on the grant of type A general mining exploration permits. In the event of disagreement between the Representative Assembly and the High Commissioner, the matter shall be decided pursuant to a decree made in Council of Ministers, after consultation with the Assembly of the French Union.

Article 55. The following shall in all cases be referred to the Representative Assembly for its opinion by the Government Council:

- (a) Administrative accounts relating to the execution of the budget and the budget annexes, the public authorities ("régies") and public institutions of the territorial unit;
- (b) The annual position of the funds of the territorial unit.

The Representative Assembly may make any observations on the administrative accounts of the territorial unit within the time limit specified in article 58. Such observations shall be communicated by the President of the Assembly to the Government Council, which shall send a copy thereof to the Audit Office through the Minister for Overseas France.

Article 56. The Vice-President of the Government Council shall report to the Representative Assembly at its budgetary session on the position of Madagascar and the state of the public services of the territorial unit.

Article 57. The Assembly may, through its President, request the Chief Administrator of the Territory and the Minister for Overseas France to furnish any information or observations on matters within its competence. It may ask to hear any Minister in connexion with any matter with which it is dealing.

It may ask the Government Council for any information con-

cerning action taken on its decisions and concerning the execution of the budget, and may make observations thereon.

The Representative Assembly may assign one or more of its members to gather in the Territory the information it considers necessary in order to deal with a matter within its competence.

Article 58. Matters shall be referred to the Representative Assembly by the Government Council or by one of its members.

In the interval between sessions, bills submitted by the Government Council for decision by the Representative Assembly and bills proposed by members of the Representative Assembly shall be filed with the Secretariat of the Standing Committee.

Members' bills shall be communicated within ten days from the date of filing to the Government Council, which may give its opinion on them. The Representative Assembly may not, if the Government Council so requests, refuse to defer consideration of the bill to its next session, but no later.

The Government Council shall be kept informed of the agendas of the Representative Assembly and its committees. Its members may attend and address the meetings of the Assembly's committees or be represented at them.

Bills and proposals submitted to the Representative Assembly for decision shall be considered by the Assembly at the session during which they were filed, or at the latest at the following session, unless the Standing Committee is delegated to act on them in the interval between the two sessions.

In matters which must be referred to the Representative Assembly for its opinion, the Government Council may, if the Assembly fails to give its opinion within the time limit prescribed above, proceed without it, after notifying the President of the Assembly to that effect.

Article 59. The acts of the Representative Assembly and its Standing Committee shall be delivered in duplicate, together with an extract from the records of meetings relating to the discussion and voting thereon, to the High Commissioner within thirty clear days from the closing of the session. Upon receipt of the documents, the High Commissioner shall transmit one set thereof to the Minister for Overseas France.

Within thirty clear days from the date of their receipt, the Chief Administrator of the Territory shall put the decisions of the Representative Assembly or of the Standing Committee into effect or shall refer them either to the Representative Assembly for second reading or to the Minister for Overseas France for the purpose of annulment, in the manner prescribed by articles 60 and 61. If the High Commissioner requests the Minister for Overseas France to annul a decision, he shall so advise the President of the Representative Assembly or, in the interval between the Assembly's sessions, the Chairman of the Standing Committee.

Article 60. The Minister for Overseas France may take action to annul decisions of the Representative Assembly and its Standing Committee on grounds of excess of power or of violation of the law by means of a decree made in the form of an administrative regulation.

If, for any reason, a decision of the Representative Assembly or of its Standing Committee, which has been submitted to the Minister for annulment, is not annulled within a period of ninety clear days from the date of its communication to the High Commissioner, the latter shall put it into effect not later than eight clear days after the expiry of the above-mentioned period.

The decisions of the Representative Assembly or of the Standing Committee in customs matters shall continue to be subject to the provisions of article 3 of the Decree of 14 October 1954.

Article 61. The High Commissioner may, within the period of thirty clear days prescribed in article 59, invite the Representative Assembly to rule at second reading on decisions taken by it or by its Standing Committee, if he considers them to be inconsistent with the general interests or the orderly administration of the territorial unit.

In that case, the periods prescribed by articles 59 and 60 shall run from the date on which the High Commissioner receives the new decision of the Representative Assembly.

Article 62. Pending publication of the orders of the Chief Administrator of the Territory in Council putting the decisions of the Representative Assembly or its Standing Committee into effect, all taxes, duties, charges and fees shall be levied on the former tax bases and in accordance with the previous schedules.

Decisions taken by the Representative Assembly or its Standing Committee at a session which began before 1 January in the matter of direct taxes or of duties or charges treated as such, shall have effect as from that date even if they could not be made enforceable by them.

Similarly, if it has not been possible to put the budget into effect before 1 January, the Chief Administrator of the Territory shall be authorized to make provisional monthly appropriations on the basis of the budgetary appropriations for the previous year. Further appropriations may be made each month until the budget is put into effect.

Article 63. A code of the regulations resulting from the decisions of the Representative Assembly and a code of the regulations adopted in Government Council shall be established under orders made in Government Council and published in the *Journal officiel* of Madagascar. The said codes shall be brought up to date annually.

TITLE III

Budget of Madagascar and Dependencies

Article 64. The budget of the territorial unit shall cover;

- (a) The debts of the Territory:
- (b) Contributions and assessments payable by the Territory under legislative or contractual provisions;
- (c) Operating costs of the public services of the territorial unit and of institutions, agencies and operations established at the level of the territorial unit, with the exception of those referred to in the last paragraph of article 9 of the aforementioned Decree of 4 April 1957. A schedule of posts indicating the establishment of the services of the territorial unit shall be annexed to the budget documents;
- (d) General capital expenditures not covered by the provincial budgets;
- (e) Contributions, loans, subsidies, refunds, participations and grants-in-aid approved in the interest of the territorial unit;
- (f) Any subsidies or refunds granted by the Representative Assembly in aid of the provincial budgets of Madagascar.

The budgetary appropriations shall cover expenditure relating to:

- (a) Settlement of due debts and covering of previous budget deficits;
- (b) Contributions, assessments and expenditure imposed under legislative provisions. A decree made in the manner prescribed by article 1 of the Act of 23 June 1956 shall specify the manner in which this paragraph shall be applied.

Article 65. Revenue for financing the budget of the territorial unit shall be derived from:

- (a) Revenue from duties and taxes levied on imports into Madagascar and dependencies;
- (b) One half of the mining and petroleum royalties and one half of the duties levied on exports of mineral and petroleum products from Madagascar and dependencies;
 - (c) Taxes on exploration and processing;
 - (d) Income from the property of the territorial unit;
 - (e) Revenue of the services of the territorial unit;
- (f) Fees paid by concessionaires, farmers and other operators of services in the territorial unit;
 - (g) Issue taxes, if not otherwise allocated;
- (h) Interest on loans and security deposits, sums realized from borrowings and from financial investments or participations resulting from agreements signed or contracts concluded on behalf of the territorial unit;
- (i) Gifts and bequests to the territorial unit and unforeseen and miscellaneous revenue;
- (j) Withdrawals from the reserve fund of the territorial unit and any other revenue accruing to the territorial unit.

Article 66. Any funds available under the budget of the territorial unit at the end of the financial year, after the expenditures specified in article 64 have been met and payment has been made into the reserve fund of the territorial unit of the amount necessary to maintain the statutory minimum level, shall be refunded to the provincial treasuries by decision of the Representative Assembly, in proportion to the actual volume of production and consumption activities taxed in each of the Provinces and to the size of its population.

TITLE IV

Miscellaneous provisions

Article 67. This Decree shall enter into force in the manner prescribed by article 1 of the Act of 23 June 1956. Nevertheless, subject to the provisions of the second paragraph of this article, the provisions of paragraphs 24 and 25 and of the last sub-paragraph of article 37 and the provisions of article 46 of Decree No. 46-2373 of 25 October 1946 providing for the establishment of a Representative Assembly and Provincial Assemblies in Madagascar shall remain provisionally in force until 31 December 1957.

The provisions of article 9 of Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar and the provisions of paragraphs 1 and 2 of article 44 and articles 64 and 65 of this Decree shall take effect not later than 1 January 1958. They may enter into force before that date in accordance with procedures to be established by orders made by the High Commissioner of the Republic, which shall adjust, as necessary, the provisions of the Decree of 25 October 1946, referred to in the preceding paragraph.

Article 68. All laws and regulations conflicting with this Decree, in particular, articles 11, 12, 13, 15, 19 and 20 of the afore-mentioned Decree of 9 November 1946, are hereby rescinded.

Article 69. The High Commissioner of the Republic shall make orders as necessary establishing procedures for the application of this Decree.

Article 70. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal official* of the French Republic.

Decree No. 57-464 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Provincial Councils, defining their powers, and broadening the powers of the Madagascar Provincial Assemblies

The President of the Council of Ministers,

Acting on the reports of the Minister for Overseas France, the Minister of Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, particularly articles 1 and 2 thereof;

Having regard to Decree No. 46-2373 of 25 October 1946 providing for the establishment of a Representative Assembly and Provincial Assemblies in Madagascar;

Having regard to Decree No. 46-2509 of 9 November 1946 providing for the administrative reorganization of Madagascar;

Having regard to Act No. 46-860 of 30 April 1946 for the establishment, financing and execution of plans for the equipment and development of the Territories for which the Ministry for Overseas France is responsible;

Having regard to Act No. 52-130 of 6 February 1952 concerning the establishment of group assemblies and local assemblies in various Territories for which the Ministry for Overseas France is responsible;

Having regard to Act No. 55-1489 of 18 November 1955 providing for municipal reorganization in Africa and Madagascar:

Having regard to Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar and Decree No.

57-463 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Government Council, defining its powers, and broadening the powers of the Madagascar Representative Assembly;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having regard to the opinion of the Assembly of the French Union;

Having regard to the decision by Parliament approving, subject to amendment, the Decree laying down the conditions for the establishment and operation of the Madagascar Provincial Councils, defining their powers, and broadening the powers of the Madagascar Provincial Assemblies, filed with the Secretariat of the National Assembly on 4 December 1956,

Decrees as follows:

TITLE I

The Provincial Council

Chapter I. Establishment and operation

Article 1. Each Provincial Council shall consist of six members, elected in the manner prescribed by the following articles, and shall be presided over by the Provincial Administrator or his lawful alternate.

The names of the members of the Provincial Council shall be published in the *Journal officiel* of Madagascar and dependencies

Article 2. Members of the Provincial Council shall be liable under the penal code for any crimes or offences committed by them in the exercise of their functions.

Article 3. No one may be a member of more than one Provincial Council.

Article 4. The members of the Provincial Council shall be elected by the Provincial Assembly from within or outside its membership, by triple ballot, without splitting of votes or preferential voting.

The Provincial Council shall elect a Vice-Chairman.

The electors may vote for a single list only, without deletion or addition of names or modification of the order in which the candidates are listed. Any ballot paper not satisfying these conditions shall be void.

Each member of the Assembly may cast one vote for one of the lists submitted.

If no list obtains a majority of the votes cast by the members of the Assembly on the first two ballots, the third ballot shall be decided by a relative majority.

Article 5. Two clear days shall elapse between the announcement of the results of the first ballot and the opening of the second ballot.

If a third ballot is held, it shall take place not earlier than one clear day after the announcement of the results of the second ballot and not later than the seventh day following the first ballot.

Article 6. The lists of candidates shall be delivered to the President of the Assembly not later than the day before the day on which the first ballot is to be held.

New lists may be drawn up after each ballot. They shall be delivered to the President of the Assembly not later than three hours before the opening of the meeting scheduled to hold the second or third ballot.

The lists shall be read out before the commencement of each ballot.

Each list shall include as many names as there are members to be elected.

Candidates who are not members of the Provincial Assembly shall be subject to the conditions with regard to eligibility, ineligibility, and the offices incompatible with membership laid down in articles 7 to 10 of the afore-mentioned Act of 6 February 1952.

The submission of more than one list bearing the same title or connected with the same party or organization shall be prohibited.

Article 7. The validity of the election may be challenged by the candidates or by the members of the Provincial Assembly.

The other provisions of articles 21 to 24, inclusive, of the abovementioned Decrees of 25 October 1946 shall apply to disputes concerning elections to the Provincial Councils.

Article 8. The term of office of members of the Provincial Councils shall be the same as that of members of the Provincial Assembly. It may not extend beyond the latter term if the Provincial Assembly should be renewed or dissolved.

Nevertheless, the term of office of members of the Provincial Council shall not expire until the date of installation of the new Provincial Council, which shall take place not later than fourteen days after the opening of the first session held by the Assembly after the expiry of the term of office aforesaid.

Article 9. Members of the Provincial Council shall be required to maintain secrecy regarding the proceedings of the Council and the matters referred to it.

Article 10. A member of the Provincial Council may not at the same time exercise the functions of:

Member of the Government of the Republic;

President of the Representative Assembly and President of the Provincial Assembly;

Chairman or member of a Standing Committee;

Member of a Government Council.

A member of the Provincial Council who finds that he holds one of the incompatible offices specified above shall opt within fifteen days. If at the end of that period he has not made known his choice, he shall be deemed to have relinquished his membership in the Provincial Council.

Article 11. The Provincial Council may resign if it considers that it no longer enjoys the confidence of the Provincial Assembly.

On matters within their competence, members of the Provincial Council shall be required to answer any questions or requests for explanation which may be made by members of the Provincial Assembly.

Article 12. Members of the Provincial Council may submit their resignation to the chairman of the Provincial Council.

A Council member may be removed from office by the Chief Provincial Administrator on the proposal of the vice-chairman of the Provincial Council.

Article 13. If a seat on the Provincial Council becomes vacant through death, resignation or any cause whatsoever, it shall be filled in the manner prescribed by articles 4, 5 and 6.

Article 14. If there are several seats to be filled, an election shall be held in the manner prescribed in the foregoing article. If a single seat is to be filled, an election by uninominal ballot shall be held, the first two ballots being decided by an absolute majority, and the third ballot by a relative majority.

Article 15. In addition to reimbursement of their transportation and travel expenses, members of the Provincial Councils shall receive an annual compensation, payable monthly, the amount of which shall be fixed uniformly by the Provincial Assembly with reference to the salary of a category of officials serving in the Province.

Officials who are members of the Provincial Council shall be placed on secondment for the duration of their term of office.

They shall receive payment of an amount representing the difference between their salary and the compensation payable to a Provincial Councillor, or their salary only if it exceeds that compensation.

Article 16. The expenditures necessary for the operation of the Provincial Council, in particular those relating to the compensation payable to Council members, the installation and equipment of the Council and the travel of its members, shall be borne by the provincial budget.

Article 17. The Provincial Council shall sit in the chief town of the Province, unless otherwise decided by an order of the Chief Provincial Administrator.

The agenda shall be prepared by the Chairman.

The Chief Provincial Administrator shall provide a secretariat for the Council and shall be responsible for the safe-keeping of the Council's records.

The assistant to the Chief Provincial Administrator may attend the meetings of the Council.

Article 18. The Provincial Council may not be dissolved except by a decree made in the Council of Ministers after consultation with the Provincial Assembly.

Chapter II. Functions

Article 19. The Provincial Council, under the high authority of the Chief Provincial Administrator and presided over by him or by the Vice-Chairman, shall be responsible for the administration of the Province.

Section 1. Collective functions

Article 20. The Chief Provincial Administrator in Provincial Council shall direct the provincial public services.

The Council shall act in matters within its competence as defined in this section. All its members shall be jointly responsible for such decisions as it takes, under their collective functions. All proposals relating to matters concerning the Province, to be submitted to the Provincial Assembly or its Standing Committee for consideration, shall be drawn up in Provincial Council.

Article 21. Regulatory decisions falling within the powers granted to the Provincial Administrator for the administration of provincial affairs, including orders on which the Provincial Assembly must first be consulted, shall be taken in Provincial Council.

The Council shall delegate whichever of its members is competent to furnish the Assembly any explanations which may be required concerning the application of the Assembly's decisions.

Article 22. Orders or decisions relating to the following subjects in particular shall be adopted in Provincial Council:

- (a) Financial regulations of internal trade and prices and measures for applying the regulations concerning assistance to production, under the general regulations established by orders made by the Chief Administrator of the Territory in Government Council;
 - (b) Organization of fairs and markets;
- (c) Establishment of institutions representing economic interests;
- (d) Operation of traditional units, after consultation with the Provincial Assembly;
- (e) Establishment, elimination and modification of "circonscriptions administratives" in the Province and modification of their boundaries, after consultation with the Provincial Assembly;
- (f) Establishment, constitution, organization and operation of rural communities and "conseils de circonscription" after consultation with the Provincial Assembly;
- (g) Establishment of "communes", other than "communes de plein exercice";
 - (h) Establishment of registry offices;
- (i) Measures for applying in the Province the general programme for the expansion of fundamental education;
 - (j) Establishment of the "cadastre".

Article 23. The directors of provincial public services placed under the direct control of the members of the Provincial Council shall be appointed by the Provincial Administrator in Provincial Council, on the recommendation of the members of the Provincial Council having jurisdiction over the service in question.

Article 24. The Provincial Council shall decide on all questions concerning the administration of domanial, financial and economic interests and provincial public works.

However, in respect of the subjects listed in articles 42 and 44, it shall decide only on measures to give effect to the decisions of the Provincial Assembly.

Article 25. If the Provincial Administrator considers that a decision of the Provincial Council exceeds the Council's powers or is likely to prejudice national defence, public order, the maintenance of security or public freedoms, he shall refer it to the High Commissioner. The latter may submit the decision to the Minister for Overseas France who may annul it, by a decree made after consultation with the "Conseil d'Etat". Such decree shall be made within the three months following the date

of the decision. During this period the decision shall be suspended.

Article 26. Subject to the powers of the Administrative Disputes Council, appeals against decisions of the Provincial Council may be lodged with the "Conseil d'Etat", ruling as an administrative disputes court.

Article 27. Any decision taken by the Provincial Council in the absence from the Chair of the Provincial Administrator, his lawful alternate or the Vice-Chairman, shall be null and yoid.

In the event of such a decision, the Provincial Administrator shall, by means of an order accompanied by a statement of his reasons, declare the meeting illegal, pronounce the decisions taken null and void and take such steps as are required to ensure the immediate adjournment of the Council.

He shall report on the matter to the Minister for Overseas France through the High Commissioner.

Article 28. The Provincial Administrator shall lay annually before the Provincial Council for its opinion the report on the situation in the Province and the functioning of the provincial public services. This report shall be presented to the Assembly by the Vice-Chairman.

Section 2. Individual functions

Article 29. Each member of the Provincial Council shall be made responsible, by delegation from the Provincial Administrator, after consultation with the Vice-Chairman, for the administration of one or more provincial public services.

Such delegation may be withdrawn or modified.

The public services referred to in the first paragraph of this article shall be grouped by the Provincial Administrator in administrative branches and divisions.

Article 30. The functions of the members of the Provincial Council shall be defined by an order made by the Provincial Administrator, countersigned by the Vice-Chairman and published in the *Journal officiel* of Madagascar and Dependencies.

Article 31. Each member of the Provincial Council shall be responsible to the Provincial Administrator in Provincial Council for the functioning of the public services and the conduct of the administrative affairs branch within his jurisdiction and shall report regularly to the Provincial Administrator in Provincial Council thereon.

Article 32. The Provincial Administrator may make a member of the Provincial Council responsible for an administrative branch having one or more divisions the administration of which is entrusted to other members of the Provincial Council, and the member responsible for the branch as a whole shall coordinate the activities of these divisions.

Article 33. The member of the Provincial Council responsible for the administration of a branch or division of the provincial administration shall take all decisions concerning the conduct of affairs within the jurisdiction of the provincial public services with which his branch or division is concerned, except for matters within the jurisdiction of the Provincial Administrator, the Provincial Council or the Provincial Assembly.

He may set up a secretariat within the limits of the budgetary appropriations voted by the Assembly.

He shall direct the services of his branch or division with the assistance of the heads of departments ("chefs de service"), to whom he may delegate all necessary powers.

He shall be responsible for ensuring that his services carry out the decisions of the Provincial Council and the Provincial Assembly.

Article 34. He shall submit to the Provincial Administrator in Provincial Council, after preparation by his services, such matters as require the making of an order or the taking of a decision by the Provincial Administrator.

He sahll also present to the Provincial Council such proposals and reports on matters falling within the jurisdiction of his branch or division as are required to be submitted to the Provincial Assembly. He shall be responsible for following the discussion of such matters and speaking in their support in the Provincial Assembly, in accordance with the instructions of the Council. He may be assisted in this by officials of his services.

Article 35. In accordance with the staff regulations of the officials and employees concerned and on the recommendation of the member of the Provincial Council to whom they are responsible, the Provincial Administrator shall:

Appoint and promote personnel of the provincial and territorial establishments belonging to the public services of the Province, on the basis of an equal distribution of the personnel of the said establishments between the services of the various provinces and those of the territorial unit, as determined by the Chief Administrator of the Territory;

Assign officials and employees to posts in the provincial services and impose or recommend, as appropriate, any necessary disciplinary measures against such officials and employees.

Reports on public service employees of the Province shall be made successively by the officials responsible for making such reports under the general and special regulations applicable to the civil service establishments and by the member of the Provincial Council responsible for the service to which they are assigned.

Article 36. In addition to the general obligation specified in article 9 above, each member of the Provincial Council shall be bound, in respect of his individual actions on behalf of the branch or division for which he is responsible, by the same rules of professional secrecy as apply to public service officials.

Section 3. Miscellaneous provisions

Article 37. The provisions of this Title shall enter into force in respect of each province of Madagascar not later than 1 July 1957.

Article 38. The procedures for the application of this Title shall be determined, as necessary, by orders made by the Chief Administrator of the Territory.

TITLE II

Functions of the Provincial Assemblies

Article 39. Titles III and IV of Decree No. 46-2373 of 25 October 1946 establishing a Representative Assembly and Provincial Assemblies in Madagascar, in so far as they refer to the Provincial Assemblies of Madagascar, are hereby replaced by the following provisions.

Article 40. The Provincial Assembly shall vote the budget of the Province. It shall take decisions in the matters placed within its jurisdiction by the laws and regulations, in particular by articles 41 to 44 and 49 of this Decree. Its decisions may provide penalties, in the manner prescribed by article 2 of the Act of 23 June 1956. It shall give opinions, in particular in the cases specified in articles 52 to 55 hereinafter.

Article 41. The Provincial Assembly shall decide on the opening date and the length of its regular sessions. Such sessions shall, however, be governed by the rules laid down below:

The Assembly shall hold two regular sessions each year, upon convocation by the Provincial Administrator. The first session shall begin during the second quarter of the year and the second session during the fourth quarter. The budget shall be considered at the second regular session. If a regular or special session adjourns and the Assembly has not fixed the date for the opening of its next regular session, the date shall be fixed in due time by the Standing Committee. The length of each regular session may not exceed two months.

The Assembly shall also be convened in special session:

- (a) If at least two-thirds of its members submit a request in writing to that effect to the President; or
- (b) If the Provincial Administrator makes an order to that

The duration of a special session may not exceed fifteen days.

The provisions of this article shall supersede those of article 27 of Decree No. 46-2373 of 25 October 1946, in so far as the Provincial Assemblies of Madagascar are concerned.

Article 42. In matters relating to domanial interests and provincial public works, the Assembly shall take decisions on all proposals made by the Provincial Administrator in Provincial Council, dealing with the following subjects:

- (a) Settlements relating to provincial duties and charges in suits involving a sum exceeding 10 million francs C.F.A.;
- (b) Acceptance or refusal of gifts or bequests burdened with encumbrances or servitudes, to the Province. The Provincial Administrator may, by a decision taken in Provincial Council, accept all such gifts or bequests on an interim basis. The subsequent decision of the Assembly shall have effect as from the date of such provisional acceptance. In urgent cases, the Provincial Administrator may by himself take all necessary interim measures and accept gifts and bequests;
 - (c) Transfer of immovable property of the Province;
- (d) Selection of the method of operating public works in the Province;
- (e) Granting of agricultural concessions for areas exceeding 500 hectares, forestry concessions for areas exceeding 1,000 hectares and temporary logging permits for periods exceeding five years;
- (f) Classification and declassification of the public land of the Province, in particular communication routes, including canals, lakes and ponds of a provincial character, and the land, railway, river, sea and air installations relating thereto; classification and declassification of irrigation canals.

Article 43. The amount and conditions of payment of the compensation allotted to members of the Provincial Assemblies and also the rules applying to reimbursement of their travelling expenses shall be decided by the Provincial Assembly of which they are members.

Such compensation, whatever its form, shall be fixed by reference to the salary of a category of officials serving in the Province.

No member may receive this compensation concurrently with the salary paid to members of the Government Council or of a Provincial Council.

Officials on active service or secondment who are members of the Assembly shall receive the difference between their salary, plus any travelling expenses, and the compensation payable to members of the Assembly, or their salary only, plus any travelling expenses, if the total thereof is greater than the said compensation.

The Assembly may also vote its President an annual lumpsum payment as a representation allowance.

The provisions of this article shall supersede those of article 19 of Decree No. 46-2373 of 25 October 1946, in so far as the Provincial Assemblies are concerned.

Article 44. Subject to international conventions, to the provisions of article 32 of the Act of 31 December 1953, to the functions of the Representative Assembly and to prior consultation with the "assemblées consulaires" on matters within their jurisdiction, the Assembly shall take decisions on the financial implications of any proposal made by the Provincial Administrator in Provincial Council or by any member of the Council relating to the following matters:

- (a) Determination of the taxes, charges, apportioned charges and other taxes of all kinds to be levied in aid of the provincial budget; determination of the method by which they are to be assessed, rules of collection and schedules; maximum tax supplements which may be collected in aid of communities or public institutions of the Province. No taxes or duties of any kind may be imposed for the benefit of any treasury whatsoever on any products in movement from one province to another;
- (b) Contracts to be concluded and specifications to be laid down by the Province. No concession applied for by or on behalf of an alien may be granted unless there is agreement between the Provincial Administrator and the Provincial Assembly. In case of disagreement, the High Commissioner shall make an order ruling on the application;
- (c) Schedules of fees payable by persons holding licences to operate public services in the Province, and of charges for supplies from and performance by the provincial services;
- (d) Maximum rates of duties and taxes of all kinds to be collected in aid of secondary units and public agencies functioning within the Province, with the exception of communes governed by the Act of 18 November 1955;
- (e) Fees payable for occupation of public lands of the Province and other related charges, except those relating to public

lands of territorial units and other public units or institutions of Madagascar;

- (f) Regulations governing charges for work and provision of equipment and materials;
 - (g) Fiscal tariff agreements, in the cases provided by law;
- (h) Loans, sureties, guarantees, offers of assistance and shares of the Province in the capital of public and semi-public corporations and, in exceptional cases, of private companies participating in the economic development of the Province;
- (i) Establishment and abolition of provincial public services and provincial public institutions;
- (j) Determination of the number of scholarships and other school grants payable out of provincial funds in accordance with the regulations in force;
- (k) Conditions for the grant of settlers' installation loans out of provincial funds;
- (1) Grants and loans from the provincial budget to the budgets of other public organizations or public institutions of the Province:
- (m) Contributions, refunds, and fees payable to public institutions of the Province;
- (n) Borrowings or applications by the Province for loans or advances from the State, the "Caisse centrale de la France d'outre-mer" or other public credit institutions, and the resources of the Province assigned as security for such loans or advances.

The Assembly may fix a time limit within which the "assemblées consulaires" shall give their opinion. If they fail to do so, the Assembly shall proceed without their opinion. This time limit may not be less than fifteen days from the date on which notice of the request for an opinion is given.

Article 45. The budget estimates of the Province and the budget annexes, drawn up in local currency, shall be prepared by the Provincial Administrator, drawn up in the Provincial Council and submitted to the Assembly at its second regular session each year by the Provincial Administrator. They shall be considered and voted when truly balanced, by the Assembly at that session. The revenue and expenditure heads of the provincial budget shall be divided into chapters and articles.

The revenue of the provincial budget shall consist of the following:

- (a) Revenue from taxes, duties, charges, apportioned charges, contributions and fees levied in aid of the provincial budget, including export duties in respect of the products exported from each province, subject to the provisions of article 65, paragraph (b), of Decree No. 57-463 of 4 April 1957, laying down the conditions for the establishment and operation of the Madagascar Government Council, defining its powers, and broadening the powers of the Madagascar Representative Assembly;
- (b) Revenue obtained from the furnishing of supplies and performance by the provincial public services;
- (c) Income from provincial public land and fees payable by concessionaires, farmers and other operators of provincial public services;
- (d) Grants-in-aid, subsidies, advances, refunds and contributions;
 - (e) Sums realized from borrowings;
- (f) Gifts, bequests, unforeseen revenue and miscellaneous income;
- (g) Withdrawals from the reserve fund and any other revenue which may accrue to the provincial treasury.

The provincial budget shall cover the following items of expenditure:

- (1) The debts of the Province;
- (2) Cost of the provincial public services and of the institutions, agencies and operations under their jurisdiction. A schedule of posts indicating the number of personnel shall be annexed to the budget documents;
- (3) The cost of provincial public works, maintenance and equipment;
- (4) Contributions and assessments payable by the Province under legislative or contractual provisions.

Article 46. The right to amend the estimates of revenue and expenditure shall belong jointly to the Provincial Council and to

the Assembly. However the estimation of future revenue yields shall be the responsibility of the Provincial Administrator acting in Provincial Council. No proposal to increase expenditures or reduce revenue shall be admissible unless accompanied by a proposal for a corresponding increase in revenue or reduction in expenditure.

A separate decision shall be taken on each chapter of the budget. The budget as a whole shall then be voted upon by the Assembly, which shall decide where appropriate on measures to be taken to ensure a true balance between revenue and expenditures, taking into account the funds required to cover the expenditures specified in article 61 hereinafter.

No changes may be made in the budget during the financial year except by the Assembly, in accordance with the procedure laid down for preparing the budget estimates and in such a manner as to ensure a continued balance between revenue and expenditure. Any transfer from one chapter to another shall be authorized by the Assembly or, in urgent cases, by its Standing Committee, which shall report thereon to the Assembly at its next session. No new post may be established unless it is provided for in the provincial budget.

Supplementary appropriations and withdrawals from the reserve fund shall be proposed and decided upon in the same manner.

In emergencies and when the Assembly is not in session, supplementary appropriations and withdrawals from the reserve fund may be made by order of the Provincial Administrator in Provincial Council, with the concurrence of the Standing Committee. Such orders shall be submitted for ratification to the Assembly at its first session thereafter. The sole purpose of changes so decided upon shall be to correct errors of estimation or to meet shortages of funds which become apparent in the light of events subsequent to the preparation of the budget estimates, or to cover expenditures necessitated by unforeseeable circumstances.

No direct or indirect benefit may be conferred by the Assembly on an official or employee, or on a category of officials or employees, otherwise than on the proposal of the Provincial Administrator made in Provincial Council.

Article 47. If the Assembly does not meet before the first day of the calendar year or adjourns without having voted the budget or without having voted a truly balanced budget, the Provincial Administrator shall, ex officio, make an order in Provincial Council establishing a provisional budget, taking as the basis the budget for the previous year and the schedule of taxes adopted by the Assembly. Where necessary, however, this order may prescribe any reductions in expenditures or increases in fiscal or other revenue. The Provincial Administrator, acting in Provincial Council, shall within fifteen days convene the Assembly in a special eight-day session. If the Assembly fails to vote a truly balanced budget by the end of the said special session, the budget shall be drawn up in final form by the Provincial Administrator in Provincial Council, in the manner prescribed hereinabove. Any new revenue created in this way shall, if derived from direct taxes, or from duties or charges treated as such, be payable as of 1 January.

If the Assembly fails to approve all the obligatory expenditures, the Provincial Administrator shall, ex officio, enter the expenditures all or part of which have been omitted and shall restore true balance to the budget either by deductions from uncommitted funds or the funds for miscellaneous and unforeseen expenditures or by a reduction in optional expenditures.

Article 48. Unless otherwise provided by law, no special service operating on extra-budgetary account may be established except by an order made by the High Commissioner, after consultation with the Comptroller. In the event of disagreement, the High Commissioner shall refer the matter for decision to the Minister for Overseas France and the special service may not be authorized without the agreement of the Minister of Economic and Financial Affairs. The establishing order shall define the conditions on which the account is to operate and provide for the supervision of its revenue and expenditures by the Provincial Assembly.

The jurisdiction of the Provincial Council and the Provincial Assembly with respect to the drawing up of the schedules of charges and the budgets of bodies established by law to operate as self-governing public authorities ("régies") or as public offices shall be defined by the texts laying down the statutes of such bodies

Article 49. The Provincial Assembly shall take decisions enacting provincial regulations in the following matters:

- 1. The general regulations applicable to employees of the provincial establishments, pursuant to the decrees concerning the public service provided for in article 3 of the Act of 23 June 1956, but without prejudice to the interchangeability of officials as between one province and another;
- 2. Customary law relating to civil status and regulation of civil status within the framework of the relevant legislation;
- 3. Verification, description and codification of customs; adaptation of customs to social evolution; immovable property and immovable property rights governed by custom, including definition of the customary rights to be treated as real rights capable of establishing credit in connexion with real property, agriculture or handicrafts, as well as procedures for the verification of such rights and the establishment and execution of corresponding real property guarantees; in general, all matters coming under local law;
- 4. The public lands of the Province. Nevertheless, rights in respect of immovable property and easements enjoyed by the State or the Territory on the date of this Decree may not be prejudiced in any way, it being understood that the State shall retain ownership of military hospitals, operation of which has already been entrusted to the Provincial Assembly.

Should the State or the Territory subsequently allocate certain premises for the operation of public services, such premises shall enjoy the easements for the public advantage inherent in the operation of the said services;

- 5. Internal trade, handicrafts and all occupations relating to those activities, such as those of salesmen, pedlars and the like, excluding the conditions under which prior administrative authorization must be obtained before engaging in such occupations;
- 6. Agriculture, stock-raising, forestry, within the framework of the general regulations based on the decisions of the Representative Assembly;
 - 7. Regulation of inland water resources;
 - 8. The movement, sale and slaughter of cattle;
- 9. River and coastal fishing, without prejudice to the provisions of the Act of 1 March 1888;
 - 10. Hunting
- 11. Traditional local beverages; manufacture and sale of beverages; conditions of hygiene and safety in retail liquor establishments:
- 12. Mutual societies, subject to any general laws which may be enacted in this field and to the provisions of Decree No. 56-1135 of 13 November 1956 concerning mutual rural development societies in the Overseas Territories;
 - 13. Producers' and consumers' associations, co-operatives;
 - 14. Societies working in health, education and training;
 - 15. Environmental conditions, low-cost housing, rents;
- 16. Primary and secondary education, vocational and technical education, not including examination programmes and procedures, certificates and diplomas, and teachers' qualifications;
- 17. Regulations concerning scholarships granted out of the Province's budgetary funds;
 - 18. Public libraries, cultural centres;
 - 19. Sports and physical education;
 - 20. Welfare, assistance, relief and allowances, lotteries;
- 21. Procedures and conditions for acceptance of tenders and award of contracts, subject to the general rules applicable in these matters. These rules shall be laid down by a decree made in the manner prescribed by article 1 of the Act of 23 June 1956;
- 22. Procedures for the application within the Province of regulations decided upon by the Representative Assembly in so far as the latter has given the Provincial Assemblies the responsibility of establishing such procedures.

Article 50. Decisions on the matters referred to in the preceding article may be taken notwithstanding any provisions of law or regulations to the contrary enacted before the date of entry into force of this Decree, subject however to the provisions of international conventions, of the laws and regulations relating to the matters dealt with in the Commercial Code and the Maritime Code, of the Act of 15 December 1952, the Act of 30 April 1946 and the decrees made in application thereof, Decrees Nos. 55-625 and 55-634 of 20 May 1955 and of the laws and regulations relating to the prevention of fraud and the inspection of weights and measures.

Article 51. The acts and decrees relating to the matters listed in article 49 hereinabove shall, however, remain in force, with the effect of provincial regulations in these matters.

These provincial regulations may be cancelled or amended by decision of the Assembly.

Article 52. The Provincial Assembly shall be consulted in all cases regarding the provincial section of programmes for implementing and executing the capital equipment and development plan provided for by the Act of 30 April 1946 and the decrees made in application thereof.

Article 53. The Provincial Assembly shall be consulted in all cases by the Provincial Administrator with regard to draft regulatory orders made in Provincial Council and relating to:

- (a) The general organization of the provincial public services;
 - (b) The operation of traditional units;
- (c) The special regulations applicable to employees of the provincial establishments, method and scales of remuneration, leave provisions, social benefits and the retirement scheme applicable to such employees;
- (d) Officials of the French civil service establishments and of the territorial establishments who are seconded to the provincial services:
- (e) The establishment of communes other than "communes de plein exercice";
- (f) The establishment of institutions representing economic interests:
 - (g) Measures to encourage production;
- (h) The fixing, for each category of offences under the regulations issued on the basis of the decisions of the Provincial Assembly, of the scale of penalties applicable in accordance with the conditions laid down in article 2 of Act No. 56-619 of 23 June 1956.

Article 54. The Assembly shall be consulted on all matters in respect of which such consultation is required by law or regulation and also on all matters which the Representative Assembly deems useful to submit to it.

Article 55. The following shall in all cases be referred to the Provincial Assembly by the Provincial Administrator:

- (a) Administrative accounts relating to the execution of the provincial budget and the budget annexes, the public authorities ("régies") of the Province and the provincial public institutions;
 - (b) The annual position of the Province's funds.

Any observations which the Assembly may decide to make on the accounts of the Province within the time limit specified in article 58 shall be communicated by the President of the Assembly to the Provincial Administrator, who shall send a copy thereof to the Audit Office through the High Commissioner and the Minister for Overseas France.

Article 56. The Assembly may, through its President, request the Provincial Administrator and the High Commissioner to furnish any information and observations on matters within its competence. It may ask to hear any member of the Provincial Council in connexion with a matter with which it is dealing.

It may ask the Provincial Administrator or the competent member of the Provincial Council for any information concerning action taken on its decisions and concerning the execution of the budget, and may present its observations on the subject to the Provincial Council.

The Assembly may assign one or more of its members to gather in the Province the information it considers necessary in order to deal with a matter within its competence.

Article 57. All matters shall be referred to the Provincial Assembly by the President of the Provincial Council or by one of the members of the Assembly, except matters in respect of which the right of action is vested exclusively in the Provincial Administrator.

In the interval between sessions, bills submitted by the Provincial Council for decision by the Assembly, and bills proposed by members of the Assembly itself, shall be filed with the Secretariat of the Standing Committee.

Members' bills shall be communicated, within ten days from the date of filing, to the Provincial Council, which may give its opinion on them. The Assembly may not, if the Provincial Council so requests, refuse to defer consideration of the bill to its next session, but no later.

The Provincial Administrator shall be kept informed of the agendas of the Assembly and its committees. He may attend and address the meetings of the Assembly's committees or be represented at them.

Bills and proposals submitted to the Assembly for decision shall be considered by the Assembly at the session during which they were filed, or at the latest at the following session, unless the Standing Committee is delegated to act on them in the interval between sessions.

In matters which must be referred to the Assembly for its opinion, the Provincial Administrator in Provincial Council may, if the Assembly fails to give its opinion within the time limit prescribed above, proceed without it, after notifying the President of the Assembly to that effect.

Article 58. The acts of the Assembly and its Standing Committee shall be delivered in triplicate, together with an extract from the record of meetings relating to the discussion and voting thereon, to the Provincial Administrator within a period of thirty clear days from the closing of the session. Upon receipt of the documents, the Provincial Administrator shall transmit them to the Minister for Overseas France and to the High Commissioner.

Within thirty clear days from the date of their receipt, the Provincial Administrator shall put the decisions of the Assembly or its Standing Committee into effect or shall refer them either to the Assembly for second reading, or to the High Commissioner. The latter may request the Minister for Overseas France to annul the decision in question. Such annulment shall be effected in the manner prescribed by articles 59 and 60 hereinafter

If the High Commissioner requests the Minister for Overseas France to annul a decision of the Provincial Assembly or its Standing Committee, he shall, through the Provincial Administrator, so advise the President of the Assembly or, in the interval between the sessions of the Assembly, the Chairman of the Standing Committee.

Article 59. The Minister for Overseas France may take action to annul decisions of the Assembly and its Standing Committee, on grounds of excess of power or of violation of the law, by means of a decree made in the form of an administrative regulation.

If a decision of the Assembly or its Standing Committee which has been submitted to the Minister for annulment is not annulled within a period of ninety clear days from the date of its communication to the Provincial Administrator, the latter shall put it into effect not later than eight clear days after the expiry of the above-mentioned period.

Article 60. The Provincial Administrator may, within the period of thirty clear days prescribed in article 58, invite the Assembly to rule at second reading on decisions taken by it or its Standing Committee, if he considers them to be inconsistent with the general interests or the orderly administration of the Province.

In that case, the periods prescribed by articles 58 and 59 shall run from the date on which the Provincial Administrator receives the new decision of the Assembly.

Article 61. The provincial budgetary appropriations shall cover expenditure relating to:

(a) Settlement of due debts and covering of previous budgetary deficits;

(b) Contributions, assessments and expenditures imposed under legislative provisions. A decree made in the manner prescribed by article 1 of the Act of 23 June 1956 shall specify the manner in which this paragraph shall be applied.

Article 62. Pending publication of the orders of the Provincial Administrator in Provincial Council putting the decisions of the Assembly or its Standing Committee into effect, all taxes, duties, charges and fees shall be levied on the former tax bases and in accordance with the previous schedules.

Decisions taken by the Assembly or its Standing Committee, at a session which began before 1 January, in the matter of direct taxes or of duties or charges treated as such, shall have effect as from that date, even if they could not be made enforceable by then.

Similarly, if it has not been possible to put the budget into effect before 1 January, the Provincial Council shall be authorized to make provisional monthly appropriations on the basis of the budgetary appropriations for the previous year. Further appropriations may be made each month until the budget is put into effect.

Article 63. A code of the provincial regulations resulting from the decisions of the Assembly and a code of the administrative regulations made by the Provincial Administrator shall be established under orders made by the Provincial Administrator in Provincial Council and published in the Journal official of Madagascar. The said codes shall be brought up to date annually.

TITLE III

Temporary and miscellaneous provisions

Article 64. This Decree shall enter into force in the manner prescribed by article 1 of the Act of 23 June 1956. Nevertheless, subject to the provisions of the second paragraph of this article, the provisions of paragraphs 24 and 25 of article 37 and of article 46 of Decree No. 46-2373 of 25 October 1946 providing for the establishment of a Representative Assembly and Provincial Assemblies in Madagascar, shall remain provisionally in force until 31 December 1957 at the latest.

Orders shall be made by the High Commissioner before 31 December 1957, with a view to adopting the above-mentioned provisions of the Decree of 25 October 1946 and to transferring to the provincial institutions the functions devolving upon them under this Decree, in particular in fiscal and budgetary matters, and in the establishment and organization of the provincial public services and their establishments of employees and the determination of the regulations applicable to them.

Article 65. For purposes of application to Madagascar of Act No. 55-1489 of 18 November 1955 on municipal reorganization, the powers conferred upon the Chief Administrator of the Territory acting alone or after consultation with the Territorial Assembly, with the exception of the powers listed in articles 7, 27 (paragraph 12), 38, 39, 41, 43 and 44, shall be vested in the Provincial Administrators acting alone or after consultation with the Provincial Assemblies. In so far as article 34 is concerned, decisions concerning assignment of property to communes shall be taken at the provincial or territorial level, depending on the juridical entity having jurisdiction over the property.

Article 66. All provisions of laws and regulations conflicting with this Decree, in particular articles 22 and 23 of Decree No. 46-2509 of 9 November 1946, are hereby rescinded.

Article 67. The High Commissioner shall determine, as necessary, the procedures for the application of this Decree.

Article 68. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-816 of 22 July 1957 laying down the conditions for the establishment and operation of autonomous "circonscriptions" in Madagascar

The President of the Council of Ministers,

Acting on the reports of the Minister for Overseas France, the Minister of State and the Minister of Finance, Economic Affairs and Planning,

Having regard to Act No. 56-619 of 23 June 1956, as amended by Act No. 57-702 of 19 June 1957, authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry of Overseas France is responsible, in particular, article 1, paragraph 4, thereof;

Having regard to the Decree of 30 December 1912, as amended, concerning the financial administration of the Overseas Territories;

Having regard to the Decree of 9 November 1946 providing for the administrative reorganization of Madagascar, as amended by Act No. 56-1117 of 10 November 1956, and, in particular, article 1 of the aforesaid Decree, and all the decrees of 4 April 1957 relating to:

- 1. The reorganization of Madagascar;
- 2. The Government Council and the Representative Assembly of Madagascar:
- 3. The Provincial Councils and the Provincial Assemblies of Madagascar;
 - 4. The rural communities in Madagascar;

Having regard to Act No. 55-1489 of 18 November 1955 relating to municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having consulted the Assembly of the French Union;

Having regard to the decision by Parliament approving, subject to amendment, the Decree laying down the conditions for the establishment and operation of autonomous "circonscriptions" in Madagascar, filed with the Secretariat of the National Assembly on 28 February 1957,

Decrees as follows:

Article 1. The autonomous "circonscriptions" established in Madagascar pursuant to article 1 of the above-mentioned Decree of 9 November 1946 shall possess legal status and financial autonomy. They shall be established and their limitations shall be defined by orders made by the High Commissioner in Government Council after consultation of the Provincial Assembly concerned and the Representative Assembly.

The autonomous "circonscription" shall constitute an economic entity comprising several districts.

Article 2. The institutions of the "circonscription" shall consist of the following:

A head of the "circonscription" appointed by the Provincial Administrator;

A "conseil de circonscription."

Article 3. The "conseil de circonscription" shall be composed of the provincial councillors of the autonomous "circonscription," the presidents of the rural communities and one delegate from each "commune de plein exercice" or "commune de moyen exercice" of the "circonscription" who shall be elected by the municipal council.

Article 4. The autonomous "circonscriptions" shall have a budget which shall be drawn up by the head of the "circonscription" and approved by the "conseil de circonscription." The head of the "circonscription" shall be the certifying officer of the budget. He shall be responsible for drawing up the administrative accounts.

Article 5. The financial system of the autonomous "circonscriptions" shall be defined by orders made by the High Commissioner after consultation with the General Treasurer ("trésorier général"), by reference to the above-mentioned Act of 18 November 1955.

Article 6. The "conseil de circonscription" shall take decisions on all measures affecting the domanial interests of the autonomous "circonscription," in particular, on the programme of general projects to be carried out with funds from the budget of the "circonscription."

The High Commissioner shall determine by an order the manner in which administrative and financial supervision ("tutelle") over autonomous "circonscriptions" shall be exer-

cised. Such supervision shall be defined by reference to the provisions of the above-mentioned Act of 18 November 1955.

The head of the "circonscription" shall be responsible for putting the decisions of the "conseil de circonscription" into effect.

Article 7. The "conseil de circonscription" shall be consulted concerning all public works to be carried out in the "circonscription," irrespective of the budget to which they are charged.

Article 8. The general rules and special procedures for the application of this Decree shall be laid down by the High Commissioner in orders made in Government Council after consultation with the Representative Assembly.

These orders shall determine, in particular:

- (a) The conditions in which the "conseils de circonscription" are to operate;
- (b) The specific functions of these councils as defined in this Decree, particularly with respect to economic and financial matters;
- (c) The items of the budget and, in particular, the nature of the regular and extraordinary funds available to the autonomous "circonscriptions," as well as the conditions under which they may contract loans;
 - (d) The procedure for the execution and audit of the budgets.

Article 9. Treasury officials or tax collectors shall exercise, de jure, the functions of accountant in the autonomous "circonscriptions." However, in "circonscriptions" in which no treasury official or tax collector resides, the functions of accountant may be temporarily vested in special employees.

The special employees vested with the functions of accountant of an autonomous "circonscription" shall be appointed and installed in office and shall perform their functions in the same manner as the special employees vested with the functions of municipal tax collector in communes governed by the abovementioned Act of 18 November 1955.

The accountants of autonomous "circonscriptions" shall submit their accounts to the chief auditor ("juge des comptes") in the manner prescribed for the accountants of communes.

The Treasury accountants shall be the depositaries of the funds of the autonomous "circonscriptions"; such funds shall be invested in accordance with the regulations in force.

Article 10. Such temporary measures as are necessary to give effect to this Decree in autonomous "circonscriptions" established prior to its entry into force shall be determined by an order of the High Commissioner.

Article 11. The Minister for Overseas France and the Minister of Finance, Economic Affairs and Planning shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-465 of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in Madagascar

The President of the Council of Ministers,

Acting on the reports of the Minister for Overseas France, the Minister for Economic and Financial Affairs and the Minister delegated to the Office of the President of the Council,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular article 1, paragraph 4, thereof;

. Having regard to the Decree of 30 December 1912, as amended, concerning the financial administration of the Overseas Territorics;

Having regard to the Act of 5 April 1884 concerning municipal organization, in particular, articles 169 to 179 thereof;

Having regard to the Decree of 9 November 1944 providing for the reorganization of rural communities in Madagascar;

Having regard to Act No. 55-1489 of 18 November 1955 relating to municipal reorganization in Africa and Madagascar;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having consulted the Assembly of the French Union;

Having regard to the decision by Parliament, approving, subject to amendment, the Decree laying down the conditions for the establishment and operation of rural communities in Madagascar, filed with the secretariat of the National Assembly on 4 December 1956;

Decrees as follows:

Article 1. In Madagascar, the Provincial Administrators may, by orders made in Provincial Council after consultation of the Provincial Assembly, establish rural communities possessing legal status, where such communities have sufficient resources to balance a budget.

These rural communities may be formed of "circonscriptions administratives," parts of "circonscriptions administratives" or groups of "circonscriptions administratives."

Article 2. Each rural community shall be administered by an elected rural community council.

Article 3. The rural community may bring actions at law and shall be represented in court by the president of its council.

Article 4. The rural community shall have a budget, which shall be approved by its council and put into effect by the Provincial Administrator, who shall supervise its administration.

The council shall take decisions on all measures affecting the domain and the domanial interests of the community; it shall, in particular, decide on the programme of economic and social projects to be carried out with funds from the community budget and shall take all necessary decisions for its application.

Article 5. The High Commissioner shall determine, by an order, the manner in which administrative and financial supervision ("tutelle") over rural communities shall be exercised.

Such supervision shall be defined by reference to the provisions of Act No. 55-1489 of 18 November 1955 providing for municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar.

Article 6. With respect to their domain, finances and budget, rural communities shall be separate and distinct from other public communities.

Two or more rural community budgets may not be combined, nor may the budget of a rural community be combined with the budget of a "commune de plein exercice," a "commune de moyen exercice" or a mixed commune.

When a new commune or another public community is established, there shall be a redistribution of property between the communities affected thereby.

Any rural community may contribute to the budgetary expenditure of another public community, where such expenditure relates to matters of common interest.

Article 7. The budget of a rural community shall be truly balanced when approved.

If the budget is not approved in true balance, the supervisory authority shall order the council of the community concerned to convene in special session and shall set the date therefor. The Council shall then decide the matter within a period of eight days and the budget shall immediately be referred back to the supervisory authority.

If a truly balanced budget is not approved after a second deliberation or is not referred back to the supervisory authority within one month, the Provincial Administrator shall make the necessary adjustments and balance the budget.

If the budget for the next financial year is not approved in true balance, the Provincial Administrator, in Provincial Council, shall establish it *ex officio*. In addition, the council of the rural community concerned may be dissolved by an order of the Provincial Administrator, made in Provincial Council; in succase the Provincial Administrator shall appoint a special delegation. A new rural community council shall then be established within three months.

If a rural community council fails to approve a truly balanced budget over a period of at least three successive years, the Provincial Administrator shall, by an order made in Provincial Council, either declare the council concerned dissolved and appoint a special delegation pending the establishment of a new

council as described above, or withdraw legal status from the rural community or combine the community with another rural community. If a rural community is dissolved or combined with another rural community, the future disposition of its domain shall be regulated by an order of the Provincial Administrator.

Article 8. The general rules and special procedures for the application of this Decree shall be laid down by the High Commissioner in an order made in Government Council, after consultation with the representative assembly.

These orders shall determine, in particular:

- (a) The composition of the rural community councils and the conditions in which they are to operate and perform their functions:
- (b) The items of the budget and, in particular, the nature of the regular and extraordinary funds available to the rural communities as well as the authority of the latter to contract loans;
- (c) The procedures for the execution and audit of the said budget;
- (d) The conditions in which a rural community may be required to share in, or may contribute to, expenditure incurred by another public community for a common purpose;
- (e) The rules applicable to any associations, the establishment of which may be authorized between the public communities of a "circonscription," as defined with respect to communes in articles 169 to 179 of the Act of 5 April 1884 as amended.

Article 9. The conditions governing the appointment of accountants for rural communities and the accounting rules applicable to such communities shall be determined by an order of the High Commissioner.

Independently of the conditions governing the exercise of administrative and financial supervision prescribed in article 5 above, supervision of financial and accounting operations shall be exercised by the Comptroller's office, in accordance with article 17 of Decree No. 52-1356 of 19 December 1952. It shall also be exercised either on a permanent basis by the District Commisioner or on a contingent basis by the administrative affairs inspectors and the inspectors of provincial services.

Article 10. When a rural community is established under this Decree, the Provincial Administrators shall determine by orders which shall be submitted for approval to the High Commissioner, the relations between that community and those established by the Decree of 9 November 1944.

Article 11. All provisions which conflict with this Decree are hereby rescinded.

Article 12. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his own competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-813 of 22 July 1957 establishing a Government Council and broadening the powers of the Territorial Assembly in French Somaliland

The President of the Council of Ministers,

Acting on the reports of the Minister for Overseas France, the Minister of State and the Minister of Finance, Economic Affairs and Planning,

Having regard to Act No. 56-619 of 23 June 1956, as amended by Act No. 57-702 of 19 June 1957, authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, in particular, articles 1 and 2 thereof;

Having regard to the Decree of 20 May 1896 providing for the organization of the possessions of French Somaliland and dependencies;

Having regard to the Decree of 28 August 1898 concerning the organization of French Somaliland;

Having regard to the Decree of 24 December 1914 concerning the regulatory powers of the Governor of French Somaliland;

Having regard to the Decree of 22 December 1945, as amended,

providing for the establishment of the "Conseil privé" of French Somaliland:

Having regard to Act No. 50-1004 of 19 August 1950 establishing the method of election, composition and competence of a representative territorial assembly for French Somaliland;

Having regard to Act No. 46-860 of 30 April 1946 for the establishment, financing and execution of plans for the equipment and development of the Territories for which the Ministry for Overseas France is responsible;

Having regard to the Act of 5 April 1884 concerning municipal organization, in particular, articles 169 to 179 thereof;

Having regard to Act No. 55-1489 of 18 November 1955 relating to municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar:

Having regard to Decree No. 56-1135 of 13 November 1956, as amended, concerning mutual rural development societies in the Overseas Territories;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

After consultation with the Assembly of the French Union;

Having regard to the decision by Parliament approving, subject to amendment, the Decree establishing a Government Council and broadening the powers of the Territorial Assembly in French Somaliland, filed with the Secretariat of the National Assembly on 28 February 1957,

Decrees as follows:

Article 1. In French Somaliland, the Chief Administrator of the Territory shall be the representative of the Government of the Republic. He shall perform his functions in accordance with the legislation in force subject to the following provisions:

TITLE I

The Government Council

Article 2. A Government Council shall be established in French Somaliland.

Chapter I. Establishment and operation

Article 3. The Government Council shall be composed of six to eight members, each of whom shall have the title of Minister and shall be elected by the Territorial Assembly as prescribed by the following articles.

The Government Councillor obtaining the largest number of votes shall assume the title of Vice-President of the Government Council.

The Government Council shall be presided over by the Chief Administrator of the Territory or, in his absence, by the Vice-President of the Government Council.

The Government Council shall have the right to resign if it considers that it no longer enjoys the confidence of the Territorial Assembly.

On matters within their competence, the Ministers shall be required to answer any questions or requests for explanations from members of the Territorial Assembly.

Article 4. The Ministers shall be French citizens in possession of their civil and political rights and not less than twenty-five years of age. They shall be liable under criminal law for any crimes or offences committed in the performance of their functions.

Article 5. No person may be a member of more than one Government Council of territories for which the Ministry for Overseas France is responsible.

Article 6. The ministers shall be elected by the Territorial Assembly, from within or outside its membership, by triple ballot, without splitting of votes or preferential voting.

The electors may vote for a single list only, without deletion or addition of names or modification of the order in which the candidates are listed. Any ballot paper not satisfying these conditions shall be void.

Each member of the Assembly may cast one vote for one of the lists submitted. If no list obtains an absolute majority of the votes cast by the members of the Assembly on the first two ballots, the third ballot shall be decided by a relative majority.

Article 7. The lists of candidates shall be delivered to the President of the Assembly no later than the day before the day on which the first ballot is to be held.

New lists may be drawn up after each ballot. They shall be delivered to the President of the Assembly not later than three hours before the opening of the meeting scheduled to hold the second or third ballot.

The lists submitted shall be read out before the commencement of each ballot.

Each list shall include as many names as there are members to be elected.

Candidates who are not members of the Territorial Assembly shall satisfy the conditions of eligibility laid down for the elections of Territorial Councillors.

Article 8. The validity of the election may be challenged by the candidates or by the members of the Territorial Assembly. The other provisions of articles 3 to 8 of Decree No. 50-1184 of 27 September 1950 prescribing administrative regulations to govern the application of Title 1 of Act No. 50-1004 of 19 August 1950 establishing the method of election, composition and competence of a representative territorial assembly for French Somaliland shall apply to disputes concerning elections to the Government Council.

Article 9. Ministers may not continue in office beyond the term of the Assembly which elected them; nevertheless, their term shall be extended to the date of installation of the new Government Council, which shall take place not later than fourteen days after the opening of the first session of the new Assembly.

Article 10. Ministers shall be required to maintain secrecy regarding the proceedings of the Council and the matters referred to it.

Article 11. A Minister may not at the same time exercise the functions of:

Member of the Government of the Republic;

President of the Territorial Assembly;

Chairman or member of the Standing Committee of the Territorial Assembly.

A minister who finds that he holds one of the incompatible offices specified above shall opt within fifteen days. If, at the end of that period, he has not made known his choice, he shall be deemed to have relinquished the office of Minister.

Article 12. Ministers may submit their resignation to the President of the Government Council.

A Minister may be removed from office by the Chief Administrator of the Territory on the proposal of the Vice-President of the Government Council.

Article 13. If a Minister's seat becomes vacant through death, resignation or any cause whatsoever, such vacancy shall be filled in the following manner:

If there are several seats to be filled, an election shall be held in the manner prescribed by articles 6, 7 and 8;

If a single seat is to be filled, an election by uninominal ballot shall be held, the first two ballots being decided by an absolute majority and the third ballot by a relative majority.

Article 14. In addition to reimbursement of their transportation and travel expenses, the Vice-President and the Ministers shall receive an annual allowance, payable monthly, the amount of which shall be fixed uniformly by the Territorial Assembly with reference to the salary of a category of officials serving in the territory.

Article 15. The expenditures necessary for the operation of the Government Council, in particular those relating to the compensation payable to Ministers, the installation and equipment of the Council and the travel of the Ministers, shall be borne by the territorial budget.

Article 16. The Government Council shall sit in the chief town of the Territory, unless otherwise decided by order of the Chief Administrator of the Territory.

The agenda shall be prepared by the President of the Government Council.

The Chief Administrator of the Territory shall provide a secretariat for the Council and shall be responsible for safe keeping of the Council's records.

These records shall include those of the "Conseil privé".

The Secretary-General, or the official legally deputizing for the Chief Administrator of the Territory, may attend the meetings of the Government Council.

Article 17. The Government Council may not be dissolved except by a decree made in Council of Ministers after consultation with the Territorial Assembly.

Such decree shall prescribe a time limit within which a new Government Council shall be elected. This time limit may not exceed one month.

Chapter II. Functions of the Government Council

Article 18. The Government Council, presided over by the Chief Administrator of the Territory or by the Vice-President of the Council and under the high authority of the Chief Administrator, shall be responsible for administration of the territorial interests.

Section 1. Collective functions

Article 19. The Government Council shall act in matters within its competence as defined in this section. The Ministers shall be jointly responsible for the decisions taken by the Government Council under their collective functions.

All proposals relating to matters concerning the Territory to be submitted to the Territorial Assembly and its Standing Committee for consideration shall be drawn up in Government Council.

Article 20. Regulatory decisions of the Chief Administrator of the Territory concerning the administration of territorial affairs, including orders on which the Territorial Assembly must first be consulted, shall be taken in the Government Council.

The Council shall delegate a qualified minister competent to give the Assembly any explanations which may be required concerning the application of the Assembly's decisions.

Article 21. Orders or other decisions of the Chief Administrator of the Territory relating to the following subjects, in particular, shall be adopted in Government Council:

- (a) Financial regulation of internal trade and prices;
- (b) Organization of fairs and markets;
- (c) Measures for applying the regulations concerning assistance to production;
- (d) Establishment of institutions representing economic interests in the Territory, after consultation with the Territorial Assembly;
- (e) Organization of chiefdoms, after consultation with the Territorial Assembly;
- (f) Establishment, elimination and modification of "circonscriptions administratives" in the Territory and modification of their boundaries after consultation with the Territorial Assembly;
- (g) Establishment, constitution, organization and operation of rural communities and, where necessary, "conseils de circonscription", after consultation with the Territorial Assembly;
 - (h) Establishment of registry offices;
 - (i) Expansion of fundamental education;
- (j) Special regulations applicable to the territorial civil service establishments, salary scales, leave provisions, social benefits and pensions, after consultation with the Territorial Assembly;
- (k) Regulations adopted to give effect to legislation concerning labour and working conditions.

Article 22. The directors of territorial public services placed under the direct control of the ministers shall be appointed by the Chief Administrator of the Territory in Government Council, on the recommendation of the Minister having jurisdiction over the service in question.

Article 23. The Government Council shall decide on all ques-

tions concerning the administration of domanial interests and territorial public works.

However, in respect of the subjects listed in article 45, it shall decide only on measures to give effect to the decisions of the Territorial Assembly.

Article 24. When exceptional circumstances so require, the Chief Administrator, in Government Council, may issue such immediately enforceable orders as are necessary to suspend or temporarily reduce any import or export duties and any indirect taxes on production, movement and consumption of goods.

Such orders shall be subject to ratification by the Territorial Assembly. If the latter is in session, the orders shall be submitted to it immediately. If it is not in session, the orders shall be submitted to the Standing Committee at its first meeting thereafter; the latter shall report thereon to the Territorial Assembly at its next session. When the decision of the Territorial Assembly has become definitive, it shall have effect from the date on which it was taken.

Article 25. If the Chief Administrator of the Territory considers that a decision of the Government Council exceeds the Council's powers or is likely to prejudice national defence, public order or the maintenance of security or public freedoms, he shall refer it to the Minister for Overseas France. The latter may cause the decision to be annulled by a decree made after consultation with the "Conseil d'Etat". Such decree shall be issued within the three months following the date of the decision. During this period the decision shall be suspended.

Article 26. Subject to the powers of the Administrative Disputes Council, appeal against decisions of the Government Council may be lodged with the "Conseil d'Etat", ruling as an administrative disputes court.

Article 27. Any decision taken by the Government Council in the absence from the Chair of the Chief Administrator of the Territory, his legal deputy or the Vice-President, or which is taken in violation of the provisions of article 16, shall be null and void.

In such case the Chief Administrator of the Territory shall, by means of an order accompanied by a statement of his reasons, declare the meeting illegal, pronounce any decisions taken null and void and take such steps as are required to ensure the immediate adjournment of the Council.

He shall report on the matter to the Minister for Overseas France.

Article 28. The Vice-President of the Government Council shall lay annually before the Government Council for its opinion the report which he is required to submit to the Territorial Assembly on the general activities of the Government Council and the functioning of the territorial public services.

Section II. Individual functions

Article 29. Each Minister shall be made responsible, by delegation from the Chief Administrator of the Territory after consultation with the Vice-President of the Government Council, for the administration of one or more territorial public services.

Article 30. The functions of the Ministers shall be defined by orders made by the Chief Administrator of the Territory, countersigned by the Vice-President of the Government Council and published in the *Journal officiel*.

Article 31. Each minister shall be responsible to the Council for the functioning of the public services and the conduct of the affairs of the administrative branch within his jurisdiction and shall report regularly to the Council thereon.

Article 32. A Minister may be made responsible for an administrative branch having one or more divisions, the administration of which is entrusted to other members of the Government Council but whose activities he co-ordinated.

Article 33. The Minister responsible for the operation of a branch or division of the territorial administration shall take all decisions concerning the conduct of affairs within the jurisdiction of the territorial public services with which his branch or division is concerned, except for matters within the jurisdiction of the Government Council or the Territorial Assembly.

He may set up a secretariat within the limits of the budgetary appropriations voted by the Assembly.

He shall direct the services of his branch or division with the assistance of heads of department ("chefs de service") to whom he shall delegate all necessary powers.

He shall be responsible for ensuring that his services carry out the decisions of the Government Council and the Territorial Assembly.

Article 34. Each Minister shall submit to the Government Council, after preparation by his services, such matters as require the making of an order or the taking of a decision in Government Council.

He shall also present to the Government Council such proposals and reports on matters falling within the jurisdiction of his branch or division as are required to be submitted to the Territorial Assembly. He shall be responsible for following the discussion of such matters and speaking in support of them in the Territorial Assembly, in accordance with the instructions of the Government Council. He may be assisted in this by officials of his services.

Article 35. In accordance with the staff regulations of the officials and employees concerned and on the recommendation of the Minister to whom they are responsible, the Chief Administrator of the Territory shall:

Appoint and promote personnel of the territorial establishments;

Assign officials and employees to posts in the territorial public services and impose or recommend, as appropriate, any necessary disciplinary measures against such officials and employees.

Reports on territorial public service employees shall be made successively by the officials who are responsible for making such reports under the general and special regulations applicable to the civil service establishments and by the Minister responsible for the service to which they are assigned.

The Chief Administrator of the Territory shall, on the recommendation of the Minister concerned, recruit contract employees who are paid from the territorial budget, after standard contracts have been approved by the Territorial Assembly.

Article 36. In addition to the general obligation specified in article 10, each Minister shall be bound, in respect of his individual actions on behalf of the branch or division for which he is responsible, by the same rules of professional secrecy as apply to public service officials.

Article 37. Where necessary, detailed procedures for the application of this chapter shall be issued in the form of orders made by the Chief Administrator of the Territory and countersigned by the Vice-President of the Government Council.

TITLE II

Functions of the Territorial Assembly

Article 38. The representative council of French Somaliland shall be called the Territorial Assembly.

Articles 21, 23, 33, 34, 36, 37 and 52 of the above-mentioned Act of 19 August 1950 shall be replaced by the following provisions:

Article 39. The Territorial Assembly shall decide on the opening date and duration of its regular sessions. Such sessions shall, however, be governed by the following rules:

The Territorial Assembly shall hold two regular sessions each year, which shall be convened by the Chief Administrator of the Territory. The first shall begin between 15 February and 15 May; the second, or "budgetary" session at which the budget is considered, shall begin between 1 August and 31 October.

If the Assembly adjourns without having fixed the date for the opening of its next regular session, the date shall be fixed in due time by the Standing Committee. If, notwithstanding the preceding provisions, the Assembly fails to meet in regular session during one of the above-mentioned periods, the Chief Administrator of the Territory may, by an order made in Government Council, change the time of the session and convene the Assembly in regular session. The duration of a regular session may not exceed two months.

The Territorial Assembly may also be convened in special session, as follows:

- (a) If at least two-thirds of its members submit a request in writing to that effect to the President;
- (b) If the Chief Administrator of the Territory makes an order to that effect in Government Council.

The duration of a special session may not exceed one month. Sessions shall be opened and closed by orders made by the Chief Administrator of the Territory in Government Council.

Article 40. The Assembly shall take decisions enacting territorial regulation of the following matters:

- 1. The general regulations applicable to employees of the territorial establishments pursuant to the decrees concerning the public service which were issued under article 3 of the Act of 23 June 1956;
 - 2. Civil procedure, except as regards the system of judiciary;
 - 3. The professions, ministerial and public offices;
- 4. Customary law relating to civil status and regulation of civil status within the framework of the relevant legislation;
- 5. Verification, description and codification of traditional customs; adaptation of customs to social evolution, immovable property and immovable property rights regulated by custom and, in particular, definition of the customary rights to be treated as real rights capable of establishing credit; in general, all matters coming under local law;
- 6. The public lands of the Territory, including vacant and ownerless lands which form part of the Territory's private domain.

Nevertheless, rights in respect of immovable property and easements enjoyed by the State on the date of this Decree may not be prejudiced in any way.

Should the State or the Territory subsequently allocate certain premises for the operation of public services, such premises shall enjoy the easements for the public advantage inherent in the operation of the said services;

- 7. Internal trade, handicrafts and all occupations relating to those activities, such as those of salesmen, pedlars and the like;
- 8. Mutual societies, subject to the provisions of Decree No. 56-1135 of 13 November 1956, as amended, concerning rural development mutual societies in the Overseas Territories;
- 9. Producers' and consumers' associations, co-operatives;
- 10. Agriculture, forests, regulation of inland water resources, soil conservation, protection of nature and plant-life, plant health control:
- 11. Stock-raising, the movement, sale and slaughter of cattle, control of epizootic diseases;
- 12. Coastal fishing, without prejudice to the provisions of the Act of 1 March 1888; river fishing;
- 13. Preparation of products for export, not including the fixing of standards, which shall continue to be regulated by decree:
 - 14. Internal transport, traffic, haulage;
 - 15. Navigation on rivers and canals;
- 16. Policing of communication routes, excluding airways and waterways;
- 17. After consultation with the National Insurance Council through the Minister for Overseas France, regulations for the purpose of instituting compulsory insurance for individuals and corporate bodies whose civil liability may be involved under articles 1382 to 1386 of the Civil Code, provided that such regulations may not affect the terms of insurance laws and regulations or coverage of risks connected with industrial accidents or occupational diseases;
- 18. Methods of applying the regulations governing mineral resources;
 - 19. Organization of the savings banks in the Territory;
- 20. Public hygiene, control of major endemic diseases, protection of public health and the insane; thermal springs;
- 21. Manufacture and sale of beverages of all kinds, conditions of hygiene and safety in retail liquor establishments;
- 22. Societies working in health, education and training; care of delinquent and abandoned children;
 - 23. Tourism and hunting:

- 24. Town planning, environmental conditions; regulation of dangerous, unsuitable and insanitary premises; low-cost housing, rents;
- 25. Primary and secondary education, vocational and technical education, not including study programmes, examination programmes and procedures, certificates and diplomas and teachers' qualifications;
- 26. Regulations concerning scholarships, subsidies, grants and educational allowances paid out of the Territory's budgetary funds;
 - 27. Public libraries, cultural centres;
 - 28. Sports and physical education;
 - 29. Welfare, assistance, relief and allowances; lotteries;
 - 30. Protection of monuments and historic sites;
 - 31. Prison system;
- 32. Determination of court costs, preparation of schedules of such costs, methods of payment and collection, defining of conditions to be met by the recipients, and, in general, regulation of all matters relating to court costs; rates for providing schedules of fees for the issue of copies of or extracts from official documents;
- 33. The conditions in which aliens are required to obtain administrative authorization before engaging in certain professions;
- 34. Procedure and conditions for acceptance of tenders and award of contracts in the Territory for works and supplies which concern the Territory, subject to compliance with the general rules applicable in such matters. These rules shall be established in a decree made in the manner prescribed by article 1 of the Act of 23 June 1956.
- Article 41. Decisions on the matters referred to in article 40 may be taken notwithstanding any provision of law or regulations to the contrary enacted before the date of entry into force of this Decree, subject, however, to the provisions of international conventions, the laws and regulations on the matters dealt with in the Commercial Code and the Maritime Code, of the Act of 15 December 1952, the Act of 30 April 1946 and the decrees adopted in application thereof, of Decrees Nos. 55-625 and 55-634 of 20 May 1955, and of the laws and regulations respecting the prevention of fraud and the inspection of weights and measures, and the ethical codes.
- Article 42. The acts and decrees relating to the matters listed in article 40 of this decree shall, however, remain in force, with the effect of territorial regulations in these matters. These regulations may be cancelled or amended by decision of the Territorial Assembly.
- Article 43. The Territorial Assembly may, in accordance with the conditions laid down in article 2 of the Act of 23 June 1956, include provision for penalties in the regulations resulting from its decisions.
- Article 44. The Territorial Assembly shall take decisions regarding the local section of programmes for implementing and executing the capital equipment and development plan provided for by the Act of 30 April 1946, in the manner prescribed by the decrees made in application of the said Act.
- Article 45. In matters relating to domanial interests and territorial public works, the Territorial Assembly shall take decisions on all proposals made by the Chief Administrator of the Territory in Government Council dealing with the following subjects:
- (a) Institution and conduct of proceedings on behalf of the Territory, except in cases of emergency, when the decision shall be taken in Government Council; settlements relating to duties and charges of the Territory in suits involving a sum of more than 10 million Djibouti francs.

In cases of litigation between the State and the Territory, the latter shall be represented by a Minister empowered to that effect by the Government Council;

(b) Acceptance or refusal of gifts or bequests to the Territory involving encumbered immovable property.

By a decision taken in Government Council, the Chief Administrator of the Territory may accept all such gifts or bequests on an interim basis. The subsequent decision of the Territorial

- Assembly shall have effect as from the date of such provisional acceptance. In urgent cases, the Chief Administrator of the Territory may by himself take all necessary interim measures and accept gifts or bequests;
 - (c) Transfer of immovable property of the Territory;
- (d) Selection of the method of operating public works in the Territory; concessions for projects to be carried out on the Territory's behalf. In the latter case, however, no concession may be granted to or on behalf of an alien unless there is agreement between the Assembly and the Chief Administrator of the Territory; in case of disagreement, the matter shall be settled by decree;
- (e) Granting of agricultural and forestry concessions; granting of temporary forestry permits for periods exceeding five years:
- (f) Classification and declassification of territorial public land and, in particular, of territorial main roads, aerodromes operated under the territorial budget, harbours, rivers, canals, lakes, lagoons and ponds.
- Article 46. Subject to international conventions, to the provisions of article 32 of Act No. 53-1336 of 31 December 1953 and to prior consultation with the "assemblées consulaires" on matters within their jurisdiction, the Assembly shall take decisions on the financial implications of any proposal made by the Government Council or by one of its members relating to the following matters:
- (a) Determination of taxes, charges, apportioned charges, duties and contributions of all kinds which may be levied in aid of the territorial budget, establishment of their method of assessment, rules for their collection and schedules of such duties and taxes;
- (b) Contracts to be concluded with concessionaires, farmers and other operators in the Territory and specifications in connexion therewith, schedules of fees payable by concessionaires, farmers and operators;
- (c) Maximum rates of duties and taxes of all kinds and maximum additional tax to be collected in aid of communities, agencies and public establishments functioning within the Territory, with the exception of "communes de plein exercice";
- (d) Fees payable for occupation of public lands of the Territory and other related charges;
- (e) Regulations governing charges for services provided by territorial public agencies, and for the provision of goods, equipment and supplies;
- (f) Fiscal tariff agreements relating to taxes levied in aid of the territorial budget, in the cases provided by law;
- (g) Establishment and abolition of territorial public services and territorial public institutions;
- (h) Determination of the number of scholarships and other school grants payable out of territorial funds in accordance with the regulations in force; conditions for the grant, out of territorial funds, of installation loans to settlers in the Territory;
- (i) Grants and loans by the Territory to communes and public communities and public institutions in the Territory; acceptance or refusal of offers of collaboration or assistance made by the State, the communes, public communities or public institutions of the Territory or of the State in connexion with work carried out with territorial funds; offers by the Territory to contribute towards or assist in carrying out works in the general interest which are financed out of budgetary funds of communes, public communities or public institutions of the Territory or the State. Contributions of the Territory towards the cost of works affecting the Territory, which are to be carried out by the State;
- (j) Contributions, refunds and fees payable by the Territory to public institutions of the Territory or State;
- (k) Shares of the Territory in the capital of public and semipublic corporations and, in exceptional cases, in private companies participating in the economic development of the Territory;
- (1) Borrowings or applications by the Territory for loans or advances from the State, the "Caisse centrale de la France d'outre-mer" or other public credit institutions, and resources

of the Territory assigned as security for such loans or advances;

- (m) Sureties and guarantees given by the Territory in respect of obligations assumed by communes, public communities and public institutions of the Territory;
- (n) Determination of conditions in which the Territory's budgetary funds may be used to encourage production.

The Assembly may fix a time limit within which the "assemblées consulaires" shall give their opinion. If they fail to do so, the Assembly shall proceed without their opinion. This time limit may not be less than fifteen days from the date on which notice of the request for an opinion is given.

Article 47. The Assembly shall decide on the granting of type B mining exploration permits.

Article 48. The Territorial Assembly may take a decision fixing the amount and conditions of payment of the monthly compensation allotted to its members and also the rules applying to reimbursement of their travel expenses.

Such compensation, whatever its form, shall be fixed by reference to the salary of a category of officials serving in the Territory.

No member may receive this compensation concurrently with the compensation paid to members of the Government Council or that paid to members of the Constitutional Assemblies.

Officials on active service or secondment who are members of the Territorial Assembly shall receive the difference between their salary, plus any travel expenses, and the compensation payable to members of the Territorial Assembly, or their salary only, plus any travel expenses, if the total thereof is greater than the said compensation.

The Territorial Assembly may also vote its President an annual lump-sum payment as a representation allowance.

Article 49. The Territorial Assembly shall be consulted in all cases on all matters in respect of which such consultation is required by law or regulations and, in particular, with regard to draft regulatory orders to be made in Government Council relating to:

- (a) The general organization of the territorial public services;
 - (b) The organization of chiefdoms;
- (c) The special regulations applicable to employees of the territorial public service establishments, method and scales of remuneration, leave provisions, social benefits and pension scheme applicable to such employees;
- (d) Labour and social security provisions, in particular, the application in respect of the Territory of the provisions of Act No. 52-1322 of 15 December 1952 establishing a labour code in the Territories and Associated Territories under the jurisdiction of the Minister for Overseas France;
- (e) Officials of the French civil service establishments who are seconded to territorial public services;
- (f) The establishment, abolition and modification of "circonscriptions administratives" in the Territory and modification of their boundaries:
- (g) The establishment, constitution, organization and operation of rural communities and "conseils de circonscription";
- (h) The establishment of institutions representing economic interests in the Territory;
 - (i) Measures to encourage production;
 - (j) Rules governing immigration;
- (k) The fixing, for each category of offences under the regulations issued on the basis of the decisions of the Territorial Assembly, of the scale of penalties applicable in accordance with the conditions laid down in article 2 of Act No. 56-619 of 23 June 1956.

The Assembly shall also be consulted in all cases on the following matters:

- 1. The rules governing representation of the economoc interests of the Territory;
- 2. The grant of type A mining exploration permits which, notwithstanding article 9 of Decree No. 54-1110 of 13 November 1954, shall be authorized by the Chief Administrator of the Territory in his capacity of representative of the State. In the

event of disagreement between the Territorial Assembly and the Chief Administrator of the Territory, the matter shall be decided pursuant to a decree made in Council of Ministers, after consultation with the Assembly of the French Union;

- 3. Missions which are charged to the territorial budget;
- 4. The appointment, as necessary, of directors to represent the Territory on the board of the institute issuing the Territory's currency;
- 5. Approval, subject to the application of Decree No. 56-1229 of 3 December 1956, as amended, reorganizing and decentralizing the overseas postal and telecommunications services, of domestic postal, telephone and telegraph rates, and of all plans for the establishment, equipment, supplying and maintenance of the domestic telephone and telegraph networks and radio service.

Article 50. The following shall in all cases be referred to the Assembly by the Government Council:

- (a) Administrative accounts relating to the execution of the territorial and the budget annexes, the public authorities ("régies") and the territorial public institutions;
 - (b) The annual position of the Territory's funds;
- (c) Income received by the accounting officer of the central administrative bureau for overseas posts and telecommunications from the sale of stamps issued on the Territory's behalf, except in so far as the provisions relating to local offices of the Decree of 3 December 1956, as amended, reorganizing and decentralizing the overseas postal and telecommunication services shall be made applicable to the Territory by decree.

Any observations which the Assembly may decide to make on the accounts of the Territory shall be communicated by the President of the Assembly, within the time limit specified in article 52, to the Chief Administrator of the Territory, who shall send a copy thereof to the Audit Office through the Ministry for Overseas France.

Article 51. All matters shall be referred to the Territorial Assembly by the President of the Government Council or by a member of that body, except matters in respect of which the right of action is vested exclusively in the Chief Administrator of the Territory.

In the interval between sessions, bills submitted by the Government Council for decision by the Assembly and bills proposed by members of the Assembly itself shall be filed with the Secretariat of the Standing Committee.

Members' bills shall be communicated, within ten days from the date of filing, to the Government Council, which may give its opinion on them.

The Assembly may not, if the Government Council so requests, refuse to defer consideration of the bill to its next session at the latest.

The Government Council shall be kept informed of the agendas of the Assembly and its committees. It may delegate one of its members to attend and address the meetings of the Assembly's committees or be represented at them.

Bills and proposals submitted to the Assembly for decision shall be considered by the Assembly at the session during which they were filed, or at the latest, at the following session unless the Standing Committee is delegated to act on them in the interval between sessions.

In matters which must be referred to the Assembly for its opinion, the Chief Administrator of the Territory in Government Council may, if the Assembly fails to give its opinion within the time limit prescribed above, proceed without it after notifying the President of the Assembly to that effect.

Article 52. The acts of the Territorial Assembly and its Standing Committee shall be delivered in duplicate, together with an extract from the records of meetings relating to the discussion and voting thereon, within a period of thirty clear days from the closing of the session. Upon receipt of the documents, the Chief Administrator of the Territory shall transmit one copy thereof to the Minister for Overseas France.

The Chief Administrator of the Territory shall give effect to the decisions of the Territorial Assembly or its Standing Committee or shall refer them to the Territorial Assembly for second reading, or to the Minister for Overseas France for annulment in the manner prescribed by articles 53 and 54 below. Should the Chief Administrator of the Territory request the Minister for Overseas France to annul a decision, he shall so advise the President of the Territorial Assembly or, in the intervals between the latter's sessions, the Chairman of the Standing Committee.

Article 53. With regard to the matters listed in articles 39, 40 and 43 to 48, upon which the Territorial Assembly is competent to act, the Chief Administrator of the Territory may, within a period of thirty clear days from the date on which it was submitted to him, request the Territorial Assembly to reconsider in second reading any decision taken by the Assembly or by its Standing Committee which he considers not to be in the public interest or conducive to sound administration of the Territory.

In such case, the period specified in article 54 below shall run from the date of receipt by the Chief Administrator of the Territory of the new decision adopted by the Territorial Assembly.

Article 54. The Minister for Overseas France may take action to annul decisions of the Territorial Assembly and its Standing Committee on grounds of excess of power or of violation of the law, by means of a decree made in the form of an administrative regulation.

If a decision of the Assembly or its Standing Committee which has been submitted to the Minister for annulment is not annulled within a period of ninety clear days from the date of its communication to the Chief Administrator of the Territory, the latter shall put it into effect not later than eight clear days after the expiry of the above-mentioned period.

The decisions of the Territorial Assembly or its Standing Committee in customs matters shall continue to be subject to the provisions of article 3 of Decree No. 54-1020 of 14 October 1054

Article 55. Pending publication of the orders made by the Chief Administrator in Council putting the decisions of the Territorial Assembly or its Standing Committee into effect, all taxes, duties, charges and fees shall be levied on the former tax bases and in accordance with the previous schedules.

Decisions taken by the Territorial Assembly or its Standing Committee at a session which began before 1 January in the matter of direct taxes or of duties or charges treated as such shall have effect as from that date, even if they could not be made enforceable by then.

Similarly, if it has not been possible to put the budget into effect before 1 January, the Chief Administrator of the Territory shall be authorized to make provisional monthly appropriations on the basis of the budgetary appropriations for the previous year. Further appropriations may be made each month until the budget is put into effect.

Article 56. A code of regulations resulting from the decisions of the Territorial Assembly and a code of the administrative regulations made by the Chief Administrator of the Territory shall be established under orders made by the Chief Administrator in Council and published in the Journal official of the Territory. The said codes shall be brought up to date annually.

TITLE III

Rural communities

Article 57. The Chief Administrator of the Territory of French Somaliland may, by orders made in Government Council after consultation of the Territorial Assembly, establish rural communities possessing legal status, provided that such communities have sufficient resources to balance a budget.

These rural communities may be formed of "circonscriptions administratives," parts of "circonscriptions administratives" or groups of "circonscriptions administratives."

The rural community shall be administered by a rural community council.

The provisions of articles 3 to 9 of the Decree of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in French West Africa and French Equatorial Africa shall apply to the rural communities in French Somaliland.

TITLE IV

Miscellaneous provisions

Article 58. "Communes de plein exercice" may be established in French Somaliland by orders made by the Chief Administrator of the Territory upon receipt of an advisory opinion to that effect from the Territorial Assembly, reached by an absolute majority of its members.

Pending the enactment of legislation establishing the rules applicable to "communes de plein exercice" in the Territory, such communes shall provisionally be governed by the following provisions:

The Decree of 8 March 1879, as amended, concerning the municipal organization of "communes de plein exercise" in certain Overseas Territories;

Articles 169 to 179 of the Act of 5 April 1884 concerning municipal organization;

Articles 2, 31 to 33, 56 and 58 of Act No. 55-1489 of 18 November 1955 concerning municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar.

Article 59. All legislative enactments and executive orders conflicting with this Decree and, in particular, the above-mentioned Decree of 22 December 1945, as amended, are hereby rescinded.

Article 60. The Chief Administrator of the Territory of French Somaliland shall determine by means of orders, as necessary, the procedures for the application of this Decree.

Article 61. The Minister for Overseas France and the Minister of Finance, Economic Affairs and Planning shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-814 of 22 July 1957 establishing a Government Council and broadening the powers of the Territorial Assembly in the Comoro Archipelago

The President of the Council of Ministers.

Acting on the report of the Minister for Overseas France, the Minister of State and the Minister of Finance, Economic Affairs and Planning,

Considering Act No. 56-619 of 23 June 1956, as amended by Act No. 57-702 of 19 June 1957, authorizing the Government to carry out the reforms and take the measures likely to ensure the development of the Territories for which the Ministry for Overseas France is responsible, and in particular articles 1 and 2 of the said Act;

Considering the Decree of 9 September 1889 providing for the organization of the Colony of Mayotte and the Comoro Archipelago protectorates;

Considering the Decree of 9 April 1908 attaching the colony of Mayotte and the islands and protectorates under the authority of the said Colony to the Government-General of Madagascar;

Considering the Act of 25 July 1912 to proclaim the Islands of Anjouan, Mohéli and Grande Comore to be French colonies and attach them to the Government-General of Madagascar, together with the Decree of 23 February 1914 to issue public administrative regulations for the application of the said Act;

Considering Act No. 46-973 of 9 May 1946 granting administrative and financial autonomy to the Comoro Archipelago;

Considering the Decree of 24 September 1946 providing for the administrative reorganization of the Comoro Archipelago, as amended by the Decree of 20 July 1949;

Considering Decree No. 46-2382 of 25 October 1946 providing for the establishment of a General Council in the Comoro Archipelago;

Considering Act No. 46-860 of 30 April 1946 for the preparation, financing and carrying out of plans for the equipment and development of territories for which the Ministry for Overseas France is responsible;

Considering the Municipal Organization Act of 5 April 1884 and, in particular, articles 169 to 179 thereof;

Considering Act No. 55-1489 of 18 November 1955 relating

to municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar;

Considering Decree No. 56-1135 of 13 November 1956, as amended, relating to rural mutual development societies in the Overseas Territories;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

Having consulted the Assembly of the French Union;

Considering the decision of Parliament to approve, subject to amendment, the decree to establish a Government Council and broaden the powers of the Territorial Assembly in the Comoro Archipelago, submitted to the National Assembly on 28 February 1957,

Decrees as follows:

Article 1. The principal executive officer in the Comoros shall be the Chief Administrator of the Territory. He shall perform his duties in accordance with the legislative provisions in force, subject to the following provisions.

TITLE I

The Government Council

Article 2. A Government Council shall be established in the Comoros.

Chapter I. Composition and operation

Article 3. The Government Council shall consist of not less than six nor more than eight members who shall be elected by the Territorial Assembly under the conditions laid down in the following articles and bear the title of Minister.

The member of the Government Council obtaining the largest number of votes shall assume the title of Vice-President of the Government Council.

The Government Council shall be presided over by the Chief Administrator of the Territory or, in his absence, by the Vice-President of the Government Council.

The Government Council shall have the right to resign if it considers that it no longer enjoys the confidence of the Territorial Assembly.

The Ministers shall be bound with respect to matters within their competence to answer any questions or requests for explanations, which may be made by members of the Territorial Assembly

Article 4. A Minister must be a French citizen in the enjoyment of his civil and political rights and not under the age of twenty-five years. He shall be liable under penal law for any crime or offence committed in the performance of his duties.

Article 5. No person shall be a member of the Government Council of more than one territory for which the Ministry for Overseas France is responsible.

Article 6. The Ministers shall be elected by the Territorial Assembly from within or outside its membership, by triple ballot, without splitting of votes or preferential voting.

The electors may vote only for a single full list without deleting or adding names and without modifying the order in which the candidates are submitted. Any ballot paper which does not fulfil these conditions shall be null and void.

Each member of the Assembly may cast one vote for one of the lists submitted.

If no list obtains an absolute majority of the votes cast by the members of the Assembly in the first two ballots, the third ballot shall be decided by a relative majority.

Article 7. The lists of candidates shall be submitted to the President of the Assembly no later than the day before the day on which the first ballot is to be held.

New lists may be drawn up after each ballot. They shall be submitted to the President of the Assembly no later than three hours before the opening of the meeting convened to hold the second or third ballots.

The lists submitted shall be read out in the presence of the persons concerned before the commencement of each ballot.

Each list shall include as many names as there are members to be elected.

Candidates who are not members of the Territorial Assembly shall fulfil the conditions for eligibility laid down for the election of territorial councillors. They shall be subject to the same ineligibility and incompatibility rules as the territorial councillors.

Article 8. A suit for the nullity of the election may be filed by a candidate or by a member of the Territorial Assembly. The other provisions of article 19 of the above-mentioned Decree of 25 October 1946 shall apply to disputes concerning elections of the Government Council.

Article 9. Ministers shall not hold office beyond the term of the Assembly which elected them; nevertheless, the term of office of a Minister shall be prolonged until the date on which the new Government Council takes office, which shall be no later than fourteen days after the opening of the first session of the new Assembly.

Article 10. The Ministers shall be bound to maintain secrecy regarding the debates of the Council and the matters submitted to it.

Article 11. The office of Minister is incompatible with the following offices:

Member of the Government of the Republic;

President of the Territorial Assembly;

President or member of the Standing Committee of the Territorial Assembly.

If a Minister finds that he holds incompatible offices under the conditions described above, he must opt within fifteen days. If, at the end of that period, he has not made known his choice, he shall be deemed to have relinquished the office of Minister.

Article 12. The Ministers may submit their resignation to the President of the Government Council.

A Minister may be dismissed from office by the Chief Administrator of the Territory on the recommendation of the Vice-President of the Government Council.

Article 13. If a Minister's seat becomes vacant through death, resignation or any cause whatsoever, the vacancy shall be filled in the following manner:

If there are several seats to be filled, an election shall be held under the conditions laid down in articles 6 to 8;

If a single seat is to be filled, a uninominal ballot shall be held, the first two ballots being decided by an absolute majority and the third by a relative majority.

Article 14. In addition to reimbursement of their transportation and travel expenses, the Vice-President and the Ministers shall receive an annual remuneration, payable monthly, the amount of which shall be established uniformly by a decision of the Territorial Assembly with reference to the salary of a category of officials serving in the Territory.

Article 15. Expenditures necessary for the operation of the Government Council, in particular those relating to the remuneration of its members, the installation and equipment of the Council and travel of its members, shall be charged to the territorial budget.

Article 16. The Government Council shall sit in the capital of the Territory unless otherwise provided in an order issued by the Chief Administrator of the Territory.

The agenda shall be prepared by the President of the Government Council.

Secretarial services for the Council shall be provided by the Chief Administrator of the Territory who shall also keep the records.

These records shall include those of the "Conseil privé."

The Assistant to the Chief Administrator of the Territory may attend the meetings of the Government Council.

Article 17. The dissolution of the Government Council shall not be proclaimed except by a decree issued by the Council of Ministers following consultation with the Territorial Assembly.

The decree shall specify the period which shall not exceed one month within which a new Government Council must be elected.

Chapter II. Powers of the Government Council

Article 18. The Government Council, acting under the high

authority of the Chief Administrator of the Territory and under his presidency or that of the Vice-President, shall be responsible for the administration of the Territory.

Section I. Collective functions

Article 19. The Government Council shall act in matters within its competence as defined in this section. All its members shall be jointly responsible for the measures taken by it within the scope of their collective functions.

All proposals relating to matters concerning the Territory to be submitted to the Territorial Assembly and its Standing Committee for consideration shall be decided by the Government Council.

Article 20. All decisions entailing regulations taken by the Chief Administrator of the Territory concerning the administration of territorial affairs, including orders which must first be submitted to the Territorial Assembly for its opinion, shall be approved by the Government Council.

The Council shall delegate the Minister competent in the matter to give the Assembly any necessary explanation concerning the application of the decisions of the latter.

Article 21. Orders or decisions made by the Chief Administrator of the Territory relating to the following subjects in particular shall be adopted in Government Council:

- (a) Economic regulations affecting domestic trade and prices;
- (b) The organization of fairs and markets;
- (c) Measures for the application of regulations concerning the support of production;
- (d) The establishment, after consultation with the Territorial Assembly, of institutions which will ensure the representation of economic interests in the Territory;
- (e) The establishment, elimination and modification of administrative "circonscriptions" in the Territory and the revision of their boundaries, after consultation with the Territorial Assembly:
- (f) The establishment, constitution, organization and operation of rural communities and "conseils de circonscription," if any, after consultation with the Territorial Assembly;
 - (g) The establishment of registry offices;
- (h) Special regulations for the territorial civil service establishments, salary scales, leave provisions, social benefits and pension schemes, after consultation with the Territorial Assembly;
 - (i) Expansion of basic education;
- (j) Regulations adopted under legislation respecting working conditions and labour.

Article 22. The directors of territorial public services placed under the direct authority of Ministers shall be appointed by the Chief Administrator of the Territory in Government Council, on the recommendation of the Minister who is responsible for the service in question.

Article 23. The Government Council shall decide in all matters concerning the administration of domanial interests and territorial public works.

In respect of the subjects mentioned in article 45, however, it shall decide only on measures to give effect to the decisions of the Territorial Assembly.

Article 24. When exceptional circumstances so require, the Chief Administrator of the Territory may, by orders made in Government Council, take such immediately enforceable decisions as are necessary to suspend or reduce temporarily all import and export duties and all indirect taxes on production, movement and consumption of goods.

Such orders shall be subject to ratification by the Territorial Assembly. If the latter is in session, it must be seized of the matter immediately. If the Territorial Assembly is not in session, the matter shall be laid before the Standing Committee at its earliest meeting and the latter shall report thereon to the Territorial Assembly at its next session. When the decision of the Territorial Assembly becomes definitive, it shall take effect as from the date on which it was adopted.

Article 25. If the Chief Administrator of the Territory considers that the Government Council has exceeded its powers

when making a decision or that the decision is such as to prejudice national defence, public policy or the maintenance of security or civil liberties, he shall refer the matter to the Minister for Overseas France. The latter may have the decision annulled by decree issued upon receipt of the opinion of the "Conseil d'Etat." The decree shall be issued within three months of the date of the decision. During this period the decision shall be suspended.

Article 26. Subject to the powers of the Administrative Disputes Council, an appeal against the decisions of the Government Council may lie with the "Conseil d'Etat," which shall rule in its capacity as an administrative disputes court.

Article 27. Any decision made by the Government Council in the absence of the Chief Administrator of the Territory, his lawful alternate or the Vice-President, or made in violation of the provisions of article 16, shall be null and void.

In the event of such a decision, the Chief Administrator of the Territory shall by an order stating the reasons declare the meeting illegal, pronounce null and void any decisions taken and take all necessary measures to ensure the immediate adjournment of the Council.

He shall report on the matter to the Minister for Overseas France.

Article 28. The Vice-President of the Government Council shall lay annually before the Government Council for approval his report to the Territorial Assembly on the general activities of the Government Council and the work of the territorial public services.

Section II. Individual functions

Article 29. Each Minister shall be responsible, under power of delegation issued by the Chief Administrator of the Territory after consultation with the Vice-President of the Government Council, for the administration of one or more territorial public services.

Article 30. The functions of the Ministers shall be defined by an order made by the Chief Administrator of the Territory, countersigned by the Vice-President of the Government Council and published in the Journal officiel.

Article 31. Each Minister shall be responsible to the Council for the work of the public services and the conduct of the affairs of the administrative branch for which he is responsible and shall report regularly to the Government Council thereon.

Article 32. A Minister may be made responsible for an administrative branch having one or more divisions the management of which is entrusted to other Ministers but whose activities he co-ordinates.

Article 33. The Minister responsible for the conduct of a branch or division of the territorial administration shall take all necessary decisions concerning the management of affairs within the competence of the territorial public services with which his branch or division is concerned, with the exception of those for which the Government Council or the Territorial Assembly is responsible.

He may set up a secretarial service within the limits of the budgetary appropriations voted by the Assembly.

He shall direct the services of his branch or division with the assistance of the heads of services ("chefs de service") to whom he shall delegate all necessary powers.

He shall be responsible for ensuring that his services carry out the decisions of the Government Council and of the Territorial Assembly.

Article 34. Each Minister shall submit to the Council such matters as have been duly prepared by his services and require an order or decision of the Government Council.

He shall also submit to the Government Council all proposals and all reports of enquiries within the competence of his branch or division that must be laid before the Territorial Assembly. He shall be responsible for following the discussion of such matters and speaking in support of them in the Territorial Assembly, in accordance with the instructions of the Government Council. He may be assisted on such occasions by officers of his department.

Article 35. Subject to the conditions laid down in their respective staff regulations and on the recommendation of the Minister to whom they are responsible, the Chief Administrator of the Territory shall:

Appoint and promote members of the personnel of the territorial establishments;

Assign officials and employees to posts in the territorial public service and impose or recommend, as appropriate, any necessary disciplinary measures against such officials or employees.

Reports on employees of the territorial public services shall be made successively by the officials responsible for making reports under the general and special regulations applicable to the civil service establishments, and by the Minister responsible for the service to which they are assigned.

The Chief Administrator of the Territory shall on the recommendation of the Minister concerned recruit temporary employees to be paid out of the territorial budget, subject to approval of the standard contracts by the Territorial Assembly.

Article 36. In addition to the general obligation imposed by article 10, each Minister shall be bound, in respect of his individual actions on behalf of the branch or division for which he is responsible, by the same rules of professional secrecy as apply to public service officials.

Article 37. When necessary, detailed regulations for the application of this chapter shall be issued in the form of orders made by the Chief Administrator of the Territory and countersigned by the Vice-President of the Government Council.

TITLE II

Powers of the Territorial Assembly

Article 38. Articles 17, 23 and 33 to 37 of the above-mentioned Decree of 25 October 1946 are replaced by the following provisions.

Article 39. The Territorial Assembly shall decide the opening date and duration of its regular sessions. The following rules shall, however, apply:

The Territorial Assembly shall hold two regular sessions each year, which shall be convened by the Chief Administrator of the Territory. The first session shall open during the second quarter; the second, or budgetary session during which the budget shall be examined, shall open between 1 August and 30 September.

If the Assembly adjourns without having fixed the opening date for its next regular session, that date shall be fixed, sufficiently in advance, by the Standing Committee. If, notwithstanding the foregoing, the Assembly has not met in regular session during one of the above-mentioned periods, the Chief Administrator of the Territory may by order made in Government Council, change the session period and convene the Assembly in regular session. The duration of each regular session may not exceed two months.

The Territorial Assembly shall also meet in special session when convened by the Chief Administrator of the Territory:

- (a) If not less than two-thirds of its members address a written request for such a session to the President, or
- (b) By order made by the Chief Administrator of the Territory in Government Council.

The duration of special sessions may not exceed one month.

The session shall be opened and closed by order of the Chief Administrator of the Territory in Government Council.

Article 40. The Assembly shall adopt resolutions to issue territorial regulations on the following matters:

- (1) General regulations applicable to employees of the territorial establishments, in application of the decrees concerning the civil service which were issued under article 3 of the Act of 23 June 1956;
 - (2) Civil procedure, excluding the organization of the courts;
 - (3) The liberal professions; ministerial and public offices;
- (4) Customary law relating to civil status and regulations respecting civil registry under the relevant laws;
- (5) Verification, compilation and codification of traditional customs; adaptation of customs to the social evolution; immov-

able property and immovable property rights which are governed by custom, in particular, definition of the customary rights which are to be treated as real rights capable of being used as a basis for credit; in general, all matters coming under local

(6) The public lands of the Territory, including vacant and ownerless land forming part of the private domain of the Territory.

Nevertheless, it shall not be lawful to impair in any way the immovable property rights and easements from which the State benefits on the date of this Decree.

If the State subsequently assigns certain immovable property for the work of a public service, such property shall benefit by the public utility easements inherent in the operation of the said service:

- (7) Domestic trade, handicrafts and all occupations connected with such activities: commercial travellers, pedlars, etc.;
- (8) Mutual societies, subject to the provisions of Decree No. 56-1135 of 13 November 1956 relating to rural development mutual societies in the Overseas Territories;
 - (9) Producers' or consumers' associations, co-operatives;
- (10) Agriculture, forests, regulation of inland waterways, soil conservation, protection of nature and plants, plant health control:
- (11) Raising, movement, sale and slaughter of cattle, campaign against epizootic diseases;
- (12) Coastal fisheries, excluding any measure contravening the provisions of the Act of 1 March 1888; river fisheries;
- (13) Processing for export, excluding the establishment of standards, which shall continue to be governed by decree;
 - (14) Inter-island transport;
 - (15) Internal transport, passenger traffic, road haulage;
 - (16) Navigation on canals and lagoons;
- (17) Policing of communications, excluding airways and waterways;
- (18) The issue, after consultation with the National Insurance Council through the Minister for Overseas France, of regulations for the purpose of instituting compulsory insurance with respect to individuals and corporate bodies whose civil liability may be involved under the provisions of articles 1382 to 1380 of the Civil Code; provided that such regulations shall not affect the substance of any laws or regulations on insurance nor apply to coverage of risks connected with industrial accidents or occupational diseases;
- (19) Conditions for application of legislation concerning minerals;
 - (20) Organization of savings banks in the Territory;
- (21) Public health, control of major endemic diseases; protection of public health and of the insane; thermal springs;
- (22) Manufacture and sale of all beverages, conditions of hygiene and safety in retail liquor establishments;
- (23) Philanthropic societies engaged in public health, education or training; juvenile delinquency and vagrancy;
 - (24) Touring and hunting;
- (25) Town-planning, housing; regulation of dangerous, inadequate and insanitary premises; low-income housing, rentals:
- (26) Primary and secondary education, vocational and technical training, excluding courses of study, examination programmes and procedures, certificates and diplomas and teaching qualifications;
- (27) Regulations respecting educational scholarships payable out of the territorial budget;
 - (28) Public libraries, cultural centres;
 - (29) Sports and physical education;
 - (30) Welfare, aid, assistance and grants; lotteries;
 - (31) Protection of monuments and sites;
 - (32) Penitentiary system;
- (33) Fixing of costs included under the heading "criminal justice costs", establishment of the scale of such costs, method

- of payment and collection, fixing of conditions to be fulfilled by the payees and, in general, regulation of all matters connected with costs in criminal cases; charges for the issue of copies of or extracts from public documents;
- (34) Conditions under which aliens are required to obtain administrative authorization before engaging in certain occupations:
- (35) Terms and conditions for acceptance of tenders and award of contracts in the Territory for work and supplies connected with the Territory, subject to observance of the general rules applicable in such matters. These rules shall be established by a decree issued in accordance with article 1 of the Act of 23 June 1956.
- Article 41. Decisions may be taken in the matters referred to in article 40 notwithstanding any laws or regulations to the contrary enacted before the date of entry into force of this Decree, subject, however, to international conventions, laws and regulations relating to matters dealt with in the Commercial Code and the Maritime Code, the provisions of the Act of 15 December 1952, the Act of 30 April 1946 and the decrees issued for the application thereof, Decrees Nos. 55-625 and 55-634 of 20 May 1955, laws and regulations for the prevention of fraudulent practices and the inspection of weights and measures, and the ethical codes.
- Article 42. The laws and decrees relating to the matters listed in article 40 of this Decree shall nevertheless remain in force and shall have the effect of territorial regulations. These regulations may be abrogated or amended by decision of the Territorial Assembly.
- Article 43. The Territorial Assembly may make provision in the regulations arising from its decisions for penalties under the conditions laid down in article 2 of the Act of 23 June 1956.
- Article 44. In local affairs, the Territorial Assembly shall decide on programmes to give practical effect to and carry out the equipment and development plan provided for by the Act of 30 April 1946, in accordance with the terms of the decrees issued for the application of the said Act.
- Article 45. As regards domanial interests, the Territorial Assembly shall decide on all proposals made by the Chief Administrator of the Territory in Government Council respecting the following matters:
- (a) Proceedings to be instituted or supported on behalf of the Territory, except in cases of emergency when the decision shall be taken by the Government Council;

In cases of dispute between the State and the Territory, the latter shall be represented by a Minister empowered to that effect by the Government Council;

- (b) Settlements relating to the rights of the Territory in suits involving sums exceeding 10 million francs C.F.A.;
- (c) Acceptance or refusal of gifts or bequests to the Territory of encumbered immovable property.

The Chief Administrator of the Territory may by a decision taken in Government Council always accept such gifts as a measure of conservation. Any subsequent decision of the Territorial Assembly shall have effect as from the time of such provisional acceptance. In urgent cases, the Chief Administrator of the Territory acting alone may proceed to take all necessary measures of conservation and accept gifts and bequests;

- (d) Transfer of immovable property of the Territory;
- (e) Choice of the method of executing public works projects in the Territory;
- (f) Granting of licences to carry out work on behalf of the Territory. A licence to carry out public works in the Territory, however, may not be granted to or on behalf of any alien unless there is agreement between the Assembly and the Chief Administrator of the Territory; in the event of disagreement, a decision shall be made by decree:
- (g) Granting of agricultural and forestry concessions; granting of temporary forestry permits for periods exceeding five years;
- (h) Classification and declassification of the public lands of the Territory and, in particular, of territorial main roads, aerodromes operated under the territorial budget, harbours, waterways, canals, lakes, lagoons and ponds.

- Article 46. Subject to compliance with international conventions and the provisions of article 32 of Act No. 53-1336 of 31 December 1953 and subject to previous consultation with the "assemblées consulaires" (commercial arbitral assemblies) on matters within their competence, the Assembly shall take decisions in financial matters in respect of any bills prepared by the Government Council and any member's bills on the following subjects:
- (a) Determination of taxes, charges, apportioned charges, duties and rates of all kinds which may be levied in aid of the territorial budget, method of assessment, rules for collection and tariffs;
- (b) Agreements to be concluded with concessionaires, licencees and other managing agents in the Territory and the relevant specifications: schedules of fees payable by concessionaires, licencees and managing agents;
- (c) Maximum rates of duties and taxes of all kinds and maximum rates of additional taxes ("centimes additionnels") which may be collected in aid of communities, organizations and public institutions functioning in the Territory, with the exception of "communes de plein exercice";
 - (d) Territorial land rents and other land duties;
- (e) Regulations governing charges for services provided by territorial public departments and for the provision of goods, equipment and supplies;
- (f) Fiscal tariff agreements relating to taxes levied in aid of the territorial budget, where provided by legislation;
- (g) Establishment and elimination of territorial public services and institutions:
- (h) Determination of the number of scholarships and other school grants to be paid for out of territorial funds, in accordance with the regulations in force; conditions for payment of settlers' loans out of territorial funds;
- (i) Grants and loans by the Territory to communes, public communities and public institutions in the Territory; acceptance or refusal of offers of aid or assistance made by the State, the communes, the public communities and public institutions of the Territory and of the State for carrying out work financed out of territorial funds; offers of territorial aid and assistance in carrying out public works financed out of the funds of the communes, public communities and public institutions of the Territory and the State; contribution of the Territory towards the cost of works of interest to the Territory which are to be carried out by the State;
- (j) Contributions, refunds and fees payable by the Territory to territorial public institutions or to the State;
- (k) Shares held by the Territory in public or semi-public corporations and, exceptionally, in private corporations whose activities tend to promote the economic development of the Territory;
- (1) Borrowings or requests by the Territory for loans or advances from the State, the "Caisse centrale de la France d'outre-mer" or other public credit institutions and use of the resources of the Territory as security therefor;
- (m) Securities and guarantees granted by the Territory to the undertakings of communes, public communities and public institutions;
- (n) Fixing conditions in which territorial budgetary funds may be allocated for measures to increase production.

The Assembly may fix a time limit by which the "assemblées consulaires" (commercial arbitral assemblies) must express an opinion and in default thereof it shall proceed to act. The time limit may not be less than fifteen days from the date on which the request for an opinion was made.

Article 47. The Assembly shall decide on the granting of type B mining exploration permits.

Article 48. The Territorial Assembly may take a decision fixing the amount and conditions of payment of the remuneration allotted and paid monthly to its members and also the rules which shall apply to a refund of their travelling expenses.

This remuneration, whatever its form, shall be fixed with reference to the salary of a category of officials serving in the Territory.

It may not be cumulated with the remuneration allotted to

members of the Government Council nor with that allotted to members of the constitutional assemblies.

Officials, whether performing the duties of their service or seconded who are members of the Territorial Assembly shall receive the difference between their salary, plus any travelling expenses and the remuneration payable to a member of the Territorial Assembly, or only their salary, plus any travelling expenses, if the total thereof is greater than the said remuneration.

The Territorial Assembly may also vote its President an annual lump-sum payment as a representation allowance.

Article 49. The Territorial Assembly shall be consulted on all matters for which such consultation is provided by the laws and regulations and, in particular, on draft orders for the issue of regulations to be made by the Government Council, relating to:

- (a) The organization of the territorial public services as a whole;
- (b) Special regulations for employees of the territorial public service establishments, form and scales of remuneration, leave provisions, social benefits and pension schemes applicable to such employees;
- (c) Working conditions and the social security system and, in particular, application within the Territory of the provisions of Act No. 52-1322 of 15 December 1952 establishing a Labour Code in the territories and associated territories for which the Minister for Overseas France is responsible;
- (d) The complement of State officials placed at the disposal of the territorial public services;
- (e) The establishment, elimination and modification of administrative "circonscriptions" in the Territory and revision of their boundaries;
- (f) The establishment, constitution, organization and operation of rural communities and "conseils de circonscription", if any;
- (g) The establishment of institutions representing economic interests in the Territory;
 - (h) Measures to encourage production;
 - (i) Immigration regulations;
- (j) The fixing of the scale of penalties applicable in respect of each category of violations of the regulations issued as a result of the decisions of the Territorial Assembly, under the conditions laid down in article 2 of Act No. 56-619 of 23 June 1956.

The Assembly shall be consulted on the following matters:

- (1) The rules governing representation of the economic interests of the Territory;
- (2) The delivery of type A mining exploration permits which shall be granted by the Chief Administrator of the Territory in his capacity as representative of the State, notwithstanding article 9 of Decree No. 54-1110 of 13 November 1954. If the Territorial Assembly and the Chief Administrator of the Territory disagree, the matter shall be decided by decree adopted in Council of Ministers, after consultation with the Assembly of the French Union;
- (3) Missions, the cost of which is charged to the territorial budget;
- (4) The appointment, as necessary, of territorial representatives to the board of the bank of issue for the Territory;
- (5) The confirmation of domestic postal, telephone and telegraph rates, and all plans for the installation, adjustment, equipment and maintenance of the domestic telephone and telegraph network and radio service, subject to the application of Decree No. 56-1229 of 3 December 1956, as amended, to reorganize and decentralize the overseas postal and telecommunication services.

Article 50. The Government Council shall refer the following matters to the Assembly:

- (a) The administrative accounts connected with the execution of the budget of the Territory and the associated budgets, "régies" (monopolies) and public institutions of the Territory;
 - (b) The annual financial position of the Territory;

(c) The income received by the accounting officer of the central administrative office for overseas posts and telecommunications from the sale of stamps issued for the account of the Territory, except in so far as the provisions relating to local offices of the Decree of 3 December 1956, as amended, to reorganize and decentralize overseas postal and telecommunication services, shall be made applicable to the Territory by decree.

Any comments which the Assembly may decide to make with regard to the accounts of the Territory shall be submitted by the President of the Assembly, within the time specified in article 52, to the Chief Administrator of the Territory who shall forward a copy of such comments to the Audit Office ("cour des comptes") through the Ministry for Overseas France.

Article 51. All matters, except those which may be submitted only by the Chief Administrator of the Territory, shall be referred to the Territorial Assembly by the President of the Government Council or by a member of that body.

In the period between sessions, bills submitted by the Government Council to the Assembly for approval and members' bills shall be placed before the Standing Committee.

Members' bills shall be forwarded within ten days to the Government Council which may give its opinion thereon. The Assembly shall not refuse a request by the Government Council to postpone the examination of any bill until the next session of the Assembly, at the latest.

The Government Council must be kept informed of the matters on the agendas of the Assembly and its committees. It may designate one of its members to attend the meetings of the committees of the Assembly, address the meetings or cause himself to be represented thereat.

Bills and proposals submitted to the Assembly for approval shall be considered by the latter at the session during which they were submitted, or at the next session at the latest, unless authority is delegated to the Standing Committee to act on them between sessions.

In matters which must be submitted to the Assembly for its opinion, the Chief Administrator of the Territory acting in Government Council, may, after notifying the President of the Assembly, proceed to take action in the absence of an opinion of the Assembly, if the latter has failed to express its views within the periods specified above.

Article 52. Decisions of the Territorial Assembly and its Standing Committee shall be communicated to the Chief Administrator of the Territory, in duplicate, together with an extract of the record of the meeting at which they were discussed and voted upon, within thirty clear days reckoned from the closing of the session. Upon receipt of the documents, the Chief Administrator of the Territory shall ensure that one set thereof is communicated to the Minister for Overseas France.

The Chief Administrator of the Territory shall give effect to the decisions of the Territorial Assembly or its Standing Committee or shall refer them to the Territorial Assembly for second reading or to the Minister for Overseas France for annulment, as provided in articles 53 and 54 hereunder. If the Chief Administrator of the Territory should request the Minister for Overseas France to annul a decision, he shall advise the President of the Territorial Assembly thereof, or, if that body is not in session, the Chairman of the Standing Committee.

Article 53. With regard to any matter enumerated in articles 39, 40 and 43 to 48, upon which the Territorial Assembly is competent to act, the Chief Administrator of the Territory may within a period of thirty clear days from the date on which it was submitted to him, request the Territorial Assembly to reconsider in second reading any decision taken by the Assembly or by its Standing Committee which he considers not to be in the public interest or conducive to the sound administration of the Territory.

The period specified in article 54 hereunder shall then run from the date of receipt by the Chief Administrator of the Territory of the new decision adopted by the Territorial Assembly.

Article 54. The Minister for Overseas France may annul any decision of the Territorial Assembly or its Standing Committee on the ground that it is an act in excess of power or a violation

of the law, by decree issued in the form of public administrative regulations.

If a decision of the Assembly or its Standing Committee, which has been submitted to the Minister for annulment, is not annulled within a period of ninety clear days from the date on which it was communicated to the Chief Administrator of the Territory, the latter shall make it effective not later than eight clear days after the expiry of the above-mentioned period.

In matters relating to customs, decisions of the Territorial Assembly and of the Standing Committee shall be subject to the provisions of article 3 of Decree No. 54-1020 of 14 October 1954.

Article 55. The levying of taxes, duties, rates and charges of all kinds shall be effected on the former basis and in accordance with the earlier schedule, pending the publication of the orders of the Chief Administrator of the Territory in Council giving effect to the decisions of the Territorial Assembly or its Standing Committee.

Decisions concerning direct taxes or duties or rates assimilated thereto, taken by the Territorial Assembly or its Standing Committee at a session which opened before 1 January, shall have effect as from that date even if they could not be put into effect earlier.

Similarly, if it has not been possible to put the budget into effect before 1 January, the Chief Administrator of the Territory shall be authorized to make provisional monthly appropriations on the basis of the appropriations in the previous budget. Further appropriations may be made each month until the budget has been put into effect.

Article 56. A code of regulations based on the decisions of the Territorial Assembly and on the regulations issued by the Chief Administrator of the Territory shall be established in accordance with Orders made by the Chief Administrator of the Territory in Council and published in the Journal official of the Territory. These codes shall be brought up to date annually.

TITLE III

Rural communities

Article 57. The Chief Administrator of the Territory of the Comoros may, by orders made in Government Council after consultation with the Territorial Assembly establish in that Territory rural communities which shall be bodies corporate, provided that such communities have the necessary resources to balance a budget.

Such rural communities may be constituted by districts, portions of districts or groups of districts.

Each rural community shall be administered by an elected rural community council.

The provisions of articles 3 to 9 of the Decree of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in French West Africa and French Equatorial Africa shall apply to the rural communities in the Territory of the Comoros.

TITLE IV

Miscellaneous provisions

Article 58. "Communes de plein exercice" may be established in the Comoros by order of the Chief Administrator of the Territory made upon receipt of an advisory opinion of the Territorial Assembly adopted by an absolute majority of its members.

Pending the enactment of legislation to govern "communes de plein exercice" in the Territory, such "communes" shall provisionally be governed by:

The Decree of 8 March 1879, as amended, relating to the municipal organization of "communes de plein exercice" in certain Overseas Territories;

Articles 169 to 179 of the Act of 5 April 1884 on municipal organization;

Articles 2, 31 to 33, 56 and 58 of Act No. 55-1489 of 18 November 1955 relating to municipal reorganization in French West Africa, French Equatorial Africa, Togoland, the Cameroons and Madagascar.

Article 59. All legislative provisions and regulations contrary to this Decree and, in particular, articles 6 and 7 of the abovementioned Decree of 24 September 1946, are hereby repealed.

Article 60. The Chief Administrator of the Territory shall issue orders, where necessary, to prescribe the measures for the application of this Decree.

Article 61. The Minister for Overseas France and the Minister of Finance, Economic Affairs and Planning shall be responsible, each in so far as he is concerned, for the execution of this Decree, which shall be published in the *Journal officiel* of the French Republic.

Decree No. 57-817 of 22 July 1957 providing for administrative decentralization, through transfer of powers, of the central departments of the Ministry for Overseas France

The President of the Council of Ministers,

Acting on the report of the Minister for Overseas France, the Minister of State and the Minister of Finance, Economic Affairs and Planning,

Having regard to Act No. 56-619 of 23 June 1956, as amended by Act No. 57-702 of 19 June 1957 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, particularly article 1 thereof;

Having regard to Decree No. 57-458 of 4 April 1957 providing for the reorganization of French West Africa and French Equatorial Africa;

Having regard to Decree No. 57-460 of 4 April 1957 defining the powers of the Chief Administrators, Government Councils and Territorial Assemblies of the Territories of French West Africa and French Equatorial Africa;

Having regard to Decree No. 57-461 of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in French West Africa and in French Equatorial Africa;

Having regard to Decree No. 57-462 of 4 April 1957 providing for the reorganization of Madagascar;

Having regard to Decree No. 57-463 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Government Council, defining its powers, and broadening the powers of the Madagascar Representative Assembly;

Having regard to Decree No. 57-464 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Provincial Councils, defining their powers, and broadening the powers of the Madagascar Provincial Assemblies:

Having regard to Decree No. 57-465 of 4 April 1957 laying down the conditions for the establishment and operation of rural communities in Madagascar;

Having regard to Decree No. 57-811 of 22 July 1957 establishing a Government Council and broadening the powers of the Territorial Assembly in New Caledonia;

Having regard to Decree No. 57-813 of 22 July 1957 establishing a Government Council and broadening the powers of the Territorial Assembly in French Somaliland;

Having regard to Decree No. 57-812 of 22 July 1957 establishing a Government Council and broadening the powers of the Territorial Assembly in the French Settlements in Oceania;

Having regard to Decree No. 57-814 of 22 July 1957 establishing a Government Council and broadening the powers of the Territorial Assembly in the Comoro Archipelago;

Having regard to Decree No. 56-1227 of 3 December 1956 defining the State services in the Overseas Territories and enumerating State personnel, as amended;

Having regard to Decree No. 56-1228 of 3 December 1956 relating to the organization of civil public services in the Overseas Territories, as amended;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

After consultation with the Assembly of the French Union; Having regard to the decision by Parliament approving, subject to amendment, the Decree providing for administrative decentralization, through transfer of powers, of the central departments of the Ministry for Overseas France, submitted to the Secretariat of the National Assembly on 28 February 1957,

Decrees as follows:

Article 1. In addition to the matters transferred to the jurisdiction of the High Commissioners or Chief Administrators of Territories under the aforesaid Decrees, for the purpose of effecting administrative decentralization, through transfer of powers, of the central departments of the Ministry for Overseas France, the matters listed in the annexed schedules shall be transferred in the Overseas Territories to the respective jurisdiction of the High Commissioners or Chief Administrators of Territories which are not members of a Group, in their capacity as depositaries of the powers of the Republic (Schedule A) or to the Chief Administrators of Territories which are members of a Group, in their capacity as permanent representatives of the High Commissioners (Schedule B).

The matters transferred to the jurisdiction of the Chief Administrators of the Territories which are members of a Group shall also be transferred to the jurisdiction of the Chief Administrators of Territories which are not members of a Group. Notwithstanding any laws or regulations to the contrary, the High Commissioners and Chief Administrators of Territories may make orders, as necessary, amending or repealing any previous regulations in respect of such matters.

Article 2. The Minister for Overseas France may also make orders transferring to the depositaries of the powers of the Republic in the Overseas Territories functions which he exercises not by virtue of provisions of law or regulations but by virtue of his general powers with respect to matters concerning the Territories within the jurisdiction of his ministerial department and which have not been expressly transferred to the jurisdiction of the local authorities.

Subject to the approval of the Minister for Overseas France, the other Ministers may make orders transferring to the repositories of the powers of the Republic in the Overseas Territories functions which they exercise not by virtue of provisions of laws or regulations but by virtue of their general powers as heads of a ministerial department.

Article 3. The Minister for Overseas France and the Minister of Finance, Economic Affairs and Planning shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the *Journal officiel* of the French Republic.

SCHEDULE A

Matters transferred from the jurisdiction of the Government to the jurisdiction of the High Commissioners and the Chief Administrators of Territories which are not members of a Group

	A	Iatters		

1. Matters of general administration

Missions charged to the budgets of Groups of Territories or of Territories which are not members of a Group.

Determination of the rates of travel allowances paid to the staff of establishments regulated by decrees in the Overseas Territories, subject to the maximum rates laid down by decree.

2. Financial matters

Total or partial remission of debts of officials or of debtors other than officials to the local service (budget of the Group of Territories or of Territories which are not members of a Group).

Total or partial remission of deficits of employees of the local service (budget of the Group of Territories or of Territories which are not members of a Group).

Exoneration of employees of the local service in cases of theft or loss of funds caused by "force majeure" (budget of the Group of Territories or of Territories which are not members of a Group).

3. Economic matters

Authorization to establish local public air transport services.

Establishment, organization, equipment and maintenance of local air networks.

Organization and supervision of the following air lines:

- (a) Lines connecting the Territories of one and the same Group;
- (b) Lines connecting the Territories of French West Africa with those of French Equatorial Africa;
- (c) Temporary French transport services from one Territory or Group of Territories to an adjacent foreign country, provided that this does not involve the reciprocal grant of traffic rights to the foreign country concerned.

Determination of the conditions for the application of French laws introducing changes in old-age pensions.

Appointment of representatives of the Territories to the boards of directors of banks and issuing institutions.

Determination of the method of calculating the share accruing to each Territory of the statutory payments by currency-issuing institutions.

Article 61 of the Act of 28 February 1934, as amended by article 29 of the Act of 31 December 1948.

Relevant legislative provisions

Article 10 of the Decree of 13 June 1912, as amended by Decree No. 55-1627 of 7 December 1955.

Articles 194 and 199 of the Decree of 30 December 1912.

Article 420 of the Decree of 30 December 1912.

Article 419 of the Decree of 30 December 1912.

Legislative Decree of 16 July 1935. Ordinance of 18 October 1945 (article 3).

Decree of 1 November 1936 (article 9).

French West Africa: Decree No. 55-103 of 20 January 1955 (article 7).

French Equatorial Africa: Decree No. 55-104 of 20 January 1955 (article 7).

Madagascar and the Comoro Archipelago: Act No. 50-375 of 29 March 1950 (article 5).

French West Africa: Decree No. 55-103 of 20 January 1955 (article 4).

French Equatorial Africa: Decree No. 55-104 of 20 January 1955 (article 4).

Madagascar and the Comoro Archipelago: article 3 of the Agreement of 31 August 1950 with the Bank of Madagascar, approved by Decree No. 50-1425 of 16 November 1950.

nical schools and apprenticeship centres.

of the Territory.

Co-ordination of the work of the mutual aid and social assistance agencies

The grant of licences to engage in private practice to physicians, dental surgeons, and midwives holding diplomas from the Schools of Medicine

The grant of licences to engage in private practice to senior pharmacists holding diplomas from the Dakar School of Medicine and Pharmacy.

and Pharmacy at Dakar, Tananarive and Pondichéry.

SCHEDULE A (continued) Matters Relevant Legislative Provisions 3. Economic matters (continued) New Caledonia and the French Settlements in Oceania: article 8 of the Act of 31 March 1931 and article 4 of the Agreement of 16 November 1929 with the Bank of Indochina, approved by the above-mentioned Act of 31 March 1931. The issue of regulations for the distribution and transmission of electric Decrees in force in individual Groups and Territories, power, after consultation with the Grand Council or the Assembly of a Territory which is not a member of a Group. and the Act of 29 December 1940 (article 1). The issue of regulations concerning water power, after consultation with the Grand Council or the Assembly of a Territory which is not a mem-Decrees in force in individual Groups and Territories. ber of a Group. 4. Social matters Adaptation of the curricula and teaching methods of secondary schools and teacher-training establishments Conditions and syllabuses of local examinations with a different title from those of metropolitan France. Co-ordination of the work of mutual aid and social assistance agencies of Act No. 655 of 19 November 1943 (article 5). Groups of Territories and of Territories which are not members of a Group. SCHEDULE B Matters transferred from the jurisdiction of the Government to the jurisdiction of the Chief Administrators of Territories which are members of a Group and to the jurisdiction of the Chief Administrators of Territories which are not members of a Group MattersRelevant legislative provisions 1. Matters of general administration The fixing of the date of partial elections to the Territorial Assemblies, General Councils and Provincial Assemblies of Madagascar. Act No. 52-130 of 6 February 1952 (article 15). Act No. 52-1175 of 21 October 1952 (article 9). The issue of orders for the transfer to France of funds derived from the Article 33 (paragraph 2) of the Decree of 27 January 1855, which was extended to all Territories by the Decree of 14 March 1890. liquidation of unclaimed estates. Article 61 of the Act of 28 February 1934, as amended Missions charged to Territorial budgets. by article 29 of the Act of 31 December 1948. Authorization of the transfer of corpses. Decree No. 52-1232 of 12 December 1952. 2. Financial matters Total or partial remission of debts of officials or of debtors other than Articles 194 and 199 of the Decree of 30 December 1912. officials to the local service (Territorial budget). Exoneration of employees of the local service in cases of theft or loss of funds caused by "force majeure" (Territorial budget). Article 419 of the Decree of 30 December 1912. Total or partial remission of deficits of employees of the local service Article 420 of the Decree of 30 December 1912. (Territorial budget). 3. Economic matters Decree No. 54-1021 of 14 October 1954, as amended by Establishment of price stabilization funds for overseas products, subject Decree No. 56-1138 of 13 November 1956 (articles to powers of the Territorial Assemblies. 1 and 7). Organization, functioning, powers, resources and nature of the operations Decree No. 56-1137 of 13 November 1956 (articles 2 of local and regional agricultural credit banks, with the exception of and 3). branches of the central agricultural credit banks, and after consultation with the Territorial Assemblies. Approval of private airfields. Decree of 9 April 1936. Act No. 758 of 9 June 1949 (article 4). Act No. 759 of The establishment of easements and obligations in respect of wireless 9 June 1949 (article 4). transmission and reception. Conditions governing the distribution among recipient organizations of the share accruing to the Territory of the statutory payments by currency-issuing institutions. 4. Social matters Adaptation of the curricula and teaching methods of primary and tech-

Act No. 655 of 19 November 1943 (article 5).

Decree No. 52-935 of 28 July 1952 (article 3).

Decree No. 56-357 of 27 March 1956.

III. FINANCIAL, ECONOMIC, SOCIAL AND CULTURAL DECREES

Decree No. 57-466 of 4 April 1957 terminating the obligatory character of certain items of expenditure financed from the budgets of the Groups of Territories, the Overseas Territories and the provinces of Madagascar

The President of the Council of Ministers,

Acting on the report of the Minister for Overseas France and the Minister of Economic and Financial Affairs,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to institute reforms and take measures to ensure the development of the Territories for which the Ministry for Overseas France is responsible, particularly article 1 thereof;

Having regard to Decree No. 57-458 of 4 April 1957 providing for the reorganization of French West Africa and French Equatorial Africa;

Having regard to Decree No. 57-460 of 4 April 1957 defining the powers of the Chief Administrators, Government Councils and Territorial Assemblies of the Territories of French West Africa and French Equatorial Africa;

Having regard to Decree No. 57-463 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Government Council, defining its powers, and broadening the powers of the Madagascar Representative Assembly;

Having regard to Decree No. 57-464 of 4 April 1957 laying down the conditions for the establishment and operation of the Madagascar Provincial Councils, defining their powers, and broadening the powers of the Madagascar Provincial Assemblies .

Having regard to Decree No. 56-1227 of 3 December 1956 defining the State services in the Overseas Territories and enumerating State personnel;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers;

After consultation with the Assembly of the French Union: Having regard to the decision by Parliament approving, subject to amendment, the Decree terminating the obligatory character of certain items of expenditure financed from the budgets of the Groups of Territories, the Overseas Territories and the provinces of Madagascar, submitted to the Secretariat of the National Assembly on 4 December 1956,

Decrees as follows:

Article 1. The items of expenditure listed in the annexed schedule A shall cease to be obligatory for the Groups of Territories, Territories and provinces.

Article 2. Notwithstanding any provisions to the contrary enacted prior to this Decree, the following items of expenditure shall continue to be obligatory: the contributions, participation and expenditure chargeable to the budgets of the Groups of Territories, Territories and provinces which are listed in the annexed Schedule B, as well as expenditure for the purpose of discharging financial liabilities and covering previous budgetary deficits or deficits resulting from the application of the provisions of article 6 of Decree No. 56-1227 of 3 December 1956.

Article 3. The Minister for Overseas France and the Minister of Economic and Financial Affairs shall be responsible, each within the limits of his competence, for giving effect to this Decree, which shall be published in the Journal officiel of the French Republic.

Annex

SCHEDULE A. ITEMS OF EXPENDITURE WHICH ARE NO LONGER OBLIGATORY

Items Relative legislative provisions 1. Contribution to the military expenditure of metropolitan France. Article 33, paragraph 1, of the Finance Act of 13 April

- 2. The costs of transportation to and maintenance in New Caledonia and Guiana of persons from the colonies sentenced to transportation or forced residence.
- 3. The costs of the naval conscription service.
- 4. The cost of repatriating the bodies of servicemen deceased overseas.
- 5. Contribution to the expenditures of the overseas air force.
- 6. Non-recurring contribution to defray the cost of training geodetic officers placed on secondment at the disposal of the colonies.
- 7. Supplementary costs, other than pay items, incurred by mobile inspection missions of Overseas France.
- 8. Costs of the service supervising the preparation of products.
- Supplementary expenditures arising out of the use, for purposes of maintaining order, of servicemen away from their garrisons.
- 10. Cost of civil defence measures.
- 11. Contribution to the operating expenses of the overseas social affairs
- 12. Contribution to the operating expenses of the overseas geographical services supported by the National Geographical Institute.
- 13. Operating costs of the meteorological services.
- 14. Solidarity contribution towards compensation for war damage suffered by the French Union as a whole.
- 15. Travel allowance and benefits in kind payable in respect of visits of inspection to the interior of Territories by High Commissioners and Commissioners of the Republic, Governors-General and Governors, General Secretaries, Inspectors-General and Administrative Inspectors, administrative officers, French criminal and civil law officers, directors, assistant directors and representatives of the Comptroller's Office in the Overseas Territories.
- 16. Emoluments and miscellaneous benefits of the above-mentioned personnel (except personnel of the Comptroller's Office) when on second-
- 17. Travel and transportation expenses of "gendarmerie" personnel, animals

- Article 61 of the Finance Act of 26 December 1908.

Article 1 of the Act of 23 February 1912.

Article 52 of the Finance Act of 30 July 1913 and article 68 of the Finance Act of 15 July 1914.

Article 2 of the Act of 22 October 1919.

Article 71 of the Act of 31 March 1929.

Article 36 of the Finance Act of 31 March 1931.

Article 2 of the Legislative Decree of 27 August 1937. Article 10 of Decree No. 45-2433 of 17 October 1945.

Article 3 of the Decree of 13 October 1938.

Article 7 of the Decree of 2 May 1939.

Article 6 of the Act of 19 November 1943.

Article 3 of the Act of 31 December 1943. Article 6 of Decree No. 1402 of 7 June 1944.

Article 8 of Ordinance No. 45-2665 of 2 November 1945. Article 51 of Act No. 47-580 of 30 March 1947.

Article 1 of Act No. 48-488 of 21 March 1948. Article 28 of the Finance Act of 24 May 1951.

Article 2 of Act No. 48-488 of 21 March 1948. Article 21 of the Finance Act of 24 May 1951.

Article 5 of Act No. 48-488 of 21 March 1948.

56 General Assembly — Fourteenth Session — Annexes Schedule A. Items of expenditure which are no longer obligatory (continued) Relevant Legislative Provisions Items 18. Cost of purchasing or renting, furnishing and maintaining official premises (hotels and residences of High Commissioners and Commissioners) Article 7 of Act No. 48-488 of 21 March 1948. ers of the Republic, Governors-General and Governors, General Secretaries and chief administrators of various territorial "circonscriptions" or subdivisions, including appurtenances of such buildings). 19. Contribution to the costs of the information and documentation services Article 39 of Act No. 48-1516 of 28 September 1948, as for which the Ministry for Overseas France is responsible. amended by article 5 of Act No. 53-1318 of 31 December 1953. 20. Efficiency bonuses to staff of the general public works establishment. Article 1 of Decree No. 50-280 of 1 March 1950. 21. Share in the operating costs of the support fund for hydrocarbons and Article 18, paragraph 3, of Act No. 50-586 of 27 May 1950, as amended by article 19 of Act No. 51-592 related products. of 24 May 1951. 22. Annual contribution to the operating costs of the central administrative Article 7 of Act No. 51-588 of 23 May 1951. service for Overseas France. SCHEDULE B. ITEMS OF EXPENDITURE WHICH REMAIN OBLIGATORY Relative legislative provision Article 106 of the Finance Act of 27 December 1927. 1. Reimbursement of travel and correspondence costs of representatives of the territories in Parliament. 2. Expenditures which concern the "communes": Cost of preparing and printing ballot papers for municipal elections ("communes de plein exercice" and "communes de moyen exercice"). Article 20 of Act No. 55-1489 of 18 November 1955. Repayment to "communes de plein exercice" and to "communes de moyen exercice" of a proportionate share of the amount collected under local budgets in the territory of such "communes". Article 27, paragraph 1, of Act No. 55-1489 of 18 November 1955. 3. Expenditures of economic benefit: Contribution to the "Joint Overseas Scientific and Technical Research Fund". Article 4 of Act No. 550 of 11 October 1943, article 42 of Act No. 47-520 of 21 March 1947, article 12 of Act No. 53-1336 of 31 December 1953, articles 2, 10, 11 and 12 of Decree No. 55-892 of 30 June 1955. Payment to the central railways office for non-approval of rates. Article 13 of Act No. 70 of 28 February 1944. Contribution of the territories to their own equipment through trans-Article 16 of Act No. 52-1 of 3 January 1952. fer to FIDES of the proceeds of taxes and import duties imposed by the territories on "matériel" and products for use in equipment projects financed out of FIDES funds. Contribution to the costs of the National Locust Control Office. Article 4 of the Ordinance of 7 December 1943. 4. Expenditures of social benefit: Organization and equipment of port prophylactic facilities. December 1928.

Maintenance costs and travelling expenses of public health staff seconded to local services and maintenance costs of the staff re-

Operating costs of the labour and social legislation inspection services and costs arising from special missions and the benefits provided by the Decree of 17 August 1944.

Expenditures connected with vocational guidance and training.

5. Personnel costs:

Contribution to the costs of the Overseas France retirement fund.

Contribution to the costs of local retirement funds, including those of local policemen ("gardes").

Contribution towards the cost to the State arising from the establishment of a pension for State personnel on secondment.

- 6. Expenditures relating to the payment of due debts.
- 7. Cost of covering earlier budget deficits.
- 8. Expenditures arising out of international conventions.

- Articles 82, 83, 103 and 104 of the Decree of 27
- Article 37 of Act No. 48-1347 of 27 August 1948, as amended by article 4 of Act No. 52-6 of 3 January 1952.

Article 148 of Act No. 52-1322 of 15 December 1952.

Article 236 of Act No. 52-1322 of 15 December 1952.

Article 71 of the Act of 14 April 1924, articles 83 and 84 of the Decree of 1 November 1928.

Articles 57 of Decrees No. 51-1368 of 22 November 1951 (French Equatorial Africa) and No. 52-557 of 16 May 1952 (French West Africa), and No. 32-357 of 16 May 1952 (French West Africa), and No. 51-965 of 21 July 1951 (Madagascar), article 50 of Decree No. 54-48 of 4 January 1954 (New Caledonia), article 54 of of Decree No. 53-385 of 26 April 1953 (French Somaliland).

Decree of 30 June 1934, article 109 of the Act of 19 October 1946.

B. CONSTITUTION AND ORDINANCES ENACTING ORGANIC LAWS RELATING TO THE COMMUNITY

Constitution*

The Government of the Republic, in accordance with the Constitutional Act of 3 June 1958, has proposed,

The French people has adopted,

The President of the Republic promulgates the following Constitutional Act:

PREAMBLE

The French people hereby solemnly proclaims its attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, reaffirmed and complemented by the Preamble of the Constitution of 1946.

By virtue of these principles and that of the free determination of peoples, the Republic hereby offers to the Overseas Territories that express the desire to adhere to them, new institutions based on the common ideal of liberty, equality and fraternity and conceived with a view to their democratic evolution.

Article 1

The Republic and the people of the Overseas Territories who, by an act of free determination, adopt the present Constitution thereby institute a Community.

The Community shall be based on the equality and the solidarity of the peoples composing it.

TITLE I

On Sovereignty

Article 2

France is a Republic, indivisible, secular, democratic and social. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.

The national emblem is the tricolour flag, blue, white and red. The national anthem is the "Marseillaise".

The motto of the Republic is "Liberty, Equality, Fraternity". Its principle is government of the people, by the people and for the people.

Article 3

National sovereignty belongs to the people, which shall exercise this sovereignty through its representatives and by means of referendums.

No section of the people, nor any individual, may attribute to themselves or himself the exercise thereof.

Suffrage may be direct or indirect under the conditions stipulated by the Constitution. It shall always be universal, equal and secret.

All French citizens of both sexes who have reached their majority and who enjoy civil and political rights may vote under the conditions to be determined by law.

Article 4

Political parties and groups shall be instrumental in the expression of the suffrage. They shall be formed freely and shall carry on their activities freely. They must respect the principles of national sovereignty and democracy.

TITLE I

The President of the Republic Article 5

The President of the Republic shall see that the Constitution is respected. He shall ensure, by his arbitration, the regular functioning of the governmental authorities, as well as the continuance of the State.

He shall be the guarantor of national independence, of the integrity of the Territory, and of respect for Community agreements and treaties.

of Ministers.

Article 6

The President of the Republic shall be elected for seven years by an electoral college comprising the members of Parliament, of the General Councils and of the Assemblies of the Overseas Territories, as well as the elected representatives of the municipal councils.

These representatives shall be:

The mayor for communes of fewer than 1,000 inhabitants;

The mayor and the first deputy mayor for communes of from 1,000 to 2,000 inhabitants;

The mayor, first deputy mayor and a municipal councillor chosen according to the order in which he appears on the council list for communes of from 2,001 to 2,500 inhabitants;

The mayor and the first two deputy mayors for communes of from 2,501 to 3,000 inhabitants;

The mayor, the first two deputy mayors and three municipal councillors chosen according to the order in which they appear on the council list for communes of from 3,001 to 6,000 inhabitants;

The mayor, the first two deputy mayors and six municipal councillors chosen according to the order in which they appear on the council list for communes of from 6,001 to 9,000 inhabitants;

All the municipal councillors for communes of more than 9,000 inhabitants;

In addition, for communes of more than 30,000 inhabitants, delegates appointed by the municipal council in the ratio of one delegate for every 1,000 inhabitants above 30,000.

In the Overseas Territories of the Republic, the elected representatives of the councils of the administrative units shall also form part of the electoral college under the conditions to be determined by an organic law.

The participation of member States of the Community in the electoral college for the President of the Republic shall be determined by agreement between the Republic and the member States of the Community.

The procedures implementing the present article shall be determined by an organic law.

Article 7

The President of the Republic shall be elected by an absolute majority on the first ballot. If this is not obtained, the President of the Republic shall be elected on a second ballot by a relative majority.

The voting shall begin at the summons of the Government.

The election of the new President shall take place twenty days at the least and fifty days at the most before the expiration of the powers of the President in office.

In the event that the Presidency of the Republic has been vacated, for any cause whatsoever, or impeded in its functioning as officially noted by the Constitutional Council, to which the matter has been referred by the Government, and which shall rule by an absolute majority of its members, the functions of the President of the Republic, with the exception of those provided for by Articles 11 and 12 below, shall be temporarily exercised by the President of the Senate. In the case of a vacancy, or when the impediment is declared definitive by the Constitutional Council, the voting for the election of a new President shall take place, except in case of "force majeure" officially noted by the Constitutional Council, twenty days at the least and fifty days at the most after the beginning of the vacancy or the declaration of the definitive character of the impediment.

Article 8

The President of the Republic shall appoint the Premier. He shall terminate the functions of the Premier when the latter presents the resignation of the Government.

On the proposal of the Premier, he shall appoint the other members of the Government and shall terminate their functions.

Article 9

The President of the Republic shall preside over the Council

^{*}English translation received through the courtesy of the Press and Information Division of the French Embassy, New York.

Article 10

The President of the Republic shall promulgate the laws within fifteen days following the transmission to the Government of the finally adopted law.

He may, before the expiration of this time limit, ask Parliament for a reconsideration of the law or of certain of its articles. This reconsideration may not be refused.

Article 11

The President of the Republic, on the proposal of the Government during [Parliamentary] sessions, or on joint motion of the two assemblies, published in the Journal official, may submit to a referendum any bill dealing with the organization of the governmental authorities, entailing approval of a Community agreement, or providing for authorization to ratify a treaty that, without being contrary to the Constitution, might affect the functioning of [existing] institutions.

When the referendum decides in favour of the bill, the President of the Republic shall promulgate it within the time limit stipulated in the preceding article.

Article 12

The President of the Republic may, after consultation with the Premier and the Presidents of the assemblies, declare the dissolution of the National Assembly.

General elections shall take place twenty days at the least and forty days at the most after the dissolution.

The National Assembly shall convene by right on the second Thursday following its election. If this meeting takes place between the periods provided for ordinary sessions, a session shall, by right, be held for a fifteen-day period.

There may be no further dissolution within a year following these elections.

Article 13

The President of the Republic shall sign the ordinances and decrees decided upon in the Council of Ministers.

He shall make appointments to the civil and military posts of the State.

Councillors of State, the Grand Chancellor of the Legion of Honour, Ambassadors and envoys extraordinary, Master Councillors of the Audit Office, prefects, representatives of the Government in the Overseas Territories, general officers, rectors of academies [regional divisions of the public educational system] and directors of central administrations shall be appointed in meetings of the Council of Ministers.

An organic law shall determine the other posts to be filled in meetings of the Council of Ministers, as well as the conditions under which the power of the President of the Republic to make appointments to office may be delegated by him and exercised in his name.

Article 14

The President of the Republic shall accredit Ambassadors and envoys extraordinary to foreign powers; foreign Ambassadors and envoys extraordinary shall be accredited to him.

Article 15

The President of the Republic shall be commander of the armed forces. He shall preside over the higher councils and committees of national defence.

Article 16

When the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international commitments are threatened in a grave and immediate manner and when the regular functioning of the constitutional governmental authorities is interrupted, the President of the Republic shall take the measures commanded by these circumstances, after official consultation with the Premier, the Presidents of the assemblies and the Constitutional Council.

He shall inform the nation of these measures in a message.

These measures must be prompted by the desire to ensure to

the constitutional governmental authorities, in the shortest possible time, the means of fulfilling their assigned functions. The Constitutional Council shall be consulted with regard to such measures.

Parliament shall meet by right.

The National Assembly may not be dissolved during the exercise of emergency powers [by the President].

Article 17

The President of the Republic shall have the right of pardon.

Article 18

The President of the Republic shall communicate with the two assemblies of Parliament by means of messages, which he shall cause to be read, and which shall not be followed by any debate.

Between sessions, Parliament shall be convened especially for this purpose.

Article 19

The acts of the President of the Republic, other than those provided for under Articles 8 (first paragraph), 11, 12, 16, 18, 54, 56 and 61, shall be countersigned by the Premier and, should circumstances so require, by the appropriate ministers.

TITLE III

The Government

Article 20

The Government shall determine and direct the policy of the nation.

It shall have at its disposal the administration and the armed forces.

It shall be responsible to Parliament under the conditions and according to the procedures stipulated in Articles 49 and 50.

Article 21

The Premier shall direct the operation of the Government. He shall be responsible for national defence. He shall ensure the execution of the laws. Subject to the provisions of Article 13, he shall have regulatory powers and shall make appointments to civil and military posts.

He may delegate certain of his powers to the ministers.

He shall replace, should the occasion arise, the President of the Republic as chairman of the councils and committees provided for under Article 15.

He may, in exceptional instances, replace him as chairman of a meeting of the Council of Ministers by virtue of an explicit delegation and for a specific agenda.

Article 22

The acts of the Premier shall be countersigned, when circumstances so require, by the ministers responsible for their execution.

Article 23

The office of member of the Government shall be incompatible with the exercise of any Parliamentary mandate, with the holding of any office at the national level in business, professional or labour organizations, and with any public employment or professional activity.

An organic law shall determine the conditions under which the holders of such mandates, functions or employments shall be replaced.

The replacement of members of Parliament shall take place in accordance with the provisions of Article 25.

TITLE IV

The Parliament

Article 24

The Parliament shall comprise the National Assembly and the Senate.

The deputies to the National Assembly shall be elected by direct suffrage.

The Senate shall be elected by indirect suffrage. It shall ensure the representation of the territorial units of the Republic. Frenchmen living outside France shall be represented in the Senate.

Article 25

An organic law shall determine the term for which each assembly is elected, the number of its members, their emoluments, the conditions of eligibility and ineligibility and the offices incompatible with membership in the assemblies.

It shall likewise determine the conditions under which, in the case of a vacancy in either assembly, persons shall be elected to replace the deputy or senator whose seat has been vacated until the holding of new complete or partial elections to the assembly concerned.

Article 26

No member of Parliament may be prosecuted, sought, arrested, detained or tried as a result of the opinions or votes expressed by him in the exercise of his functions.

No member of Parliament may, during Parliamentary sessions, be prosecuted or arrested for criminal or minor offences without the authorization of the Assembly of which he is a member except in the case of flagrante delicto.

When Parliament is not in session, no member of Parliament may be arrested without the authorization of the Secretariat of the assembly of which he is a member, except in the case of flagrante delicto, of authorized prosecution or of final conviction.

The detention or prosecution of a member of Parliament shall be suspended if the assembly of which he is a member so demands.

Article 27

All binding instructions [upon members of Parliament] shall be null and void.

The right to vote of the members of Parliament shall be personal.

An organic law may, under exceptional circumstances, authorize the delegation of a vote. In this case, no member may be delegated more than one vote.

Article 28

Parliament shall convene, by right, in two ordinary sessions a year.

The first session shall begin on the first Tuesday of October and shall end on the third Friday of December.

The second session shall open on the last Tuesday of April; it may not last longer than three months.

Article 29

Parliament shall convene in extraordinary session at the request of the Premier, or of the majority of the members comprising the National Assembly, to consider a specific agenda.

When an extraordinary session is held at the request of the members of the National Assembly, the closure decree shall take effect as soon as the Parliament has exhausted the agenda for which it was called, and at the latest twelve days from the date of its meeting.

Only the Premier may ask for a new session before the end of the month following the closure decree.

Article 30

Apart from cases in which Parliament meets by right, extraordinary sessions shall be opened and closed by decree of the President of the Republic.

Article 31

The members of the Government shall have access to the two assemblies. They shall be heard when they so request.

They may call for the assistance of commissioners of the Government.

Article 32

The President of the National Assembly shall be elected for the duration of the legislature. The President of the Senate shall be elected after each partial re-election [of the Senate].

Article 33

The meetings of the two assemblies shall be public. An in extenso report of the debates shall be published in the Journal officiel.

Each assembly may sit in secret committee at the request of the Premier or of one tenth of its members.

TITLE V

On Relations between Parliament and the Government

Article 34

All laws shall be passed by Parliament.

Laws shall establish the regulations concerning:

Civil rights and the fundamental guarantees granted to the citizens for the exercise of their public liberties; the obligations imposed by the national defence upon the persons and property of citizens;

Nationality, status and legal capacity of persons, marriage contracts, inheritance and gifts;

Determination of crimes and misdemeanours as well as the penalties imposed therefor; criminal procedure; amnesty; the creation of new juridical systems and the status of magistrates;

The basis, the rate and the methods of collecting taxes of all types; the issuance of currency.

Laws shall likewise determine the regulations concerning:

The electoral system of the Parliamentary assemblies and the local assemblies;

The establishment of categories of public institutions;

The fundamental guarantees granted to civil and military personnel employed by the State;

The nationalization of enterprises and the transfer of the property of enterprises from the public to the private sector.

Laws shall determine the fundamental principles of:

The general organization of national defence;

The free administration of local communities, the extent of their jurisdiction and their resources;

Education:

Property rights, civil and commercial obligations;

Legislation pertaining to employment, unions and social security.

The financial laws shall determine the financial resources and obligations of the State under the conditions and with the reservations to be provided for by an organic law.

Laws pertaining to national planning shall determine the objectives of the economic and social action of the State.

The provisions of the present article may be developed in detail and amplified by an organic law.

Article 35

Parliament shall authorize the declaration of war.

Article 36

Martial law shall be decreed in a meeting of the Council of Ministers.

Its prorogation beyond twelve days may be authorized only by Parliament.

Article 37

Matters other than those that fall within the domain of law shall be of a regulatory character.

Legislative texts concerning these matters may be modified by decrees issued after consultation with the Council of State. Those legislative texts which may be passed after the present Constitution has become operative shall be modified by decree, only if the Constitutional Council has stated that they have a regulatory character as defined in the preceding paragraph.

Article 38

The Government may, in order to carry out its programme, ask Parliament to authorize it, for a limited period, to take through ordinances measures that are normally within the domain of law.

The ordinances shall be enacted in meetings of the Council of Ministers after consultation with the Council of State. They shall come into force upon their publication, but shall become null and void if the bill for their ratification is not submitted to Parliament before the date set by the enabling act.

At the expiration of the time limit referred to in the first paragraph of the present article, the ordinances may be modified only by law in those matters which are within the legislative domain.

Article 39

The Premier and the members of Parliament alike shall have the right to initiate legislation.

Government bills shall be discussed in the Council of Ministers after consultation with the Council of State and shall be filed with the Secretariat of one of the two assemblies. Finance bills shall be submitted first to the National Assembly.

Article 40

Bills and amendments introduced by members of Parliament shall not be considered when their adoption would have as a consequence either a diminution of public financial resources, or the creation or increase of public expenditures.

Article 41

If it appears in the course of the legislative procedure that a Parliamentary bill or an amendment is not within the domain of law or is contrary to a delegation [of authority] granted by virtue of Article 38, the Government may declare its inadmissibility.

In case of disagreement between the Government and the President of the assembly concerned, the Constitutional Council, upon the request of either party, shall rule within a time limit of eight days.

Article 42

The discussion of Government bills shall pertain, in the first assembly to which they have been referred, to the text presented by the Government.

An assembly, given a text passed by the other assembly, shall deliberate on the text that is transmitted to it.

Article 43

Government and Parliamentary bills shall, at the request of the Government or of the assembly concerned, be sent for study to committees especially designated for this purpose.

Government and Parliamentary bills for which such a request has not been made shall be sent to one of the permanent committees, the number of which shall be limited to six in each assembly.

Article 44

Members of Parliament and of the Government shall have the right of amendment.

After the opening of the debate, the Government may oppose the examination of any amendment which has not previously been submitted to committee.

If the Government so requests, the assembly concerned shall decide, by a single vote, on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government.

Article 45

Every Government or Parliamentary bill shall be examined successively in the two assemblies of Parliament with a view to the adoption of an identical text.

When, as a result of disagreement between the two assemblies, it has become impossible to adopt a Government or Parliamentary bill after two readings by each assembly, or, if the Government has declared the matter urgent, after a single read-

ing by each of them, the Premier shall have the right to have a joint committee meet, composed of an equal number from both assemblies and instructed to offer for consideration a text on the matters still under discussion.

The text prepared by the joint committee may be submitted by the Government for approval of the two assemblies. No amendment shall be admissible except by agreement with the Government.

If the joint committee fails to approve a common text, or if this text is not adopted under the conditions set forth in the preceding paragraph, the Government may, after a new reading by the National Assembly and by the Senate, ask the National Assembly to rule definitively. In this case, the National Assembly may reconsider either the text prepared by the joint committee or the last text adopted [by the National Assembly], modified, when circumstances so require, by one or several of the amendments adopted by the Senate.

Article 46

The laws that the Constitution characterizes as organic shall be passed and amended under the following conditions:

A Government or Parliamentary bill shall be submitted to the deliberation and to the vote of the first assembly to which it is submitted only at the expiration of a period of fifteen days following its introduction.

The procedure of Article 45 shall be applicable. Nevertheless, lacking an agreement between the two assemblies, the text may be adopted by the National Assembly on final reading only by an absolute majority of its members.

The organic laws relative to the Senate must be passed in the same manner by the two assemblies.

Organic laws may be promulgated only after a declaration by the Constitutional Council on their constitutionality.

Article 47

Parliament shall pass finance bills under the conditions to be stipulated by an organic law.

Should the National Assembly fail to reach a decision on first reading within a time limit of forty days after a bill has been filed, the Government shall refer it to the Senate, which must rule within a time limit of fifteen days. The procedure set forth in Article 45 shall then be followed.

Should Parliament fail to reach a decision within a time limit of seventy days, the provisions of the bill may be enforced by ordinance.

Should the finance bill establishing the resources and expenditures of a fiscal year not be filed in time for it to be promulgated before the beginning of that fiscal year, the Government shall immediately request Parliament for the authorization to collect the taxes and shall make available by decree the funds needed to meet the Government commitments already voted.

The time limits stipulated in the present article shall be suspended when Parliament is not in session.

The Audit Office shall assist Parliament and the Government in supervising the implementation of the finance laws.

Article 48

The discussion of the bills filed or agreed upon by the Government shall have priority on the agenda of the assemblies in the order set by the Government.

One meeting a week shall be reserved, by priority, for questions asked by members of Parliament and for answers by the Government.

Article 49

The Premier, after deliberation by the Council of Ministers, may pledge the responsibility of the Government to the National Assembly with regard to the programme of the Government, or with regard to a declaration of general policy, as the case may be.

The National Assembly may question the responsibility of the Government by the vote of a motion of censure. Such a motion shall be admissible only if it is signed by at least one-tenth of

the members of the National Assembly. The vote may only take place forty-eight hours after the motion has been filed; the only votes counted shall be those favourable to the motion of censure, which may be adopted only by a majority of the members comprising the Assembly. Should the motion of censure be rejected, its signatories may not introduce another motion in the course of the same session, except in the case provided for in the paragraph below.

The Premier may, after deliberation by the Council of Ministers, pledge the Government's responsibility to the National Assembly on the vote of a text. In this case, the text shall be considered as adopted, unless a motion of censure, filed in the succeeding twenty-four hours, is voted under the conditions laid down in the previous paragraph.

The Premier shall be entitled to ask the Senate for approval of a general policy declaration.

Article 50

When the National Assembly adopts a motion of censure, or when it disapproves the programme or a declaration of general policy of the Government, the Premier must submit the resignation of the Government to the President of the Republic.

Article 51

The closure of ordinary or extraordinary sessions shall by right be delayed, should the occasion arise, in order to permit the application of the provisions of Article 49.

TITLE VI

On Treaties and International Agreements

Article 52

The President of the Republic shall negotiate and ratify treaties.

He shall be informed of all negotiations leading to the conclusion of an international agreement not subject to ratification.

Article 53

Peace treaties, commercial treaties, treaties or agreements relative to international organization, those that imply a commitment for the finances of the State, those that modify provisions of a legislative nature, those relative to the status of persons, those that call for the cession, exchange or addition of territory may be ratified or approved only by a law.

They shall go into effect only after having been ratified or approved.

No cession, no exchange, no addition of territory shall be valid without the consent of the populations concerned.

Article 54

If the Constitutional Council, the matter having been referred to it by the President of the Republic, by the Premier, or by the President of one or the other assembly, shall declare that an international commitment contains a clause contrary to the Constitution, the authorization to ratify or approve this commitment may be given only after amendment of the Constitution.

Article 55

Treaties or agreements duly ratified or approved shall, upon their publication, have an authority superior to that of laws, subject, for each agreement or treaty, to its application by the other party.

TITLE VII

The Constitutional Council

Article 56

The Constitutional Council shall consist of nine members, whose term of office shall last nine years and shall not be renewable. One third of the membership of the Constitutional Council shall be renewed every three years. Three of its members shall be appointed by the President of the Republic, three by the President of the National Assembly, three by the President of the Senate.

In addition to the nine members provided for above, former Presidents of the Republic shall be members *ex officio* for life of the Constitutional Council.

The President shall be appointed by the President of the Republic. He shall have the deciding vote in case of a tie.

Article 57

The office of member of the Constitutional Council shall be incompatible with that of minister or member of Parliament. Other incompatibilities shall be determined by an organic law.

Article 58

The Constitutional Council shall ensure the regularity of the election of the President of the Republic.

It shall examine complaints and shall announce the results of the vote.

Article 59

The Constitutional Council shall rule, in the case of disagreement, on the regularity of the election of deputies and senators.

Article 60

The Constitutional Council shall ensure the regularity of referendum procedures and shall announce the results thereof.

Article 61

Organic laws, before their promulgation, and regulations of the Parliamentary assemblies, before they come into application, must be submitted to the Constitutional Council, which shall rule on their constitutionality.

To the same end, laws may be submitted to the Constitutional Council, before their promulgation, by the President of the Republic, the Premier or the President of one or the other assembly.

In the cases provided for by the two preceding paragraphs, the Constitutional Council must make its ruling within a time limit of one month. Nevertheless, at the request of the Government, in case of emergency, this period shall be reduced to eight days.

In these same cases, referral to the Constitutional Council shall suspend the time limit for promulgation.

Article 62

A provision declared unconstitutional may not be promulgated or implemented.

The decisions of the Constitutional Council may not be appealed to any jurisdiction whatsoever. They must be recognized by the governmental authorities and by all administrative and juridical authorities.

Article 63

An organic law shall determine the rules of organization and functioning of the Constitutional Council, the procedure to be followed before it, and in particular the periods of time allowed for laying disputes before it.

TITLE VIII

On Judicial Authority

Article 64

The President of the Republic shall be the guarantor of the independence of the judicial authority.

He shall be assisted by the High Council of the Judiciary. An organic law shall determine the status of magistrates. Magistrates may not be removed from office.

Article 65

The High Council of the Judiciary shall be presided over by the President of the Republic. The Minister of Justice shall be its Vice-President *ex officio*. He may preside in place of the President of the Republic.

The High Council shall, in addition, include nine members

appointed by the President of the Republic in conformity with the conditions to be determined by an organic law.

The High Council of the Judiciary shall present nominations for judges of the Court of Cassation [Supreme Court of Appeal] and for First Presidents of Courts of Appeal. It shall give its opinion, under the conditions to be determined by an organic law, on proposals of the Minister of Justice relative to the nomination of the other judges. It shall be consulted on questions of pardon under conditions to be determined by an organic law

The High Council of the Judiciary shall act as a disciplinary council for judges. In such cases, it shall be presided over by the First President of the Court of Cassation.

Article 66

No one may be arbitrarily detained.

The judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

TITLE IX

The High Court of Justice

A High Court of Justice shall be instituted.

It shall be composed of members [of Parliament] elected, in equal number, by the National Assembly and the Senate after each general or partial election to these assemblies. It shall elect its President from among its members.

An organic law shall determine the composition of the High Court, its rules, and also the procedure to be followed before it.

Article 68

The President of the Republic shall not be held accountable for actions performed in the exercise of his office except in the case of high treason. He may be indicted only by the two assemblies ruling by identical vote in open balloting and by an absolute majority of the members of said assemblies. He shall be tried by the High Court of Justice.

The members of the Government shall be criminally hable for actions performed in the exercise of their office and deemed to be crimes or misdemeanours at the time they were committed. The procedure defined above shall be applied to them, as well as to their accomplices, in case of a conspiracy against the security of the State. In the cases provided for by the present paragraph, the High Court shall be bound by the definition of crimes and misdemeanours, as well as by the determination of penalties, as they are established by the criminal laws in force when the acts are committed.

TITLE X

The Economic and Social Council

Article 69

The Economic and Social Council, whenever the Government calls upon it, shall give its opinion on the Government bills, ordinances and decrees, as well as on the Parliamentary bills submitted to it.

A member of the Economic and Social Council may be designated by the latter to present, before the Parliamentary assemblies, the opinion of the Council on the Government or Parliamentary bills that have been submitted to it.

Article 70

The Economic and Social Council may likewise be consulted by the Government on any problem of an economic or social character of interest to the Republic or to the Community. Any plan, or any bill dealing with a plan, of an economic or social character shall be submitted to it for its advice.

Article 71

The composition of the Economic and Social Council and its rules of procedure shall be determined by an organic law.

TITLE XI

On Territorial Units

Article 72

The territorial units of the Republic are the communes, the Departments, the Overseas Territories. Other territorial units may be created by law.

These units shall be free to govern themselves through elected councils and under the conditions stipulated by law.

In the departments and the territories, the Delegate of the Government shall be responsible for the national interests, for administrative supervision, and for seeing that the laws are respected.

Article 73

Measures of adjustment required by the particular situation of the Overseas Departments may be taken with regard to their legislative system and administrative organization.

Article 74

The Overseas Territories of the Republic shall have a special organization, which takes into account their own interests within the general interests of the Republic. This organization shall be defined and modified by law after consultation with the Territorial Assembly concerned.

Article 75

Citizens of the Republic who do not have ordinary civil status, the only status referred to in Article 34, may keep their personal status as long as they have not renounced it.

Article 76

The Overseas Territories may retain their status within the Republic.

If they express the desire to do so by a decision of their Territorial Assemblies taken within the time limit set in the first paragraph of Article 91, they shall become Overseas Departments of the Republic or member States of the Community, either in groups or as single units.

TITLE XII

On the Community

Article 77

In the Community instituted by the present Constitution, the States shall enjoy autonomy; they shall administer themselves and manage their own affairs democratically and freely.

There shall be only one citizenship in the Community.

All citizens shall be equal before the law, whatever their origin, their race and their religion. They shall have the same duties.

Article 78

The Community's jurisdiction shall extend over foreign policy, defence, currency, common economic and financial policy, as well as over policy on strategic raw materials.

It shall include, in addition, except in the case of specific agreements, the supervision of the tribunals, higher education, the general organization of external transportation and transportation within the Community, as well as of telecommunications.

Special agreements may create other common jurisdictions or regulate any transfer of jurisdiction from the Community to one of is members.

Article 79

The member States shall benefit from the provisions of Article 77 as soon as they have exercised the choice provided for in Article 76.

Until the measures required for implementation of the present title go into force, matters within the common jurisdiction shall be regulated by the Republic.

Article 80

The President of the Republic shall preside over and represent the Community.

The institutional organs of the Community shall be an Executive Council, a Senate and a Court of Arbitration.

Article 81

The member States of the Community shall participate in the election of the President according to the conditions stipulated in Article 6.

The President of the Republic, in his capacity as President of the Community, shall be represented in each State of the Community.

Article 82

The Executive Council of the Community shall be presided over by the President of the Community. It shall consist of the Premier of the Republic, the heads of Government of each of the member States of the Community, and the ministers responsible for the common affairs of the Community.

The Executive Council shall organize the co-operation of members of the Community at Government and administrative levels.

The organization and procedure of the Executive Council shall be determined by an organic law.

Article 83

The Senate of the Community shall be composed of delegates whom the Parliament of the Republic and the legislative assemblies of the other members of the Community shall choose from among their own membership. The number of delegates of each State shall be determined according to its population and the responsibilities it assumes in the Community.

The Senate of the Community shall hold two sessions a year, which shall be opened and closed by the President of the Community and may not last longer than one month each.

The Senate of the Community, when called upon by the President of the Community, shall deliberate on the common economic and financial policy before laws on these matters are voted upon by the Parliament of the Republic and, should circumstances so require, by the legislative assemblies of the other members of the Community.

The Senate of the Community shall examine the acts and treaties or international agreements, which are specified in Articles 35 and 53, and which commit the Community.

The Senate of the Community shall make executory decisions in the domains in which it has received delegation of power from the legislative assemblies of the members of the Community. These decisions shall be promulgated in the same form as the law in the territory of each of the States concerned.

An organic law shall determine the composition of the Senate and its rules of procedure.

Article 84

A Court of Arbitration of the Community shall rule on litigations occurring among members of the Community.

Its composition and its jurisdiction shall be determined by an organic law.

Article 85

By derogation from the procedure provided for in Article 89, the provisions of the present title that concern the functioning of the common institutions shall be amendable by identical laws passed by the Parliament of the Republic and by the Senate of the Community.

Article 86

A change of status of a member State of the Community may be requested, either by the Republic, or by a resolution of the legislative assembly of the State concerned confirmed by a local referendum, the organization and supervision of which shall be ensured by the institutions of the Community. The procedures governing this change shall be determined by an agreement approved by the Parliament of the Republic and the legislative assembly concerned.

Under the same conditions, a member State of the Community may become independent It shall thereby cease to belong to the Community.

Article 87

The special agreements made for the implementation of the present title shall be approved by the Parliament of the Republic and the legislative assembly concerned.

TITLE XIII

On Agreements of Association Article 88

The Republic or the Community may make agreements with States that wish to associate themselves with the Community in order to develop their own civilizations.

TITLE XIV

On Amendment

Article 89

The initiative for amending the Constitution shall belong both to the President of the Republic on the proposal of the Premier and to the members of Parliament.

A Government or Parliamentary bill for amendment must be passed by the two assemblies in identical terms. The amendment shall become definitive after approval by a referendum.

Nevertheless, the proposed amendment shall not be submitted to a referendum when the President of the Republic decides to submit it to Parliament convened in Congress; in this case, the proposed amendment shall be approved only if it is accepted by a three-fifths majority of the votes cast. The Secretariat of the Congress shall be that of the National Assembly.

No amendment procedure may be undertaken or followed when the integrity of the territory is in jeopardy.

The republican form of government shall not be subject to amendment.

TITLE XV

Temporary Provisions

Article 90

The ordinary session of Parliament is suspended. The mandate of the members of the present National Assembly shall expire on the day that the Assembly elected under the present Constitution convenes.

Until this meeting, the Government alone shall have the authority to convene Parliament.

The mandate of the members of the Assembly of the French Union shall expire at the same time as the mandate of the members of the present National Assembly.

Article 91

The institutions of the Republic, provided for by the present Constitution, shall be established within four months after its promulgation.

This time limit shall be extended to six months for the institutions of the Community.

The powers of the President of the Republic now in office shall expire only when the results of the election provided for in Articles 6 and 7 of the present Constitution are proclaimed.

The member States of the Community shall participate in this first election under the conditions derived from their status at the date of the promulgation of the Constitution.

The established authorities shall continue to exercise their functions in these States according to the laws and regulations applicable when the Constitution becomes operative, until the authorities provided for by their new régimes are set up.

Until it is definitively constituted, the Senate shall consist of the present members of the Council of the Republic. The organic laws that determine the definitive composition of the Senate must be passed before 31 July 1959.

The powers conferred on the Constitutional Council by Articles 58 and 59 of the Constitution shall be exercised, until this Council is set up, by a committee composed of the Vice President of the Council of State, as chairman, the First President of the Court of Cassation, and the First President of the Audit Office.

The peoples of the member States of the Community shall continue to be represented in Parliament until the measures necessary to the implementation of Title XII have been put into effect.

Article 92

The legislative measures necessary for the setting up of the institutions and, until they are set up, for the functioning of the governmental authorities, shall be taken in meetings of the Council of Ministers, after consultation with the Council of State, in the form of ordinances having the force of law.

During the time limit set in the first paragraph of Article 91, the Government shall be authorized to determine, by ordinances having the force of law and passed in the same way, the system of elections to the assemblies provided for by the Constitution.

During the same period and under the same conditions, the Government may also adopt measures, in all matters, which it may deem necessary to the life of the nation, the protection of citizens or the safeguarding of liberties.

This Act shall be applied as the Constitution of the Republic and of the Community.

Done at Paris, on 4 October 1958.

Ordinance No. 58-1254 of 19 December 1958 enacting the organic law on the Executive Council of the Community

The President of the Council of Ministers,

Considering the Constitution and, in particular, articles 82, 85 and 92 thereof;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers,

Orders as follows:

Article 1. The Executive Council of the Community shall have its seat in Paris. The President of the Community may decide to convene the Council at another city and, in particular, at the capital of another member State of the Community.

Article 2. The President of the Community shall preside over the Executive Council. He shall call it together when the Senate of the Community is in session and every time that the requirements of common policy make it necessary. The President shall establish the agenda of the meetings of the Executive Council.

Article 3. The Prime Minister of the French Republic, the heads of Government of the other member States of the Community and the Ministers made responsible by the President of the Community for common affairs, shall be ex officio members of the Executive Council.

The members of the Executive Council shall attend the meetings in their personal capacity. In exceptional cases, however, they may be replaced for a specified meeting, with the consent of the President of the Community, by a member of the Government to which they belong.

The President of the Community may summon ministers belonging to the Governments of member States of the Community to the Executive Council for the consideration of specified matters.

Article 4. The Executive Council shall be the supreme body for the co-operation of member States of the Community in matters of government and administration. It shall take cognizance of the general policy of the Community within the scope of its competence as laid down in article 78 of the Constitution.

It shall decide on the expenditures required for the establishment and operation of the institutions and services of the Community and on the allocation among the member States of these expenditures and of expenditures for common policies.

Article 5. The President of the Community shall ensure respect for the Constitution, the organic laws of the Community,

the Community agreements provided for in articles 78 and 87 of the Constitution, the decisions of the Court of Arbitration of the Community and the treaties and international agreements binding on the Community.

He shall prepare and announce the measures needed for the administration of common affairs; he shall see to their enforcement.

Article 6. The President of the Community may delegate a part of his powers, except his duties as chairman of the Executive Council, to one or more members of the Executive Council.

Article 7. The Ministers responsible for common affairs and the competent Ministers of the member States of the Community may meet under the authority of the Executive Council and, if the occasion should arise, under the chairmanship of one of its members appointed for that purpose by the President of the Community, to prepare the work of the Executive Council and to consider matters submitted to them.

Article 8. The agenda and the proceedings of the meetings of the Executive Council and of the meetings as provided in article 7 above shall be secret.

Article 9. The President of the Community in Executive Council shall appoint a Secretary General. The Secretary General shall attend the meetings of the Executive Council and prepare a report of its discussions. He shall direct the services of the Community and co-ordinate the work of the meetings as provided in article 7 above.

The institutions and services of the Community shall be established and organized by the President of the Community in Executive Council. The President of the Community shall appoint the personnel of these institutions and services.

Article 10. For this purpose, the institutions and services necessary to common policy shall be under the high authority of the President of the Community.

Article 11. This Ordinance shall be published in the Journal official of the French Republic and of each of the other member States of the Community and shall be enforced as an organic law of the Community.

Done in Paris, 19 December 1958.

Ordinance No. 58-1255 of 19 December 1958 enacting the organic law on the Senate of the Community

The President of the Council,

Considering the Constitution and, in particular, articles 83, 85 and 92 thereof;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers,

Orders as follows:

TITLE I

Article 1. The Senate of the Community shall not exceed three hundred members.

Each of the States of the Community shall be represented in the Senate in accordance with the provisions of article 83, first paragraph, of the Constitution.

Article 2. Any disputes concerning the appointment of a delegate which may be submitted to the President of the Community shall be decided by the Court of Arbitration of the Community,

Article 3. Except in the event of resignation, the term of office of each member of the Senate of the Community shall terminate at the same time as his term of office in the assembly which appointed him.

His term of office shall not exceed five years. He may be reappointed.

Article 4. Each assembly shall, if the case should arise, complete its membership before the opening date of each of its sessions.

Article 5. All binding instructions upon members of the Senate shall be null and void. The members of the Senate of the Community shall not delegate their right to vote.

Article 6. Throughout the territory of the States of the Community, no member of the Senate of the Community shall be prosecuted, sought, arrested, detained or tried as a result of the opinions expressed or votes cast by him in the exercise of his

functions, nor shall he be prosecuted or arrested, during sessions, for a crime or correctional offence without the authorization of the Senate of the Community except in the case of flagrante delicto.

When the Senate is not in session, no member of the Senate of the Community shall be arrested without the authorization of the Officers of the Senate, except in the case of *flagrante delicto*, of authorized prosecution or of final conviction.

The detention or prosecution of a member of the Senate of the Community shall be suspended during the sessions and for their entire duration, if the Assembly so demands.

In the States themselves, statements made in the Senate of the Community and reports and other articles printed by order of the Assembly shall not give rise to any action; a report of the public meetings made in good faith in the newspapers shall not give rise to any action.

Article 7. It shall not be lawful for any member of the Senate of the Community, on pain of automatic resignation, to place his name followed by an indication of his position or allow it so to be placed in any advertising matter relating to a financial, industrial or commercial undertaking.

TITLE II

Article 8. The Senate of the Community shall hold two regular sessions a year, each lasting no more than one month. The President of the Community shall convene the Senate. He shall open each session and declare its closure.

Article 9. The President of the Community may call the Senate together in special session. A special session shall not exceed ten days in length.

Except as provided in article 19 below, a special session shall be called after consultation with the Executive Council.

Article 10. The meetings of the Senate of the Community shall be public. Nevertheless, at the request of the President of the Community or of one-tenth of the members of the Senate, the Senate may meet in secret committee.

The report of the proceedings, except those of the secret committees, shall be published officially.

Article 11. The first meeting of each regular session shall be presided over by the oldest of the members present, assisted by the six youngest members present who shall act as secretaries. These officers, appointed in virtue of their age, shall continue to act until the definitive election of the officers.

The election of the President and of the officers shall then be held by secret ballot. The President shall be eligible for reelection on the conclusion of his term of office.

In the event of a special session, and in the case as provided in article 6, second paragraph, the President and officers of the preceding session shall act.

Article 12. The Senate of the Community shall establish its rules of procedure.

Priority listing on the agenda and debates on urgent matters shall be obligatory when they are requested by the President of the Community.

Article 13. The members of the Executive Council of the Community shall have access to the Senate of the Community; if they have been appointed by the Executive Council to speak during a debate, they shall be heard by the Senate of the Community when they so request. The Ministers responsible for the common affairs of the Community may call for the assistance of commissioners appointed on their recommendation by the President of the Community.

Article 14. The members of the Senate of the Community may ask questions, within the limits of the competence of the Senate of the Ministers responsible for the common affairs of the Community. The questions and the answers shall be in writing.

TITLE III

Article 15. The Senate of the Community shall meet in Paris at the Palais du Luxembourg. If the need should arise, other meeting places may be put at its disposal subsequently by the Government of the Republic.

The Senate of the Republic shall provide it with the staff necessary for its work; the other legislative assemblies of the member States of the Community shall provide such supplementary staff as it may request.

Article 16. Each year the Scnate of the Community shall propose its working budget to the Executive Council, and the Executive Council shall decide thereon.

The remuneration of its members during sessions shall be determined by the Executive Council.

The Officers of the Senate of the Community shall decide on the use of the appropriations entered in the budget and designate the official responsible for ensuring the certification of expenditures.

TITLE IV

Article 17. The Senate of the Community shall examine bills concerning common economic and financial policy during the session in which they were submitted to it by the President of the Community.

Article 18. The Senate of the Community shall examine the treaties and international agreements referred to it by the President of the Community, which are specified in article 53 of the Constitution and are binding upon the Community.

Article 19. The Senate of the Community, on being convened in case of need in special session, shall be duly notified by the President of the Community and state its opinion with respect to an authorization of a declaration of war.

Article 20. The Senate of the Community shall make enforceable decisions in matters in which it has received a delegation of power from the legislative assemblies of the member States of the Community.

Article 21. The President of the Community, after consultation with the Executive Council, shall submit bills to the Senate of the Community for the revision of constitutional provisions that concern the functioning of the common institutions.

The organic laws of the Community shall be adapted, supplemented or revised in accordance with the same procedure as the constitutional provisions.

Article 22. The Senate of the Community may also be consulted by the President of the Community on all common affairs and, in particular, on the general objectives of the economic, social and cultural development policy of the Community.

Article 23. The Senate of the Community shall have the right to initiate recommendations serving to establish agreement among the legislations of member States.

Article 24. The opinions and recommendations of the Senate of the Community shall be communicated promptly by its President to the President of the Community who shall transmit them to the authorities concerned.

Article 25. The laws providing for the revision of the constitutional or organic provisions relating to the Community, referred to in article 21, and the enforceable decisions provided for by article 20, shall be promulgated, within the time limit of one month and in the same form as the Act respecting the territory of each of the member States concerned. In matters declared urgent by the President of the Community, the time limit for promulgation shall be reduced to eight days.

Article 26. This Ordinance shall be published in the Journal official of the French Republic and of each of the other member States of the Community and shall be enforced as an organic law of the Community.

Done in Paris, 19 December 1958.

Ordinance No. 53-1256 of 19 December 1958 enacting the organic law on the Court of Arbitration of the Community

The President of the Council of Ministers,

Considering the Constitution and, in particular, articles 80, 84 and 92 thereof;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers.

Orders as follows:

TITLE I

Jurisdiction of the Court

Article 1. The jurisdiction of the Court of Arbitration shall extend to disputes between members of the Community when these disputes refer to the interpretation or application of rules of law binding member States of the Community and based upon the following:

Constitutional provisions that concern the Community;

Organic laws applying these provisions;

Community agreements and other agreements between member States.

Article 2. The jurisdiction of the Court shall also extend to all other categories of disputes placed within its jurisdiction by agreement between the member States of the Community.

Article 3. The Court shall have full jurisdiction within the limits of its competence. It shall decide finally upon every question and every procedural objection raised during the decision of a dispute before it.

It shall have the power to correct situations resulting from court decisions in which it has found errors of law; it may grant damages.

Article 4. The court shall decide disputes concerning the validity of the appointment of delegates of the legislative assemblies of member States of the Community to the Senate of the Community.

These disputes shall be submitted to it by the President of the Community.

Article 5. The President of the Community may submit to the Court for its opinion any question of interpretation of the constitutional provisions that concern the Community, the organic laws applying these provisions and Community agreements.

TITLE II

Membership and organization of the Court

Article 6. The Court of Arbitration shall consist of seven judges appointed for six years by the President of the Community.

The judges shall be eligible for reappointment.

The judges shall be independent and may not be dismissed during their term of office.

Article 7. The following may be appointed judges:

- 1. Members of the courts or administrative tribunals with not less than ten years' seniority in their posts;
- 2. Professors of law faculties who have held their professorships for not less than ten years;
- 3. Persons possessing high judicial qualifications by virtue of the positions they have occupied for at least twenty years.

Article 8. The President of the Community shall choose the President of the Court from among the judges.

Article 9. Before taking office, the judges shall take the oath at a public meeting.

They shall swear to perform their duties well and faithfully and to maintain secrecy concerning their deliberations and decisions.

Article 10. Judges should not perform any political or administrative functions nor engage in any professional occupation.

Membership of a court and teaching are the only positions compatible with the position of judge.

Article 11. During their term of office, judges shall not take a position publicly on questions relating to the competence of the court.

They may not give any advice.

Article 12. The Court itself shall provide for its own discipline.

A judge shall not be prosecuted, sought, arrested, detained or tried for a criminal matter without the authorization of the Court. The Court may, in addition, assign jurisdiction in the matter to a particular court. Article 13. During their term of office, judges shall not be appointed to a public post nor receive any honours.

A judge who is a public official at the time of his appointment shall not take advantage of any discretionary promotion.

Article 14. A judge may resign by letter addressed to the President of the Community. The appointment of his successor, which shall be for a term of six years, shall be made at the latest within a month from the date of resignation. The resignation shall take effect upon the appointment of the successor.

Article 15. The Court shall record, if the occasion should arise, the automatic resignation of any one of its members who has accepted any function or elected office incompatible with his position as a member of the Court, or has suffered a conviction which has become res judicata entailing the deprivation of civil and political rights, or has systematically failed to perform his duties without valid excuse.

He shall be replaced within a week.

Article 16. The rules laid down in article 15 above shall apply to judges who incur a permanent physical incapacity and are definitively prevented from performing their duties.

Article 17. The President of the Community shall establish the meeting place of the Court.

Article 18. The President of the Community in Executive Council shall establish the honours, privileges and salaries of members of the Court.

Article 19. The Court shall have the assistance of a clerk appointed by the President of the Community. The President of the Community shall determine the organization of the clerk's office.

TITLE III

Procedure before the Court

Article 20. Disputes shall be brought before the Court of Arbitration by a request submitted either by a State of the Community or in the name of the Community.

An application for a stay of execution may be made to the Court.

Article 21. Proceedings before the Court of Arbitration shall be in writing and both sides in the case shall be heard.

If a party who has been formally notified fails to reply to a writ in the proceedings within the time limit laid down, the Court may proceed and decide the case.

Article 22. The Court shall not validly take cognizance of any arguments and conclusions except those set forth in the documents of the written proceedings.

These arguments and conclusions may be developed orally before the Court by the representatives of the States concerned.

Article 23. The investigation shall be directed by the Court. The hearings shall be public.

The deliberations shall be secret.

Article 24. The decisions of the Court shall be delivered at a public sitting by not less than five judges.

In the event of a parity of opinion, the President shall have the casting vote.

Article 25. The decisions of the Court shall have the effect of res judicata.

They shall be enforceable throughout the territory of the Community.

They shall not be subject to any appeal, except appeals for correction of a material error and third-party appeals.

Article 26. A request by which a State applies to the Court for redress for loss or damage suffered by one of its nationals and imputed to another State of the Community, shall not be admissible until all the recourse available under the internal law of the latter State has been exhausted, unless the Court specially and by way of exception decides otherwise.

It shall be for the Court to decide, if the case should arise, whether the injury done to a body corporate is to be deemed an injury to a national of the claimant State.

Article 27. The opinions delivered by the Court in application of article 5 of this Ordinance shall not be published and shall be directed solely to the President of the Community.

Article 28. Rules of procedure established by the Court and approved by the President of the Community shall supplement the provisions of this Title, particularly with regard to forms and time limits.

The rules of procedure shall also establish the accelerated procedure applicable to the disputes referred to in article 4 above.

Article 29. This Ordinance shall be published in the Journal official of the French Republic and of each of the other member States of the Community and shall be enforced as an organic law of the Community.

Done in Paris, 19 December 1958.

Ordinance No. 58-1257 of 19 December 1958 enacting the organic law relating to representation of the Parliament of the Republic in the Senate of the Community

The President of the Council of Ministers,

Considering the Constitution and, in particular, articles 76, 85 and 92 thereof;

Having heard the "Conseil d'Etat";

Having heard the Council of Ministers, Orders as follows:

Article 1. The representatives of the Parliament of the Republic in the Senate of the Community shall be chosen as to one half from each of the two Assemblies.

Article 2. The Assemblies shall elect their delegates in the manner provided for this particular purpose by their regulations, without prejudice to the provisions of article 3 below.

Article 3. The elections made in accordance with the preceding article must ensure, for the Parliament as a whole, the representation in an equitable manner of the departments of Algeria, Oasis, Saoura, Guadeloupe, French Guiana, Martinique and Réunion, and of the Overseas Territories whether they have kept their status within the Republic or have expressed their desire to become Overseas Departments in accordance with article 76 of the Constitution.

Article 4. This Ordinance shall be published in the Journal official of the French Republic and shall be enforced as an organic law.

Done in Paris, 19 December 1958.

DOCUMENT A/4115

Cessation of the transmission of information under Article 73 e of the Charter: communication from the Government of the United States of America

[Original text: English] [11 June 1959]

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Note by the Secretary-General transmitting a communication from the Government of the United States of America

The Secretary-General received the following communication dated 2 June 1959 from the Permanent Representative of the United States of America to the United Nations:

"The representative of the United States of America to the United Nations . . . has the honor to refer to resolution 222 (III), adopted by the General Assembly on November 3, 1948. This resolution states that the General Assembly, having regard to the provisions of Chapter XI of the Charter, considers that it is essential that the United Nations be informed of any change in the constitutional position and status of any Non-Self-Governing Territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the Government of the metropolitan country.

"Since 1946, the United States has transmitted annually to the Secretary-General information on the Territory of Alaska pursuant to Article 73 e of the Charter. However, on January 3, 1959, Alaska became one of the United States under a constitution taking effect on that date. In the light of this change in the constitutional position and status of Alaska, the United States Government considers it no longer necessary or appropriate to continue to transmit information on Alaska under Article 73 e. Consequently, the United States Government has decided that, with the submission of the annual report for the period July 1, 1957 to June 30, 1958, to which will be appended supplementary material for the additional six months ending January 3, 1959, the date on which Alaska achieved statehood, it will cease to transmit information on

"There are enclosed for the information of the Members of the United Nations the following documents in compliance with the terms of resolution 222 (III) of the General Assembly:

"1. Memorandum by the Government of the United States of America concerning the cessation of transmission of information under Article 73 e of the Charter with regard to Alaska.

- "2. Public Law 85-508, 85th Congress, H.R. 7999, July 7, 1958.
- "3. Admission of the State of Alaska into the Union, Proclamation No. 3269, 24 Fed. Reg. 81 (1959).
 - "4. Text of the Constitution of the State of Alaska."

The documentation referred to above is, in accordance with General Assembly resolution 1051 (XI) of 20 February 1957, communicated to the General Assembly at its fourteenth session and is reproduced in the annexes to the present note.

ANNEX I

Memorandum by the Government of the United States of America concerning the cessation of transmission of information under Article 73 e of the Charter with regard to Alaska

Introduction

- 1. The United States Government, pursuant to Article 73 e of the Charter of the United Nations and in accordance with resolution 66 (I) adopted by the General Assembly of the United Nations on December 14, 1946, has transmitted to the Secretary-General annually since 1946 information on several territories, including the Territory of Alaska.
- 2. For many years the people of Alaska have enjoyed a high degree of self-government as an Incorporated Territory of the United States. They have been citizens of the United States and have had an elected Territorial Legislature. They have not, however, elected their own Governor, had representation in the United States Senate or voting representation in the United States House of Representatives. On July 7, 1958 Public Law 85-508 was enacted into law providing for the admission of the State of Alaska into the Union on an equal footing with the other States in all respects. The Constitution, written by a Constitutional Convention and adopted by a vote of the people of Alaska in the election held on April 24, 1956, was found by the Congress to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence. The President, on January 3, 1959, proclaimed Alaska admitted to the Union as the fortyninth State.
- 3. With the occurrence of this event, the people of Alaska have attained a full measure of self-government—the same as that enjoyed by the people of all the other forty-eight States of the United States. Accordingly, the Government of the United States has determined under General Assembly resolution 222 (III) that it is no longer necessary for it to submit information on Alaska pursuant to Article 73 e of the Charter.
- 4. Resolution 222 (III), adopted by the General Assembly on November 3, 1948, states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any Non-Self-Governing Territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the Government of the metropolitan country.
- 5. As a result of the change in the constitutional position and status of Alaska described in this memorandum, the Government of the United States considers it unnecessary to transmit further information under Article 73 e of the Charter concerning Alaska. The United States Government desires that the United Nations be fully informed of the background of this decision. Accordingly, and in accordance with the terms of resolution 222 (III), this memorandum has been prepared and, together with a copy of the Constitution of the State of Alaska,

Public Law 85-508 and Proclamation No. 3269, is transmitted to the Secretary-General for circulation to the Members of the United Nations for their information.

Constitutional development of Alaska under United States administration

6. Alaska has been administered by the United States since 1867. The Congress early provided for the appointment of a governor and the organization of a government in the District of Alaska with a temporary seat at Sitka. The Act of 6 June 1900 provided that Alaska constitute a civil and judicial district and by the terms of the Act of 7 May 1906 Alaska was empowered to elect a non-voting Delegate to the Congress of the United States. The Act of 24 August 1912 constituted Alaska as an Incorporated Territory and a bicameral legislature was established to convene biennially at the capital, which was fixed at Juneau.

Constitutional development of Alaska United States administration

- 7. Legislation proposing statehood for Alaska was introduced in the Congress of the United States as early as 1916 and many bills have been introduced and congressional investigations held on the subject since then. On March 19, 1955, the Territorial Legislature of Alaska authorized the convening of and election of delegates to a constitutional convention to prepare a constitution for the State of Alaska. The delegates, elected on September 13, 1955, convened at the University of Alaska at College, Alaska, on November 8. The Convention's deliberations were concluded February 5, 1956, when the draft constitution was signed by the delegates. The document was presented on April 24 to the electorate of Alaska, which approved it by a vote of 17,477 to 7,180. In accordance with the terms of ratification of the constitution, a copy was then transmitted to the President for submission to the Congress.
- 8. Several bills providing for changes in Alaska's constitutional status were introduced in the 85th United States Congress. On May 28, 1958, the United States House of Representatives passed H.R. 7999 which the United States Senate passed on June 30. On July 7, 1958, President Eisenhower approved the bill, which became Public Law 85-508, "An Act to provide for the admission of the State of Alaska into the Union".
- 9. On July 16, 1958, the Honorable Mike Stepovich, the last appointed Governor of Alaska, issued a proclamation calling for a primary election for the purpose of nominating candidates for United States Senator and Representative and for certain high state offices and, concurrently, a special election to adopt or reject three propositions as specified in Public Law 85-508. The same proclamation called a general election for the purpose of electing officers from among the candidates chosen in the primary.
- 10. In the special election held on August 26, 1958, Proposition 1: "Shall Alaska immediately be admitted into the Union as a State?" was adopted by 40,452 to 8,010. Proposition 2: "The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved July 7, 1958, and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States" was adopted by a vote of 40,421 to 7,766. Finally, Proposition 3: "All provisions of the Act of Congress approved July 7, 1958 reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people", was adopted by 40,739 votes to 7,500.
- 11. In the general election of November 25, 1958, the people of Alaska chose two United States Senators and one Representative to serve in the Congress of the United States beginning with the 86th Congress, the members of the Senate and House of Representatives of the Legislature of Alaska, the Governor and the Secretary of State of Alaska.
- 12. The final step in the process was reached on January 3, 1959, with the issuance of Proclamation No. 3269, 24 Fed. Reg. 81 (1959) by the President certifying that the procedural requirements imposed by the Congress on the State of Alaska to entitle it to admission into the Union had been complied with

in all respects, and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union had been accomplished.

Principal features of the Constitution of the State of Alaska

- 13. The Constitution of the State of Alaska, as it became effective with its promulgation by the President of the United States, is similar to that of the other States of the Federal Union. It recognizes that "all political power is inherent in the people" (Article I, Section 2) and establishes a republican form of government. It provides for the division of the powers attributed to the government among executive, legislative and judicial branches. It contains a Declaration of Rights, in which certain fundamental freedoms are guaranteed to the people of the State. It provides for the secrecy of the ballot, for universal adult suffrage, for the enactment of legislation by the initiative and referendum and for the recall of elected public officials.
- 14. The Declaration of Rights, incorporated into the Constitution as Article I, opens with the statement that "This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law . . .". It then goes on to guarantee the enjoyment of civil and political rights regardless of race, color, creed or national origin and provides for the implementation by the legislature of this guarantee. Freedom of religion and speech are likewise assured. The rights of peaceable assembly and petition are recognized. No person may be deprived of life, liberty or property without due process of law, put in jeopardy twice for the same offense, or compelled to be a witness against himself. Excessive bail may not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. The privilege of the writ of habeas corpus may not be suspended unless required by public safety, and the right of the people to be secure in their persons, houses and other property against unreasonable searches and seizures may not be violated. Bills of attainder, ex post facto laws, and imprisonment for debt are ruled out.
- 15. Articles II, III, and IV set forth the organization, functions, powers, methods of selection, etc., of the legislative, executive and judicial branches of the government. The Governor and Secretary of State, who in the former's absence acts in his place and succeeds to his office in case of vacancy, as well as the bicameral legislature are to be popularly elected. An unusual feature is that Supreme Court justices and Superior Court judges are required to be subject to approval or rejection at the first general election held not more than three years after their appointment.
- 16. Section 1 of Article VII provides for a system of public schools open to all children of the State and free from sectarian control. Section 2 establishes the University of Alaska as the state university. Sections 4 and 5 require the legislature to provide for the promotion and protection of public health and for public welfare, respectively.
- 17. Article VIII reflects the abiding interest of the people of Alaska in the development and conservation of the State's natural resources. Section 1 describes the policy of the State as one designed "to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest". In Section 2, the legislature is given authority to "provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people".
- 18. Among the general provisions contained in Article XII is one requiring all public officers, before entering upon the duties of their offices, to take an oath to "support and defend the Constitution of the United States and the Constitution of the State of Alaska...".
- 19. The final article, Article XV, consists of a schedule of measures designed to provide an orderly transition from a territorial to a state form of government. Among these are the continuance in force of all laws in force on the effective date

of the constitution until they expire, are amended, or repealed, provision for the first state elections, establishment of the capital of the state at Juneau, and provision for the constitution to take effect immediately upon admission of Alaska into the Union.

Conclusion

20. For the reasons already set forth, the United States Government has decided that, with the entry into force on January 3, 1959, of the Constitution of the State of Alaska, it is no longer necessary or appropriate for the United States to continue to transmit information to the United Nations on Alaska under Article 73 e of the Charter.

ANNEX II

Public Law 85-508, 85th Congress, H.R. 7999, July 7, 1958 (72 Stat. 339)

An Act to provide for the admission of the State of Alaska into the Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8 (c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, "An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date", approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Section 2. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

Section 3. The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Section 4. As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: Provided, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: And provided further, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation.

Section 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Section 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed 400,000 acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another 400,000 acres of land, all of which shall be adjacent to established communities or suitable for prospective community centres and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

- (b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed 102,550,000 acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.
- (c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.
- (d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.
- (e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: Provided, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed

to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8 (a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669 g-l), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C. sec. 777 k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U.S.C., secs. 631 a-631 q), as supplemented and amended. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Act of February 26, 1944, as supplemented and amended, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended (16 U.S.C., sec. 772 et seq.).

- (f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.
- (g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands,
 - (h) Any lease, permit, license, or contract issued under the

Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 30 U.S.C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract: Provided, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

- (i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.
- (j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college or university.
- (k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.
- (1) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.
 - (m) The Submerged Lands Act of 1953 (Public Law 31,

Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Section 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

Section 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: Provided, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

- (b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:
- "(1) Shall Alaska immediately be admitted into the Union as a State?
- "(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved (date of approval of this Act) and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.
- "(3) All provisions of the Act of Congress approved (date of approval of this Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people."

In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to ensure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation

by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

Section 9. The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2 a), for the Eighty-third Congress and each Congress thereafter.

Section 10. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

- (b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.
- (c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national

defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: Provided, however, That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: And provided further, That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

- (d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:
- (1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.
- (2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.
- (3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: *Provided*, *however*, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.
- (4) All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.
- (5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.
- (6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.
- (7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

(c) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

Section 11. (a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

Section 12. Effective upon the admission of Alaska into the Union-

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such

analysis, a new item to be designated as item 81A and to read as follows:

"81A. Alaska";

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

"Section 81A. Alaska

"Alaska constitutes one judicial district.

"Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.";

- (c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: "Arizona * * * 2", a new item as follows: "Alaska * * * 1";
- (d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: "the District Court for the Territory of Alaska,": Provided, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;
- (e) The words "the District Court for the Territory of Alaska," are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;
- (f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word "Alaska," from the clause relating to courts of record;
- (g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;
- (h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: "including the District Court for the Territory of Alaska,";
- (i) Section 3241 of title 18, United States Code, is amended by striking out the words: "District Court for the Territory of Alaska, the";
- (j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words "for Alaska or":
- (k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,";
- (1) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,";
- (m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "and of the District Court for the Territory of Alaska";
- (n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: "the District Court for the Territory of Alaska,": Provided, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;
- (o) The last paragraph of section 1963 of title 28, United States Code, is repealed;
- (p) Section 2201 of title 28, United States Code, is amended by striking out the words: "and the District Court for the Territory of Alaska"; and
- (q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U.S.C., sec. 341 b) is amended by striking out the word: "Alaska,".

Section 13. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

All civil causes of action and all criminal offenses which

shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

Section 14. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in the like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: Provided, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

Section 15. All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Section 16. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

Section 17. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

Section 18. The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

Section 19. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

Section 20 Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U.S.C., sec. 433), is hereby repealed.

Section 21. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

Section 22. Section 101 (a) (36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101 (a) (36)) is amended by deleting the word "Alaska,".

Section 23. The first sentence of section 212 (d) (7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C., sec. 1182 (d) (7)) is amended by deleting the word "Alaska,".

Section 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C., sec 1404).

Section 25. The first sentence of section 310 (a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C., sec. 1421 (a)) is amended by deleting the words "District Courts of the United States for the Territories of Hawaii and Alaska" and substituting therefor the words "District Court of the United States for the Territory of Hawaii".

Section 26. Section 344 (d) of the Immigration and Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455 (d)) is amended by deleting the words "in Alaska and".

Section 27. (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C., sec. 883), is further amended by striking out the word "excluding" and inserting in lieu thereof the word "including".

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

Section 28. (a) The last sentence of section 9 of the Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: "All net profits from operation of Government mines,

and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

(b) Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: ", and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof".

Section 29. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

Section 30. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

Approved July 7, 1958.

ANNEX III

(Extract from Federal Register, Tuesday, January 6, 1959)

Proclamation 3269: Admission of the State of Alaska into the Union

By the President of the United States of America

A Proclamation

Whereas the Congress of the United States by the act approved on July 7, 1958 (72 Stat. 339), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Alaska in an election held on April 24, 1956, and provided for the admission of the State of Alaska into the Union on an equal footing with the other States of the Union upon compliance with certain procedural requirements specified in that act; and

Whereas it appears from information before me that a majority of the legal votes cast at an election held on August 26, 1958, were in favor of each of the propositions required to be submitted to the people of Alaska by section 8 (b) of the act of July 7, 1958; and

Whereas it further appears from information before me that a general election was held on November 25, 1958, and that the returns of the general election were made and certified as provided in the act of July 7, 1958; and

Whereas the Acting Governor of Alaska has certified to me the results of the submission to the people of Alaska of the three propositions set forth in section 8 (b) of the act of July 7, 1958, and the results of the general election; and

Whereas I find and announce that the people of Alaska have duly adopted the propositions required to be submitted to them by the Act of July 7, 1958, and have duly elected the officers required to be elected by that act:

Now, THEREFORE, I, Dwight D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington at one minute past noon on this third day of January in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

Dwight D. Eisenhower

By the President:

Christian A. Herter, Acting Secretary of State.

[F. R. Doc. 59-169; Filed, Jan. 5, 1959; 10.59 a.m.]

ANNEX IV

The Constitution of the State of Alaska Agreed upon by the Delegates of the People of Alaska

TABLE OF CONTENTS Article Page Preamble II. The Legislature III. The Executive IV. The Judiciary V. Suffrage and Elections VI. Legislative Apportionment VII. Health, Education, and Welfare VIII. Natural Resources IX. Finance and Taxation 80 XII. General Provisions

XIV. Apportionment Schedule

XV. Schedule of Transitional Measures

Ordinance No. 1

PREAMBLE

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

ARTICLE I

Declaration of Rights

Section 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Section 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole

Section 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

Section 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Section 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Section 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Section 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

Section 8. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

Section 9. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Section 10. Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Section 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

Section 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

Section 14. The right of the people to be secure in their persons, houses and other property, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Section 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

Section 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

Section 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

Section 18. Private property shall not be taken or damaged for public use without just compensation.

Section 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Section 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Section 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

ARTICLE II

The Legislature

Section 1. The legislative power of the State is vested in a

legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

Section 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

Section 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

Section 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

Section 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

Section 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Section 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Section 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

Section 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.

Section 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

Section 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

Section 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

Section 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Section 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days,

except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

Section 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

Section 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

Section 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

Section 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

Section 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Section 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

Section 21. The legislature shall establish procedures for suits against the State.

ARTICLE III

The Executive

Section 1. The executive power of the State is vested in the governor.

Section 2. The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

Section 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

Section 4. The term of office of the governor is four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years later.

Section 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

Section 6. The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

Section 7. There shall be a secretary of state. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor. Section 8. The secretary of state shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for secretary of state running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected secretary of state.

Section 9. In case of the temporary absence of the governor from office, the secretary of state shall serve as acting governor.

Section 10. If the governor-elect dies, resigns, or is disqualified, the secretary of state elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the secretary of state elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

Section 11. In case of a vacancy in the office of governor for any reason, the secretary of state shall succeed to the office for the remainder of the term.

Section 12. Whenever for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

Section 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the secretary of state is unable to succeed to the office or act as governor. No election of a secretary of state shall be held except at the time of electing a governor.

Section 14. When the secretary of state succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

Section 15. The compensation of the governor and the secretary of state shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

Section 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

Section 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Section 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Section 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Section 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Section 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Section 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among

and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Section 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Section 24. Each principal department shall be under the supervision of the governor.

Section 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Section 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Section 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV The Judiciary

Section 1. The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Section 2. The supreme court shall be the highest court of the State, with final appelate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

Section 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Section 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Section 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Section 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a non-partisan ballot at the first general election held more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

Section 7. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the ques-

tion, or for which he fails to file his declaration of candidacy to succeed himself.

Section 8. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governer subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

Section 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

Section 10. Whenever the judicial council certifies to the governor that a supreme court justice appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances, and may on the board's recommendation retire the justice. Whenever a judge of another court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the judicial council shall recommend to the supreme court that the judge be placed under early retirement. After notice and hearing, the supreme court by majority vote of its members may retire the judge.

Section 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

Section 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

Section 13. Justices, judges, and members of the judicial council shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State.

Section 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office for feits his judicial position.

Section 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

Section 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the judicial system.

Article V Suffrage and Elections

Section 1. Every citizen of the United States who is at least nineteen years of age, who meets registration requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. He shall have been, immediately preceding the election, for one year a resident of Alaska and for thirty days a resident of the election district in which he seeks to vote. He shall be able to

read or speak the English language as prescribed by law, unless prevented by physical disability. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions.

Section 2. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Section 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

Section 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

Section 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

ARTICLE VI

Legislative Apportionment

Section 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Section 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Section 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

Section 4. Reapportionment shall be by the method of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

Section 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Section 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

Section 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

Section 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central, and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

Section 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

Section 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this

article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

Section 11. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII

Health, Education and Welfare

Section 1. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Section 2. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

Section 3. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

Section 4. The legislature shall provide for the promotion and protection of public health.

Section 5. The legislature shall provide for public welfare.

ARTICLE VIII

Natural Resources

Section 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 3. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 4. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

Section 6. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

Section 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Section 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

Section 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources amay be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damage.

Section 10. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

Section 11. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

Section 12. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

Section 13. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

Section 14. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

Section 15. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

Section 16. No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law

Section 17. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

Section 18. Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX

Finance and Taxation

Section 1. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

Section 2. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

Section 3. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

Section 4. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

Section 5. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

Section 6. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

Section 7. The proceeds of any state tax or license shall not be dedicated to any special purpose, except when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this constitution by the people of Alaska.

Section 8. No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

Section 9. No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

Section 10. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

Section 11. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

Section 12. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

Section 13. No money shall be withdrawn from the treasury, except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

Section 14. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The

auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

ARTICLE X

Local Government

Section 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

Section 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

Section 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

Section 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

Section 5. Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

Section 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

Section 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

Section 8. The governing body of a city shall be the council.

Section 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

Section 10. The legislature may extend home rule to other boroughs and cities.

Section 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

Section 12. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after

presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

Section 13. Agreements, including those for co-operative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

Section 14. An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

Section 15. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

ARTICLE XI

Initiative, Referendum, and Recall

Section 1. The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

Section 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the secretary of state. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

Section 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the secretary of state.

Section 4. An initiative petition may be filed at any time. The secretary of state shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

Section 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The secretary of state shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

Section 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The secretary of state shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

Section 7. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Section 8. All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

ARTICLE XII

General Provisions

Section 1. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

Section 2. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

Section 3. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

Section 4. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

Section 5. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as to the best of my ability." The legislature may prescribe further oaths or affirmations.

Section 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

Section 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

Section 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the

Section 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

Section 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

Section 11. As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

Section 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States, or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in or to any property, including fishing rights, the right or title to which may be held by or for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The State and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

Section 13. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

ARTICLE XIII

Amendment and Revision

Section 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The secretary of state shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next statewide election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the secretary of state.

Section 2. The legislature may call constitutional conventions at any time.

Section 3. If during any ten-year period a constitutional convention has not been held, the secretary of state shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The secretary of state shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

Section 4. Constitutional conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

ARTICLE XIV

Apportionment Schedule

Section 1. Members of the house of representatives shall, until reapportionment, be elected from the election districts and in the numbers shown below:

Number of District	Name of District	Number of Representatives
1	Prince of Wales	1
2	Ketchikan	2
2 3 4 5 6	Wrangell-Petersburg	1
4	Sitka	2 2
5	Juneau	
6	Lynn Canal-Icy Straits	1
7	Cordova-McCarthy	1
8	Valdez-Chitina-Whittier	1
9	Palmer-Wasilla-Talkeetna	1
10	Anchorage	8
11	Seward	1
12	Kenai-Cook Inlet	1
13	Kodiak	2
14	Aleutian Islands	1
15	Bristol Bay	1
16	Bethel	1
17	Kuskokwim	1
18	Yukon-Koyukuk	1
19	Fairbanks	5
20	Upper Yukon	1
21	Barrow	1
22	Kobuk	1
23	Nome	2
24	Wade Hampton	1

Section 2. Members of the senate shall be elected from the senate districts and in the number shown below:

Composed	
of	Number
Election	of
Districts	Senators
1, 2, 3, 4, 5 and 6	2
1 and 2	1
3 and 4	1
5 and 6	1
7, 8, 9, 10, 11, 12,	
13 and 14	2
7 and 8	1
9 and 10	1
11 and 12	1
13 and 14	1
15, 16, 17, 18,	
19 and 20	2
15 and 16	1
17 and 18	1
19 and 20	1
21, 22, 23 and 24	2
21 and 22	1
23 and 24	1
	of Election Districts 1, 2, 3, 4, 5 and 6 1 and 2 3 and 4 5 and 6 7, 8, 9, 10, 11, 12, 13 and 14 7 and 8 9 and 10 11 and 12 13 and 14 15, 16, 17, 18, 19 and 20 15 and 16 17 and 18 19 and 20 21, 22, 23 and 24 21 and 22

Section 3. The election districts set forth in Section 1 shall include the following territory:

- 1. Prince of Wales: All of Prince of Wales, Dall, Forrester, Suemez, Baker, Lulu, Noyes, Warren, Kosciusko and the Kashevarof Islands as well as adjacent off-shore islands.
- 2. Ketchikan: That area of the mainland drained by streams flowing into Revillagigedo Channel, Behm Canal, Burroughs Bay, and east side of Clarence Strait from the southernmost point of the Alaska-British Columbia boundary line to and including Lemesurier Point; and those islands south of Ernest Sound and east of Clarence Strait, including Revillagigedo, Gravina, Annette, and Duke Islands, and other adjacent smaller islands.
- 3. Wrangell-Petersburg: That area of the mainland north of Election District No. 2 and south of, and including, the area draining into Frederick Sound to Cape Fanshaw on the north, and partly bounded on the north by a line drawn between Cape Fanshaw and the north side of Pybus Bay; that area of Admiralty Island drained by streams flowing into Frederick Sound; that area of Baranof Island drained by streams flowing into Chatham Strait to but not including that area drained by streams flowing into Peril Strait; and including Kupreanof, Mitkof, Kuiu and Coronation Islands and other smaller adjacent islands.
- 4. Sitka: Those parts of Admiralty, Chichagof, and Baranof Islands not included in Election Districts No. 3, 5 and 6; and Kruzof Island and other smaller adjacent islands.
- 5. Juneau: The mainland north of Election District No. 3 up to and including the area drained by streams flowing into Berners Bay on the north; and that area of Admiralty Island north of Election District No. 3 and drained by streams flowing into Stephens Passage, Seymour Canal, Lynn Canal, and their tributaries; and including Douglas, Shelter, and Benjamin Islands, and other small adjacent islands.
- 6. Lynn Canal-Icy Straits: That part of the mainland, not included in Election District No. 5, drained by streams flowing into Lynn Canal, Glacier Bay, Icy Strait, Cross Sound, and their tributaries, and the Pacific Ocean, to and including the area drained into Icy Bay to the west; those parts of Admiralty and Chichagof Islands drained by streams flowing into Icy Strait, Cross Sound, and their tributaries; and Yakobi, Lemesurier, and Pleasant Islands, and other smaller adjacent islands.
- 7. Cordova-McCarthy: That area draining into the Gulf of Alaska and Prince William Sound, from but not including that area draining into the south side of Icy Bay on the east, to Knowles Head on the west, including Hawkins, Hinchinbrook, Kayak, and Middleton Islands, and other smaller adjacent islands; and that area drained by the Copper River and its tributaries up to and not including the Tiekel River on the west, and up to and including the Chitina River on the east.
- 8. Valdes-Chitina-Whittier: That area drained by all streams flowing into Prince William Sound from Cape Junken on the west to Knowles Head on the east, including Montague, La-

- touche, and Knight Islands, and adjacent smaller islands; and all of the area drained by the Copper River and its tributaries above and including the Tiekel River on the west, and above but not including the Chitina River on the east.
- 9. Palmer-Wasilla-Talkeetna: That area from and including Susitna on the south, drained by the Susitna River and its tributaries; and that area drained by the Little Susitna River from and including Flat Lake on the south; and that area draining into Knik Arm from and including Fish Creek and its tributaries on the west side of Knik Arm, to and including the area draining into the Knik River from the north, and from the south to the highway bridge.
- 10. Anchorage: That area around Turnagain Arm and east of Knik Arm drained by streams flowing into Turnagain Arm and Knik Arm, from and including Placer River on the south, to and including the Knik River highway bridge on the north; that area east of Knik Arm and north of Cook Inlet drained by Goose Creek and its tributaries on the east, and the Little Susitna River south of Flat Lake, and the Susitna River south of but not including Susitna; the area west of Cook Inlet drained by Ivan, Lewis, Theodore Rivers and their tributaries, to but not including Beluga River on the south.
- 11. Seward: That part of Kenai Peninsula draining into the Gulf of Alaska from Gore Point on the west to Cape Junken on the east; and the area draining into Turnagain Arm from and including the drainage of Resurrection Creek on the west to but not including Placer River on the east, and to and including the confluence of the Kenai and Russian Rivers on the west.
- 12. Kenai-Cook Inlet: That area of Kenai Peninsula drained by streams flowing into the Gulf of Alaska, Cook Inlet, and Turnagain Arm, from and including the area drained into Port Dick on the south to Gore Point, to but not including Resurrection Creek on the north, and the area east of the confluence of the Kenai and Russian Rivers; and that area west of Cook Inlet drained by all streams flowing into Cook Inlet from Cape Douglas on the south, to and including the Beluga River; including Elizabeth Island and adjacent islands in Cook Inlet.
- 13. Kodiak: The part of the Alaska Peninsula drained by all streams flowing into the Pacific Ocean from Cape Douglas on the east to but not including Kujulik Bay on the west; and all adjacent off-shore islands, including the Semidi Islands, and Kodiak, Afognak, Trinity, Chirikof Islands, and other smaller islands in the immediate vicinity, such as the Barren Islands and the Chugach Islands.
- 14. Aleutian Islands: The part of the Alaska Peninsula west of and including the drainage of Meshik River and Kujulik Bay; and all of the Aleutian and Pribilof Islands and adjacent off-shore islands west of and excluding the Semidi Islands and Sutwik Island.
- 15. Bristol Bay: The area drained by all streams flowing into Bristol Bay from Cape Newenham on the west to but not including the Meshik River on the south.
- 16. Bethel: The area drained by all streams flowing into Baird Inlet, Etolin Strait, and Kuskokwim Bay; that area drained by the Kuskokwim River and its tributaries up to, and including, the area drained by the Tuluksak River on the east bank of the Kuskokwim River; and the area drained by tributaries up to the opposite point on the west bank of the Kuskokwim River, and including Nunivak Island and St. Matthew Island and adjacent islands.
- 17. Kuskokwim: The area drained by the Kuskokwim River and its tributaries above and not including the area drained by the Tuluksak River on the east bank; and the area drained by tributaries above the opposite point on the west bank of the Kuskokwim River; and the area drained by the Yukon River from Tuckers Slough, to but not including the area drained by the Khotol River.
- 18. Yukon-Koyukuk: The area drained by all streams and their tributaries flowing into the Yukon River from and including Khotol River on the west to and including Hess Creek on the east; and that area drained by the Tanana River and its tributaries up to but not including Clear Creek, near Blair Lakes, on the east; and that part of Goldstream Creek up to but not including Nugget Creek and Spinach Creek; and that por-

tion drained by the Chatanika River up to but not including Vault Creek.

- 19. Fairbanks: That area drained by the Tanana River and its tributaries from and including Clear Creek, near Blair Lakes, on the west, to the Alaska-Canada boundary on the east; and also that area drained by Goldstream Creek and its tributaries up stream from, and including, Nugget Creek and Spinach Creek; and that portion drained by the Chatanika River and its tributaries up stream from, and including, Vault Creek.
- 20. Upper Yukon: That area drained by the Yukon River and its tributaries from, but not including, Hess Creek on the west, to the Alaska-Canada boundary; and that area drained by streams flowing into the Arctic Ocean from, but not including, Kuparuk River on the west, to the Alaska boundary.
- 21. Barrow: The area drained by all streams flowing into the Arctic Ocean from Cape Lisburne on the west, to and including the area drained by the Kuparuk River and its tributaries on the east.
- 22. Kobuk: The area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound, from Cape Lisburne on the north, to and including the area drained by the Goodhope River and its tributaries on the south.
- 23. Nome: That part of the Seward Peninsula and adjacent areas drained by all streams flowing into the Kotzebue Sound, Bering Strait and Norton Sound, from, but not including, the area drained by the Goodhope River and its tributaries on the north, to but not including, the area drained by the Pastolik River on the south; and King, Little Diomede, St. Lawrence, Sledge, and Stuart Islands, as well as adjacent off-shore islands.
- 24. Wade Hampton: The area drained by the lower Yukon River and its tributaries, from Tuckers Slough to the mouth at the Bering Sea; and the area drained by all streams flowing into the Bering Sea and Norton Sound, from and including Hazen Bay on the south, to and including the Pastolik River on the north.

ARTICLE XV

Schedule of Transitional Measures

To provide an orderly transition from a territorial to a state form of government, it is declared and ordained:

Section. 1. All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

Section 2. Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to state government, and the State shall be the legal successor to the Territory in these matters.

Section 3. Cities, school districts, health districts, public utility districts, and other local subdivisions of government existing on the effective date of this constitution shall continue to exercise their powers and functions under existing law, pending enactment of legislation to carry out the provisions of this constitution. New local subdivisions of government shall be created only in accordance with this constitution.

Section 4. All officers of the Territory, or under its laws, on the effective date of this constitution shall continue to perform the duties of their offices in a manner consistent with this constitution until they are superseded by officers of the State.

Section 5. Residence, citizenship, or other qualifications under the Territory may be used toward the fulfillment of corresponding qualifications required by this constitution.

Section 6. When the people of the Territory ratify this constitution and it is approved by the duly constituted authority of the United States, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation and take necessary measures to hold primary and general elections for all state elective offices provided for by this constitution.

Section 7. The primary election shall take place not less than forty nor more than ninety days after the proclamation by the

governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws.

Section 8. The officers to be elected at the first general election shall include two senators and one representative to serve in the Congress of the United States, unless senators and a representative have been previously elected and seated. One senator shall be elected for the long term and one senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States. The term of the representative shall expire on the third day of January in the odd-numbered year immediately following his assuming office. If the first representative is elected in an even-numbered year to take office in that year, a representative shall be elected at the same time to fill the full term commencing on the third day of January of the following year, and the same person may be elected for both terms.

Section 9. The first governor and secretary of state shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for reelection only if it is four years or more in duration.

Section 10. At the first state general election, one senator shall be chosen for a two-year term from each of the following senate districts, described in Section 2 of Article XIV: A, B, D, E, G, I, J, L, N, and O. At the same election, one senator shall be chosen for a four-year term from each of the following senate districts, described in Section 2 of Article XIV: A, C, E, F, H, J, K, M, N, and P.

Section 11. The first state legislators shall hold office for a term beginning with the day on which they assume office and ending at noon on the fourth Monday in January after the next general election, except that senators elected for four-year terms shall serve an additional two years thereafter. If the first general election is held in an even-numbered year, it shall be deemed to be the general election for that year.

Section 12. The returns of the first general election shall be made, canvassed, and certified in the manner prescribed by law. The governor of the Territory shall certify the results to the President of the United States.

Section 13. When the President of the United States issues a proclamation announcing the results of the election, and the State has been admitted into the Union, the officers elected and qualified shall assume office.

Section 14. The governor shall call a special session of the first state legislature within thirty days after the presidential proclamation unless a regular session of the legislature falls within that period. The special session shall not be limited as to duration.

Section 15. The provisions of Section 5 of Article II shall not prohibit any member of the first state legislature from holding any office or position created during his first term.

Section 16. The first members of the judicial council shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three attorney members for one, three, and five years respectively, and three non-attorney members for two, four, and six years respectively. The six members so appointed shall, in accordance with Section 5 of Article IV, submit to the governor nominations to fill the initial vacancies on the superior court and the supreme court, including the office of chief justice. After the initial vacancies on the superior and supreme courts are filled, the chief justice shall assume his seat on the judicial council.

Section 17. Until the courts provided for in Article IV are organized, the courts, their jurisdiction, and the judicial system shall remain as constituted on the date of admission unless otherwise provided by law. When the state courts are organized, new actions shall be commenced and filed therein, and all causes, other than those under the jurisdiction of the United States, pending in the courts existing on the date of admission, shall be transferred to the proper state court as though commenced,

filed, or lodged in those courts in the first instance, except as otherwise provided by law.

Section 18. The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State, and debts owed to the Territory shall be collected by the State. Assets and records of the Territory shall become the property of the State.

Section 19. The first reapportionment of the house of representatives shall be made immediately following the official reporting of the 1960 decennial census, or after the first regular legislative session if the session occurs thereafter, notwithstanding the provision as to time contained in Section 3 of Article VI. All other provisions of Article VI shall apply in the first reapportionment.

Section 20. The capital of the State of Alaska shall be at Juneau.

Section 21. The seal of the Territory, substituting the word "State" for "Territory," shall be the seal of the State.

Section 22. The flag of the Territory shall be the flag of the State.

Section 23. Citizens who legally voted in the general election of November 4, 1924, and who meet the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Section 1 of Article V.

Section 24. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance.

Section 25. This constitution shall take effect immediately upon the admission of Alaska into the Union as a state.

Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska, this fifth day of February, in the year of our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States the one hundred and eightieth.

Wm. A. Egan President of the Convention

Ordinance No. 1

Ratification of Constitution

Section 1. The Constitution for the State of Alaska agreed upon by the delegates to the Alaska Constitutional Convention on February 5, 1956, shall be submitted to the voters of Alaska for ratification or rejection at the territorial primary election to be Feld on April 24, 1956. The election shall be conducted according to existing laws regulating primary elections so far as applicable

Section 2. Each elector who offers to vote upon this constitution shall be given a ballot by the election judges which will be separate from the ballot on which candidates in the primary election are listed. Each of the propositions offered by the Alaska Constitutional Convention shall be set forth separately, but on the same ballot form. The first proposition shall be as follows:

"Shall the Constitution for the State of Alaska prepared and agreed upon by the Alaska Constitutional Convention be adopted?"

No □

Section 3. The returns of this election shall be made to the governor of the Territory of Alaska, and shall be canvassed in substantially the manner provided by law for territorial elections.

Section 4. If a majority of the votes cast on the proposition favor the constitution, then the constitution shall be deemed to be ratified by the people of Alaska to become effective as provided in the constitution.

Section 5. Upon ratification of the constitution, the governor of the Territory shall forthwith transmit a certified copy of the constitution to the President of the United States for submission to the Congress, together with a statement of the votes cast for and against ratification.

Ordinance No. 2 Alaska-Tennessee Plan

Section 1. The election of senators and a representative to serve in the Congress of the United States being necessary and proper to prepare for the admission of Alaska as a state of the Union, the following sections are hereby ordained, pursuant to Chapter 46, SLA 1955:

Section 2. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a second proposition, which shall be as follows:

"Shall Ordinance Number Two (Alaska-Tennessee Plan) of the Alaska Constitutional Convention, calling for the immediate election of two United States Senators and one United States Representative, be adopted?"

Yes 🗌

No □

Section 3. Upon ratification of the constitution by the people of Alaska and separate approval of this ordinance by a majority of all votes cast for and against it, the remainder of this ordinance shall become effective.

Section 4. Two United States senators and one United States representative shall be chosen at the 1956 general election.

Section 5. One senator shall be chosen for the regular term expiring on January 3, 1963, and the other for an initial short term expiring on January 3, 1961, unless when they are seated the Senate prescribes other expiration dates. The representative shall be chosen for the regular term of two years expiring January 3, 1959.

Section 6. Candidates for senators and representative shall have the qualifications prescribed in the Constitution of the United States and shall be qualified voters of Alaska.

Section 7. Until the admission of Alaska as a state, the senators and representative may also hold or be nominated and elected to other offices of the United States or of the Territory of Alaska, provided that no person may receive compensation for more than one office.

Section 8. Except as provided herein, the laws of the Territory governing elections to the office of Delegate to Congress shall, to the extent applicable, govern the election of the senators and representative. Territorial and other officials shall perform their duties with reference to this election accordingly.

Section 9. Persons not representing any political party may become independent candidates for the offices of senator or representative by filing applications in the manner provided in Section 38-5-10, ACLA 1949, in so far as applicable. Applications must be filed in the office of the director of finance of the Territory on or before June 30, 1956.

Section 10. Party nominations for senators and representative shall, for this election only, be made by party conventions in the manner prescribed in Section 38-4-11, ACLA 1949, for filling a vacancy in a party nomination occurring after a primary election. The names of the candidates nominated shall be certified by the chairman and secretary of the central committee of each political party to the director of finance of the Territory on or before June 30, 1956.

Section 11. The director of finance shall certify the names of all candidates for senators and representative to the clerks of court by July 15, 1956. The clerks of court shall cause the names to be printed on the official ballot for the general election. Independent candidates shall be identified as provided in Section 38-5-10, ACLA 1949. Candidates nominated at party conventions shall be identified with appropriate party designations as is provided by law for nominations at primary elections.

Section 12. The ballot form shall group separately the candidates seeking the regular senate term, those seeking the short senate term, and candidates for representative. The candidate for each office receiving the largest number of votes cast for that office shall be elected.

Section 13. The duties and emoluments of the offices of senator and representative shall be as prescribed by law.

Section 14. The president of the Alaska Constitutional Convention, or a person designated by him, may assist in carrying out the purposes of this ordinance. The unexpended and un-

obligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, SLA 1955, may be used to defray expenses attributable to the referendum and the election required by this ordinance.

Section 15. If the Congress of the United States seats the senators and representative elected pursuant to this ordinance and approves the constitution before the first election of state officers, then Section 25 of Article XV shall be void and shall be replaced by the following:

"The provisions of the constitution applicable to the first election of state officers shall take effect immediately upon the admission of Alaska into the Union as a state. The remainder of the constitution shall take effect when the elected governor takes office".

ORDINANCE No. 3 Abolition of fish traps

Section 1. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a third proposition, which shall be as follows:

"Shall Ordinance Number Three of the Alaska Constitutional Convention, prohibiting the use of fish traps for the taking of salmon for commercial purposes in the coastal waters of the State, be adopted?"

Section 2. If the constitution shall be adopted by the electors and if a majority of all the votes cast for and against this ordinance favor its adoption, then the following shall become operative upon the effective date of the constitution:

Yes 🗌

No 🗌

"As a matter of immediate public necessity, to relieve economic distress among individual fishermen and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to insure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State."

DOCUMENT A/4196 AND ADD.1

Offers of study and training facilities under resolution 845 (IX) of 22 November 1954 Report of the Secretary-General

Document A/4196

[Original text: English] [18 September 1959] Contents Paragraphs Introduction 1-4 I. Offers 5-12 II. Awards of scholarships and use made of the awards 13-26 III. Procedure, applications and publicity 27 - 30IV. Information concerning scholarships made available to the inhabitants of Non-Self-Governing Territories under national and regional arrangements 31 - 34Annex. Scholarships offered to students from Non-Self-Governing Territories under General Assembly resolution 845 (IX) 91

Introduction

- 1. In resolution 845 (IX) of 22 November 1954, the General Assembly invited Member States to extend generously to the inhabitants of Non-Self-Governing Territories their offers of facilities not only for study and training of university standard but, in the first place, for study at the post-primary level as well as technical and vocational training of immediate practical value. The General Assembly requested the Secretary-General to establish a simple procedure for bringing to the attention of the Administering Members offers and applications made through the United Nations and the specialized agencies and for transmitting the applications to the offering States concerned, together with any observations of the Administering Members. Moreover, the General Assembly invited the Administering Members to give appropriate publicity in Territories under their administration to offers of study and training facilities and to take such other measures as would ensure that the greatest advantage is taken of the offers.
- 2. The present report is submitted in compliance with paragraph 8 of the above resolution, and with resolutions 931 (X) of 8 November 1955, 1154 (XII) of 26 November 1957, and 1331 (XIII) of 12 December 1958. In the operative part of the latter resolution, the General Assembly, *inter alia*: (1) reaffirmed its resolution 1154
- (XII) of 26 November 1957, and invited the Administering Members to take all necessary measures consistent with the interests and needs of the Non-Self-Governing Territories and their peoples to ensure that scholarships and training facilities offered by Member States may be utilized by inhabitants of those Territories, and to render every assistance to those persons who have applied for, or have been granted scholarships or fellowships, particularly with regard to facilitating their travel formalities; (2) requested the Member States offering scholarships to take into account the necessity of furnishing complete information about the scholarships offered, and, whenever possible, the need to provide travel funds to prospective students; (3) requested the Secretary-General to include, in his future reports, detailed information concerning the actual use of scholarships and training facilities offered by Member States for the education of the inhabitants of the Non-Self-Governing Territories.
- 3. The present report supplements the information supplied to the General Assembly at its previous sessions³

³ Official Records of the General Assembly, Tenth Session, Annexes, agenda items 31 and 33, documents A/2937 and Add 1, 2, 3/Rev.1, and 4; ibid., Eleventh Session, Annexes, agenda item 34, documents A/2937/Add.5, A/3165 and Add.1-4; ibid., Twelfth Session, Annexes, agenda item 35, documents A/3618 and Add.1; and ibid., Thirteenth Session, Annexes, agenda item 36, documents A/3917/Rev.1 and Add.1.

and gives a review of problems in connexion with the actual use of scholarships offered by Member States under resolution 845 (IX) as well as progress achieved in the implementation of the resolutions subsequently adopted by the General Assembly on the subject.

4. In addition, the report gives, as in previous years, information on offers and awards of scholarships made to students from Non-Self-Governing Territories under national and regional schemes.

I. Offers

- 5. A detailed description of the scholarships offered by eighteen Member States up to 18 November 1958 was presented to the General Assembly at its thirteenth session. Since that date the following offers have been made.
- 6. By a note dated 22 May 1959, the Permanent Representative of Yugoslavia informed the Secretary-General that the Government of the Federal People's Republic of Yugoslavia was offering ten scholarships for university studies to students from Non-Self-Governing Territories under resolution 845 (IX), beginning in October of the school year 1959-1960. It may be recalled in this connexion that the Government of Yugoslavia had offered ten scholarships on 15 July 1955.
- 7. By a note dated 4 March 1959, the Permanent Representative of Italy informed the Secretary-General that the Government of Italy was offering ten scholarships to students from Trust and Non-Self-Governing Territories for the academic year 1959-1960. The scholarships were available for attendance at courses in all Italian universities and institutes of higher education during the academic year and might be renewed when the academic performance of the candidate justified such renewal. The grant would include: (a) a monthly allowance of 60,000 Italian lire (approximately \$100) for the duration of the academic year (1 November 1959 to 30 June 1960); (b) reimbursement of travelling expenses from the country of origin to Italy (c) payment of university taxes and fees; (d) assistance in procuring board and lodging; and (e) payment of travelling expenses from Italy to the country of origin. For candidates wishing to take preparatory courses in the Italian language prior to the beginning of the academic year, a special three-month course of Italian for foreigners sponsored by the Universities of Perugia and Florence or by the Dante Alighieri Society of Rome would be available. Candidates would receive an additional three months allowance for the purpose. Applications for these scholarships were to be submitted not later than 15 July
- 8. A consolidated list of the scholarships made available by twenty Member States since the initiation of the scholarships scheme appears in the annex to this report. The list incorporates improvements announced during the year under review in the terms of offers previously made by the Governments of Brazil, Greece and Romania.
- 9. By a letter dated 24 February 1959, the Permanent Mission of Denmark forwarded the following observations received from the Danish Ministry of Foreign Affairs:
 - "The Danish authorities would welcome an increased participation by students from Non-Self-
- 4 Ibid., Thirteenth Session, Annexes, agenda item 36, document A/3017/Rev 1 annex

- Governing Territories in courses and seminars in Denmark financed by a special Danish contribution to E.P.T.A. (Expanded Programme of Technical Assistance), i.e. the contribution to be paid in training facilities. The competent Danish authorities would also welcome proposals to arrange special courses for students from Non-Self-Governing Territories within the framework of the E.P.T.A. programme. However, at this time Denmark is unable to provide special training facilities in addition to those financed by the Danish contributions to E.P.T.A. and the Special Fund".
- 10. The General Assembly, in the course of its consideration of the Secretary-General's previous reports, had been aware of the limitations of the scholarships offered under General Assembly resolution 845 (IX). The principal difficulty remains that the response to the General Assembly's call for offers of facilities has not, by and large, been commensurate with the expectations created in the minds of students in the Non-Self-Governing Territories. Some of the scholarships which have been offered so far do not always provide for such essential items as transportation and living expenses. Some require higher qualifications than could be expected from the great majority of applicants in Non-Self-Governing Territories.
- 11. In addition, there are two problems of a procedural and administrative character which limit the actual use of some of the scholarships to students from Non-Self-Governing Territories. In the first place, since many of the scholarships are offered for a specific academic year with a fixed date for the receipt of applications and for the arrival of successful candidates in the host country, the waiting period involved between the transmission of applications for observations to the Administering Member concerned and the subsequent transmission of applications to the offering States tends to put applicants at some disadvantage. In the second place, there have been instances of difficulties encountered in connexion with travel documents resulting in the failure of successful candidates to make use of scholarships actually awarded them.
- 12. At its three previous sessions the General Assembly had sought to improve this situation. Thus, at its eleventh session the General Assembly adopted resolution 1050 (XI) by which it urged Members of the United Nations to offer increased facilities and to simplify conditions for the granting of scholarships and any other form of assistance to further the educational advancement of the inhabitants of Non-Self-Governing Territories, and reiterated its invitation to the Administering Members to permit the greatest possible advantage to be taken of such facilities and assistance. At its twelfth session, in resolution 1154 (XII), the General Assembly requested the Administering Members submitting observations on the qualifications of candidates and Members which offer facilities to consider the applications with all possible speed. Reference has already been made to the operative part of resolution 1331 (XIII) adopted by the General Assembly at its thirteenth session.

II. AWARDS OF SCHOLARSHIPS AND USE MADE OF THE AWARDS

13. By a note dated 11 June 1959, the Secretary-General drew the attention of the offering States to the above-mentioned resolutions of the General Assembly, including resolution 931 (X), and requested information regarding the extent to which use had been made of the scholarships offered by the Governments concerned. The Secretary-General further inquired whether

the scholarships as originally offered, including those which remain unused, were still available. The purpose of this inquiry was to enable him to supply prospective applicants with up-to-date information and thus avoid inviting applications for scholarships in cases where the original offer may have been exhausted or the period for which the offer was valid may have expired.

- 14. Replies were received from the following offering States: Burma, Mexico, Poland, Greece, India, the Union of Soviet Socialist Republics, Romania, Czechoslovakia, Turkey and Ghana.
- 15. By a note dated 19 June 1959, the Permanent Representative of Mexico informed the Secretary-General that the Government of the Union of Burma had awarded scholarships to Mr. J. H. S. Wanyanga and Mr. A. O. Onyango, both of Kenya, and to Mr. O. O. Osinowo and Mr. Akin Williams, both of Nigeria, to study at the University of Rangoon.
- 16. By a note dated 30 June 1959, the Permanent Representative of Mexico informed the Secretary-General that the conditions which govern the granting of scholarships by the Government of Mexico to students from Trust and Non-Self-Governing Territories remain unchanged. Ten scholarships were offered in 1956.
- 17. The Government of Poland had, in 1956 and 1957, granted scholarships to: Mr. T. A. Seneadze of the former Gold Coast; Mr. M. O. K. Amunikoro and Mr. O. Ayorinde, both of Nigeria; Mr. G. G. Kukada and Mr. W. N. Y. Makwakwa, both of Nyasaland. By a note dated July 1959, the Permanent Mission of Poland informed the Secretary-General that Mr. Seneadze was studying the Polish language, required before entering a Polish university; that Messrs. Amunikoro, Makwakwa⁵ and Ayorinde had not informed the Polish Government of their plans to arrive in Poland; that Mr. Kukada had given up the fellowship. The Mission further stated that at the present time the Polish Government was making efforts to finalize the use of all scholarships awarded during the tenth session of the General Assembly.
- 18. By a note dated 22 July 1959, the Permanent Representative of Greece informed the Secretary-General that the scholarships offered by the Royal Government of Greece under General Assembly resolution 845 (IX) to students from Non-Self-Governing Territories had not been utilized up to the present time, owing to the lack of adequate qualifications on the part of candidates. Although the two scholarships offered by the Government of Greece in 1956 were still available, the Greek authorities did not consider it possible, as in the past, to furnish travel funds for candidates as recommended in paragraph 3 of General Assembly resolution 1331 (XIII). They had, however, decided to increase the annual subsidy to the beneficiaries from 14,000 drachmas (\$480) to 16,800 drachmas (\$560), which represented a considerable improvement in the terms offered to candidates.
- 19. By a note dated 23 July 1959, the Permanent Representative of India transmitted a statement to the Secretary-General showing the number of scholarships offered by the Government of India to, and utilized by, students from Non-Self-Governing Territories during the year 1958-1959. Of seventy-two scholarships offered, fifty-four were utilized. These were awarded to students

from Kenya, Uganda, Zanzibar, Northern Rhodesia, Nyasaland, British West Indies (including British Guiana, Trinidad and Jamaica), Aden, Fiji, Mauritius, Nigeria and Madagascar. The Permanent Representative recalled "that these scholarships were offered by the Government of India under their own National Scheme and not with reference to any resolution adopted by the General Assembly".

- 20. By a note dated 4 August 1959, the Permanent Mission of the Union of Soviet Socialist Republics informed the Secretary-General that the Government of the USSR had granted fellowships for study at higher educational institutions of the Soviet Union in the academic year 1958-1959 to: Mr. S. Omor Okullo of Uganda to study at the Moscow Institute of Civil Engineering; Mr. Albert Bwalia Mambwe of Northern Rhodesia to study at the Moscow Institute of Medicine; and Mr. J. Theuri of Kenya to study at the M.V. Lomonosov State University at Moscow. Mr. Okullo had arrived in the USSR and had begun a preparatory Russian language course. As Mr. Mambwe was unable to obtain a passport to travel to the USSR in time for the beginning of the academic year, his fellowship would be made available to him in the academic year 1959-1960. Mr. Theuri did not avail himself of the fellowship awarded to him, as he was continuing his studies in India. The Permanent Mission stated that at the present time all the fellowships offered by the Government of the USSR in response to the General Assembly resolution in the matter had been allocated.
- 21. By a note dated 6 August 1959, the Permanent Mission of the People's Republic of Romania informed the Secretary-General that the Government of Romania had decided to increase the number of scholarships offered to students from Trust and Non-Self-Governing Territories from five to twenty, beginning in 1959. The scholarships would be granted for the faculties of mathematics, petroleum, agronomy, chemistry, medicine and Romanian philology. The students would receive 1,000 lei per month during the entire period of their studies, and at the end of their studies the Romanian Government would defray the cost of their return passage to their countries. As regards the three scholarships for the study of medicine awarded by the Romanian Government in 1958, the Permanent Mission stated that they had not been utilized on account of the refusal of the Administering Members to grant the candidates permits to leave the Territories.
- 22. By a note dated 7 August 1959, the Permanent Mission of Czechoslovakia reviewed twenty scholarships granted to and used by students from Non-Self-Governing Territories up to 30 July 1959. According to this note, three students, one each from Madagascar, Nigeria and British Somaliland, were granted scholarships during the academic year 1957-1958. Seventeen students six from Senegal, two from the Ivory Coast, two from Dahomey, one from Madagascar, five from Nigeria, one from British Somaliland were granted scholarships during the academic year 1958-1959. The sixty-two applications received for the academic year 1959/1960 include two from Dahomey, nine from Gabon, one from Central Congo, fifteen from the Ivory Coast, two from Madagascar, one from Senegal, ten from Nigeria, three from Kenya and four from Nyasaland.
- 23. By a note dated 14 August 1959, the Permanent Mission of Turkey announced new changes introduced by the Turkish Ministry of National Education relating to the terms of the scholarships offered by the Govern-

⁵ The note from the Polish Mission refers to Mr. Seneadze and Mr. Makwakwa as inhabitants of British Togoland and Southern Rhodesia. These candidates had originally applied as inhabitants of the former Gold Coast and Nyasaland respectively.

ment of Turkey. According to this note, a monthly subsidy of 175 Turkish liras would be granted to each scholarship holder for the duration of the scholarship, plus 50 Turkish liras per year for various expenses. Other expenses, such as clothing and return travel expenses, would be assumed by the beneficiary concerned. (It may be recalled in this connexion that by a note dated 23 August 1957, the Permanent Mission of Turkey had stated that the recipients of scholarships would receive a monthly cash subsidy of 125 Turkish liras for maintenance for the duration of the scholarships; they would be granted 200 Turkish liras a year for clothing, plus 200 liras every two years for an overcoat, and from thirty to 100 liras for books; and the Turkish authorities would pay tuition fees and medical care.)

24. By a note dated 27 August 1959, the Permanent Representative of Ghana informed the Secretary-General that the Government of Ghana had awarded scholarships to Mr. Robert N. O. Onger and Mr. Lucas Bwire, both of Kenya, to study civil engineering and accountancy respectively at the Kumasi College of Technology.

25. At the 202nd meeting of the Committee on Information from Non-Self-Governing Territories, on 14 May 1959, the representative of Brazil announced that the Brazilian Government had decided to defray the travelling expenses of two students from Non-Self-Governing Territories to whom the two scholarships might be awarded. These scholarships had been offered in 1957 under General Assembly resolution 845 (IX) and had not so far been used.

26. At the same meeting, the representative of the United States announced the fellowships and training facilities being provided by the United States to students from Non-Self-Governing Territories under General Assembly resolution 845 (IX). The announcement was confirmed by a note, dated 26 May 1959, according to which nineteen fellowships, granted under the Exchange of Persons Program of the International Educational Exchange Service of the Department of State, were taken up during the academic year 1958-1959 and thirty fellowships were expected to be granted during the academic year 1959-1960 to students from the Federation of Rhodesia and Nyasaland, Kenya, Uganda, Zanzibar and Nigeria. In addition, travel grants financed under the Fulbright Act had been made in the 1958-1959 school year to fifteen students from Non-Self-Governing Territories who had obtained scholarships from other sources. Twenty-one travel grants were anticipated for the academic year 1959-1960. The International Cooperation Administration of the United States was training inhabitants from Non-Self-Governing Territories in the United States, the Commonwealth of Puerto Rico and in other parts of the world. In the fiscal year 1959, twenty-four persons from Kenya, Uganda, the Federation of the Rhodesias and Nyasaland, and Nigeria were receiving training in the United States. Such training was usually in institutions of higher learning and, in conjunction with this training, the participants are afforded an opportunity to see the practical application of their academic training in several parts of the country. Under the terms of an agreement between the Government of the Commonwealth of Puerto Rico and the International Cooperation Administration, between 150 and 200 trainees from the Caribbean area were being given technical training of a practical nature in Puerto Rico. This programme, which was designed to strengthen and supplement training facilities in the area, includes trades and industrial education, vocational teacher training in extension practices for community education, home

economics, co-operatives, social work, community education, public health and so forth. The trainee grants provided for the payment of all tuition fees, a subsistence allowance of \$240 per month per trainee, and an allowance to cover the purchase of books and materials. Transportation to and from the place of training was paid by the local Governments, but the International Cooperation Administration furnished transportation within Puerto Rico. In addition to the training in Puerto Rico, sixty-four trainees from the Caribbean Territories were being trained in the United States in 1959. Specific information concerning the scholarships or grants referred to above can best be obtained from the American diplomatic or consular establishment within whose jurisdiction the Territory lies.

III. PROCEDURE, APPLICATION AND PUBLICITY

27. During the period under review offers of facilities for study and training were handled according to the established procedure. Offers extended within the framework of General Assembly resolution 845 (IX) were communicated to the Administering Members concerned for appropriate publicity in the Territories under their administration and to the United Nations Educational, Scientific and Cultural Organization for publication in *Study Abroad*.

28. In a letter dated 31 October 1958, the Permanent Mission of the United Kingdom made the following comments in connexion with the difficulty encountered in giving publicity in the Territories to certain offers:

"A certain amount of difficulty has been encountered by the Colonial Office and territorial Governments in connexion with the United Nations programme of study and training facilities for students from Non-Self-Governing Territories under General Assembly resolution 845 (IX) of 22 November 1954. Although in many cases the information which the United Nations Secretariat passes on to us from the donor Governments about the facilities which they offer is most comprehensive, and for this we are most grateful to the Secretariat and to the Governments concerned, in a few recent cases it has been insufficient as a basis for advertising in the Territories the facilities concerned. We have, therefore, been in the habit of seeking this additional information directly from the Government concerned since, as is known, it is our view that particular offers can usually be best pursued by direct Government-to-Government negotiations of this kind.

"The information which we have sought in this way is factual and will be useful to every prospective applicant in every Territory under the United Kingdom administration. I believe that similar information will be also useful to students in other Territories. We have wondered, therefore, whether the Secretariat would feel able to secure from the donor Governments all the necessary information as soon as it receives notification of the offers and then pass it on to us and to the other Administering Members.

"The United Nations Secretariat is naturally aware of the kind of detailed information required, i.e., the year or years for which the offer is open; the precise conditions of the award, including the extent of the incidental expenses which are covered by it; the minimum qualifications required from applicants; the field and duration of the study facilities offered, the nature of the courses offered, and any degrees to which they may lead. In most cases this information is already

provided, but, where it is not, it will save a good deal of time in securing applications for the scholarships if it is sought by the Secretariat as soon as offers are communicated."

29. Even so, the scholarships made available under General Assembly resolution 845 (IX) have been well publicized from the outset in the great majority of the Territories under United Kingdom administration, and it is evident from the growing number of inquiries and applications that have recently been received from almost all Non-Self-Governing Territories in Africa that information about the scholarship scheme is becoming even more widely diffused. As a result, the steadily increasing number of applications has already outstripped the number of scholarships made available so far. For example, during the period under review 262 applications—247 from Territories under United Kingdom administration; 12 from the Belgian Congo and 3 from Territories under French administration — were received directly by the Secretary-General and were forwarded to the Administering Members concerned for observations. Observations on thirty-nine applications were received from the United Kingdom Government. Of the total applications, 190 were forwarded to the offering States. The remaining 72 applications are being withheld pending the receipt of observations or the lapse of reasonable time.

30. In addition, over 900 inquiries and preliminary applications for scholarships were received from students seeking financial aid and other assistance from the United Nations to enable them to continue their studies overseas. Some apply for scholarships in countries which have not yet extended facilities under General Assembly resolution 845 (IX), or apply for fields of studies which are not provided for by the countries which have offered such facilities. Appropriate advice and suggestions continue to be given by the Secretariat in cases where the existing facilities do not meet the individual applicant's needs and aspirations.

IV. Information concerning scholarships made available to the inhabitants of Non-Self-Governing Territories under national and regional arrangements

A. Scholarship holders from Papua studying in Australia

31. As at 30 June 1958, 245 European, 29 mixed race and 50 indigenous children were studying in Australia on scholarships provided by the Administration of the Territory of Papua. An allowance of £145 per year, plus an annual return fare, was paid in respect of non-indigenous children. Provision was also made whereby selected children might receive in addition up to £200 per year, subject to a means test. The Administration's scholarship scheme for indigenous children provided for full cost of education in Australian schools, including board, tuition, fares, clothing, equipment and incidental expenses.⁶

- B. Scholarship holders from Non-Self-Governing Territories under French administration studying in France
- 32. At 1 January 1957, 2,515 scholarship holders, including 432 girls, from Territories under French admin-

istration were attending educational institutions in Metropolitan France.⁷

C. Scholarship holders from Territories under the administration of New Zealand

33. Eleven new scholarships were granted to pupils from the Cook Islands to commence their studies during the 1958 school year in New Zealand. These new scholarships brought the total awards made, since the beginning of the government scholarship scheme in 1946, to sixty-seven. Four girls and two boys from the Tokelau Islands were awarded scholarships in 1957 to study in Western Samoa.

D. Scholarship holders and private students studying in the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland during the academic year 1958-1959¹⁰

	Scholarship holders	Private students	Total
East and Central Africa	689	898	1,587
West Africa	1,114	2,887	4,001
Far East	235	877	1,112
Mediterranean	166	554	720
West Indies	271	2,772	3,043
Other Territories	90	314	404
TOTAL	2,565	8,302	10,867

34. Several scholarships and other awards, tenable at universities, colleges and other institutions in the United Kingdom and in other Commonwealth countries, were offered to suitably qualified candidates by the various Governments in the Territories under United Kingdom administration during 1958-1959.¹¹

E. Trainces from Non-Self-Governing Territories under the Colombo Plan Technical Co-operation Scheme, July 1950 to January 1959¹²

Control of	Applying Territories								
Supplying countries	Brunei	North Borneo	Sarawak	Singa- pore	Total				
Australia	7	82	67	151	307				
Canada		5	5	8	18				
Ceylon	—		_	3	3				
India	_	2	_	10	12				
Japan	_		2	5	7				
Malaya	*******	_	7	_	7				
New Zealand		35	25	19	79				
Singapore		. —	8	_	8				
Total	7	124	114	196	441				

⁷ France: Service de presse et d'information, No. 20, May 1958.

⁶ Commonwealth of Australia: Territory of Papua, Annual Report for the period 1 July 1957 to 30 June 1958 (Canberra, A. J. Arthur, Commonwealth Government Printer), p. 80.

⁸ New Zealand: Reports on the Cook, Niue, and Tokelau Islands for the year ended 31 March 1958 (Wellington, R. E. Owen, Government Printer), p. 55.

⁹ *Ibid.*, p. 127.

¹⁰ United Kingdom: Central Office of Information, London, document No. R. 4186, May 1959.

¹¹ Ibid., document No. R. 4217, May 1959.

¹² Ibid.

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ANNEX
Scholarships offered to students from Non-Self-Governing Territories under General Assembly resolution 845 (IX)

Offering State	Date of offer	Academic year for which scholarships were offered	Number of scholarships offered	Field of study offered	Duration	Qualifications required	Transportation	Maintenance	Allowances
3razil	16 January 1958	1958-1959	2	Tropical medicine or architecture	9 months	University or post-graduate level	Paid	\$US80 per month for a maximum period of 9 months	
3urma	17 October 1955	_	4	University, tech- nical or agricul- tural subjects	1-2 years for graduates; 3 years for others	University graduation or sufficient knowledge of English with secondary school graduation	Round trip paid	250 kyats per month	200 kyats <i>per</i> annum for textbooks
Ceylon	19 August 1957	_	3	(a) Secondary education; (b) Surveying, levelling, draughtsman- ship	4 years for (a); 1 year for (b)	Cambridge Junior for (a), General Certificate of Education for (b). Age: 13-14 for (a); 17-20 for (b)	Round trip and local trans- portation paid	Board, lodging, medical care	Books, equip- ment, clothing
Czechoslovakia	21 January 1957 9 December 1957	1957-1958	15ª Increased to 20ª	University subjects	4-6 years	University entrance standard	Round trip paid	Board, lodging, supplies, medi- cal care, hospitalization	A sum for personal expenses
Ghana ^b	3 December 1958	1959-1960 1960-1961 1961-1962	3 each academic year	(a) at University College of Ghana B.A. (General), B.A. (Honours) B.D., B.Sc. (General) B.Sc. (Sociology), B.Sc. (Agriculture) (b) at Kumasi College of Technology: Engineering (Degree), architecture. town planning building, technology, pharmacy, agriculture (Diploma),	subject to satisfactory progress and , conduct	Passes in 5 subjects at the General Certificate of Education examination (or its equivalent) with at least two at Advanced Level. Passes must include certain subjects relevant to the course desired. For courses in accountancy, secretaryship and administration, pass at the preliminary examination of the Association of Certified and Corporate	-	Full board and lodging provided at the colleges	All essential expenses in- cluding cloth- ing replace- ment, holiday allowance, and free medical care provided

ANNEX
Scholarships offered to students from Non-Self-Governing Territories under General Assembly resolution 845 (IX) (continued)

Offering State	Date of offer	Academic year for which scholarships were offered	Number of scholarships offered	Field of study offered	Duration	Qualifications required	Transportation	Maintenance	Allowances
Shana (continued)	•••••			accountancy (A.C.C.A.), secretaryship and admin- istration		Accountants or the Chartered Institute of Secretaries is required in addition to passes in 5 subjects at G.C.E. exami- nation			
3reece	7 November 1956	_	2	Agriculture, marine, spinning, weaving, mechanics, radio-mechanic electricity	2-3 years plus 1 year to study Greek	Completion of elementary education	Not paid	16,800 drachmas per annum for board and lodging	
Hungary	24 September 1958	1958-1959 1959-1960	5a	(a) Arts and crafts and fine arts; (b) Technical sciences: mechanical metallurgical, railroad engineering; chemistry, electricity, mining, textiles; economic sciences; agriculture: agronomy, veterinary surgery; teache training; (c) Medical sciences	4 years for (a), 5 years for (b), 6 years for (c), each preceded by one year of language training	Certificates of maturity examinations given by secondary schools in Latin educational system or by other equivalent high schools and one year of language training in Hungary required for admission to universities	Round trip paid	850 Hungarian forints per month, including the vacation period, from which 238 forints would be paid for board and 50 forints for lodging in students' colleges	Exemption from fees; free medical and hospital care, medical supplies; occasional grants of 3,500 Hungarian forints for clothing
ndia(Scholarships offered under the Government of India Cultural Scholarship Scheme)		. 1955-1956 1956-1957 1957-1958 1958-1959 1959-1960	49 53 52 58 53	Arts and humanities, sciences, agriculture, medicine, technology, education, law, commerce		Standard equivalent to Senior Cambridge or London Matri- culation, good command of English, work-	Round trip paid	200 rupees per month plus capitation, tuition, examination fees	Study tours; medical ex- penses certi- fied by medical officer or head of institution; trip to holiday or youth wel-

India ^o (continued)			inary science, engineering, etc.		riingi agvan- tageous			Government: 30 rupees per month as coaching fee for learning Hindi
Iran	~	2	Iranian history and literature	1-2 years	Knowledge of Persian language	Round trip paid	Board, lodging, medical care	
Israel		3	Post-graduate studies	14 months' stay in Israel: 9 months' study at the Hebrew University in Jerusalem, the Haifa Institute of Technology or the Weizmann Institute of Science, plus 5 months' course in Hebrew	graduation	The Government of Israel is prepared to consider favourably cases where a contribution to applicant's travel expenses would be required	pounds a month	
Italy 4 March 1959	1959-1960	10ª	Courses offered in all Italian universities and institution of higher education	One academic year from 1 November 1959 to 30 June 1960. Renewable when academic performance of the candidate so justifies. Special threemonth preparatory course in the Italian language is provided by the Universities of Perugia and Florence or by the Dante Alighieri Society of Rome prior to the beginning of the academic year	entrance standard	The Italian y Government reimburses travelling ex- penses from country of origin to Italy and pays travelling es- penses from Italy to the country of origin	A monthly allowance of 60,000 Italian lire (approximately \$100) for the duration of the academic year and for a three-month preparatory course in the Italian language is provided. Assistance is rendered in procuring board and lodging. The Italian Government pays university fees and taxes	
Mexico	_	10ª	Agriculture, teacher train- ing, secondary education	1 year with possible extension	Not specified	Not paid	Board, lodging	
Philippines 12 September 1955	For 10 years	5 3	Engineering High school course	4 years	Not specified	Not paid	Not provided	

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ANNEX
Scholarships offered to students from Non-Self-Governing Territories under General Assembly resolution 845 (IX) (continued)

Offering State	Date of offer	Academic year for which scholarships were offered	Number of scholarships offered	Field of study offered	Duration	Qualifications required	Transportation	Maintenance	$A {\it llowance}$
Poland	19 May 1956		1()ª	All available fields of study	5-6 years	University entrance standard; sufficient knowledge of one Euro- pean language	2 round trips paid	750 zlotys per month; tuition free	Cost covered for books, supplies, rent in student quarters; one allowance for clothing; medical care
Romania	31 October 1956 18 April 1958	Increased to	2ª 5ª 20ª	Medicine, Mathematics, Petroleum, Agronomy, Chemistry, Romanian philology	6 years	Not specified	Return trip and annual travel to vacation resorts paid	1,000 lei per month during the entire period of study	
Tunisia	10 December 1956	1957-1958	10*	(a) Secondary education; (b) Agriculture; (c) University subjects	1 year; extended automatically for satisfactory scholastic performance	entrance	Round trip from Tunisian border paid	Board, lodging	25,000 francs per month granted to university students
Turkey	12 September 1955 Renewed 19 June 1958	_	2ª	(a) Handicrafts, arts and humanities; (b) Technology, arts and humanities; (c) Higher technology, arts and humanities	3 years for (a), 2 years for (b), 2 years for (c)	Primary school graduates not older than 17 years of age for (a); high school graduates not older than 19 years of age for (b); graduates of vocational institutes not older than 22 years of age for (c)	Not paid	A cash subsidy of 175 Turkish liras monthly during the length of the scholarships	A grant of 50 Turkish liras a year for various ex- penses. Other expenses, in- cluding cloth- ing and return passage, must be assumed by beneficiary
Union of Soviet Socialist Republics	24 May 1955	_	10ª	Agriculture, medicine, tech- nical and uni- versity subjects	study of the	Completion of secondary education	Round trip and travel to rest home or sana- torium during holidays	Sum sufficient to cover cost of board, mate- rial and cultur- al needs; free lodgings in student dor- mitory; free medical care	Lump sum for equipment; grant for books and supplies

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America	18 December 1956 21 March 1958 26 May 1959	1957-1958 For a 3-year period from 19 June 1957	Approximately 150-200 grants annually to inhabitants of territories in the Caribbean area and approximately 30 such grants for Near East and African areas 30 (for African students) plus 21 travel grants d	Research, lecturing, teaching Auto and airplane mechanics, carpentry, diesel mechanics, dressmaking, masonry, plumbing, furniture making	Not specified Nine month school year period	Not specified Not specified	Not stated Not stated	Amount not stated Subsistence allowance to trainee of \$240 per month	Tuition and related fees of \$600 per year for trainee; \$25 to \$120 for the purchase of books and materials
Yugoslavia	15 July 1955		5	University subjects	Not specified	University entrance standard	Paid from Alexandria, Casablanca or Cairo for African students. Arrangements made on individual basis in the case of other students	Amount not stated	
	15 July 1955		5	Vocational and technical	1 year	Not specified	As above	Amount not stated	
	19 May 1959	1959-1960	10	University subjects	Not specified	Not specified	Not specified	Amount not stated	

^a Scholarships offered to students from Trust and Non-Self-Governing Territories.

b Candidates should apply in their own handwriting to the Permanent Secretary, Ministry of Education, P.O. Box M.45, Accra, Ghana, West Africa, giving the following details: Name, address, sex, date of birth, tribe and Territory, religious denomination (if any), whether married, number of children (if any), details of examination passed, examination, year passed, index number, centre, subjects with grading, past employment (if any), present employment, course desired. They should attach copies of certificates and testimonials. Applications for scholarships during the academic year 1959-1960 should have reached Accra by 28 February 1959.

[•] Candidates are advised that information and the application forms for the scholarships offered by the Government of India may be obtained from the Indian representative in, or nearest to, the Territory of the candidate.

^d Candidates are advised that precise information on availability of grants in any given territory can best be obtained through the educational authorities of the Territorial Government concerned. Applications are also made through the same channel.

Document A/4196/Add.1

[Original text: English] [13 November 1959]

By a letter of 2 November 1959 the Permanent Secretary, Ministry of Foreign Affairs of Ghana, has informed the Secretary-General that the Government of Ghana has decided to repeat the award of scholarships for 1960/1961 on the same terms and conditions as contained in the offer made 5 November 1958¹³ for the academic year 1959/1960.

13 Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 36, document A/3917/Rev.1/Add.1.

DOCUMENT A/4197*

Association of Non-Self-Governing Territories with the European Economic Community: report of the Secretary-General

[Original text: English] [3 September 1959]

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Introduction

- 1. In response to General Assembly resolution 1153 (XII) of 26 November 1957 the Secretary-General submitted to the General Assembly at its thirteenth session a report on the association of Non-Self-Governing Territories with the European Economic Community. 14 The introduction to the report briefly summarized the opinions voiced by Members on the effects which the European Economic Community (EEC) may have on the economic progress of the Territories. The opinions summarized were those expressed by Members in the Committee on Information from Non-Self-Governing Territories and in the Fourth Committee as well as during discussions held by the Contracting Parties to the General Agreement on Tariffs and Trade (GATT).15 The report further discussed the possible impact of the association on the foreign trade of the associated Non-Self-Governing Territories; development and investment policies; tariff protection; and the possible impact of the European Economic Community on the non-associated Territories.
- 2. The report pointed to the difficulty of a general evaluation of the impact of the association of Non-Self-Governing Territories with EEC in view of the terms of reference of the study which, in accordance with resolution 1153 (XII), was limited to the treatment of the effect of the association on the economic development of the Territories. A further difficulty at that stage of the preparation of the study (September 1958) was the lack of information on policies to be pursued and on the measures to be taken in regard to this association.

¹⁴ *Ibid.*, document A/3916/Rev.1. ¹⁵ *Ibid.*, paras. 7-9 and 52-55.

- 3. The report also concluded that it was impossible at that stage to visualize fully the results of the policies which might be developed within the framework of the provisions contained in the Treaty of Rome (Treaty establishing the European Economic Community) dealing with the association of Non-Self-Governing Territories.16
- 4. The attention of members was also drawn to the concern widely expressed during discussions at GATT to the effect that exports to EEC member countries from Non-Self-Governing Territories not associated with the Community might be adversely affected by the preferential treatment given to similar products originating in the associated Territories.
- 5. These as well as other points relating to the impact of the association were raised and discussed during the thirteenth session of the General Assembly when Members either reaffirmed the views advanced on the subject before¹⁷ or raised certain new points. These views can be briefly summarized as follows:
- 6. The association of Non-Self-Governing Territories with EEC should be considered against the background of the obligations assumed by the Administering Members under Chapter XI of the Charter providing for the economic and social advancement of the peoples in the Territories. The failure to consult the inhabitants of the Territories on the association on the one hand, and, on the other, to provide in the Rome Treaty for possible withdrawal of an associated Territory was in contradiction with the principles of the Charter. The association of the Territories with EEC was likely to increase their

^{*} Incorporating document A/4197/Corr.1.

¹⁶ *Ibid.*, paras, 59-64.

¹⁷ Ibid., paras. 4-5.

specialization in the production of primary products for export to EEC. Such specialization concealed the danger of creating an instrument of neo-colonialism forcing the Territories to confine their production to agricultural products. Such development would render them even more economically dependent on EEC. Any new investment brought into the Territories would probably concentrate on the export production of primary products; these investments bring high returns in relation to capital invested and would therefore have a very limited effect on the level of the per caput income in the Territories.

- 7. The consideration of the latter point led to the adoption of General Assembly resolution 1329 (XIII) inviting the Administering Members to examine the advisability of adopting in the Non-Self-Governing Territories an investment policy which would ensure balanced economic development and the progressive increase of the per caput income of the inhabitants of those Territories.
- 8. Further views expressed by some of the Members implied that over-dependence on the export of primary commodities would subject the economy of the Territories to inevitable and recurrent fluctuations of prices of the commodities on the world market while the rate of industrialization in the Territories might be retarded. An association of under-developed Territories with a group of highly industrialized countries was bound to slow down industrialization in the associated Territories and prevent the establishment of a sound economic basis.
- 9. It was further said that import policies of the Territories should be based on world prices and not on prices established by the metropolitan countries. Members of the Community would be able to fix the prices of raw materials purchased from the associated Territories and impose their own prices for the manufactured goods exported by them to the Territories without any danger of competition from other countries. Another possibility was that new investments might tend to favour the development of a single branch of economy and thus increase the lack of balance of the economy of the Territories.
- 10. The European Economic Community was creating a serious handicap to Non-Self-Governing Territories not associated with EEC owing to the fact that the associated Territories enjoying preferential tariffs would become a serious competition to the non-associated Territories and might cause the latter to lose part or all of the EEC market.
- 11. Other members observed that the association of the Non-Self-Governing Territories with EEC did not aim at the perpetuation of obsolete relationships or entail the complete integration of Non-Self-Governing Territories in EEC. The solution adopted in the Treaty of Rome was an intermediate course designed to enable the Territories to benefit from the increased prosperity expected to result from the Common Market. An investment policy ensuring the progressive increase of per caput income was advisable and the establishment of the Development Fund might prove beneficial in this connexion. The principles of the Treaty were in complete accordance with the provisions of the Charter and it was at the request of the representatives of some Territories participating in the drafting of the Treaty that acceptance of the association was urged. The criticism directed against the Treaty was inconsistent in that it implied the creation of too favourable conditions for the associated Territories and at the same time described such association as neo-colonialism.

- 12. In further discussion it was observed that the United Nations was not in possession of sufficient information that would enable it to decide whether the association was in conformity with the interests of the inhabitants of the Territories. It was also noted that since the question of the association of Non-Self-Governing Territories with EEC was a development having a significant effect on the development of these Territories towards the objectives of Article 73 of the Charter, it should remain a matter of study by the General Assembly.
- 13. As a seguel to this discussion the General Assembly adopted, in December 1958, resolution 1330 (XIII) inviting again the Administering Members concerned to transmit to the Secretary-General information on the association of Non-Self-Governing Territories with EEC and requesting the Secretary-General to prepare for the fourteenth session of the General Assembly a report on new developments connected with the association. In the preparation of such report, the Secretary-General was requested to take into account the information to be submitted by the Administering Members and the studies that may be undertaken by the Economic and Social Council, all the regional economic commissions of the United Nations and other international organs.
- 14. The present report is submitted in compliance with this resolution. Its brevity and limitations are caused by the lack of information on the new developments referred to in the resolution. The international bodies just mentioned do not seem to have reported on any new developments which would be pertinent to the association of Non-Self-Governing Territories with EEC. The studies of the Economic Commission for Latin America on the Latin American regional market to which reference was made during the discussion at the thirteenth session of the General Assembly had no direct pertinence to the substance of the present report. It may be assumed that the question of information on developments in Territories under French administration has to be viewed in connexion with the communication transmitted by the French Government to the Secretary-General on the cessation of the transmission of information on most of the French Territories since 1957.18
- 15. The points briefly stated as presenting new developments within the meaning of resolution 1330 (XIII) are based in particular on the note from the Commission of the European Economic Community, communicated by the representative of France,19 and on regulation No. 7 of the Commission of the European Economic Community establishing the methods of operation of the Development Fund for Overseas Countries and Territories.20

Trade within the community

- 16. A first reduction by 10 per cent in custom duties and an increase by 10 per cent in quotas with a minimum global quota of 3 per cent of the national output of each product was put into force on 1 January 1959.
- 17. These measures of trade liberalization within the Community apply to associated Non-Self-Governing Territories. The tariff and quota barriers applying to their imports from EEC member countries other than those with which each of them has special relations, have thus been slightly reduced. A similar treatment applies

¹⁸ A/4096 and Add.1.
19 E/CN.14/13.
20 See Journal officiel des communautés européennes, 25 February 1959.

in principle to the exports of the Territories to the Community. However, in view of the fact that their exports include mainly primary products which are not subject to customs duties in some of the member countries of EEC, it seems unlikely that this first step towards trade liberalization will result in an important increase in their exports to the Common Market area. Moreover the reductions in customs duties made for coffee by the Federal Republic of Germany and France and for cocoa by the former were extended to exports of all member countries of GATT. For these products exports of associated Territories did not benefit at this stage from a preferential treatment. The Federal Republic of Germany also tried to compensate for a loss of revenue due to reduction in customs duty for coffee by an increase in internal taxation.

ADMINISTRATIVE ORGANIZATION

- 18. A Department of Overseas Countries and Territories has been established as part of the Administration of the European Economic Community. This Department is divided into four directorates:
- (a) The Directorate of General Questions deals respectively with the right of establishment, the relations with associated countries and Territories, and with international organizations;
- (b) The Directorate of Research is in charge of investigation of conditions in the Territories and general research;
- (c) The Investment Directorate deals with financial and technical operations;
- (d) The Trade Directorate is concerned with liberalization of trade and economic expansion.
- 19. The Department is particularly responsible for the provision of information to the associated Territories on the objects of the association of Non-Self-Governing Territories with EEC and informing the Community on the conditions existing in the Territories. As to the latter, the Directorate of Research will survey the economic and social conditions in each of the associated Territories and study the problems of under-development and the remedies now employed or recommended. This information should ensure that action to be taken by the Community in respect of the Territories would be based on full information.

The development fund for overseas countries and territories

- 20. In accordance with the Implementing Convention to the Treaty establishing the Community, a Development Fund for Overseas Countries and Territories has been established by EEC and has already begun its operations.
- 21. According to official statements, assistance given by the Fund will supplement bilateral aid already given by the metropolitan countries and not replace such aid. The contributions of the member states once paid into the Fund become supranational. The Fund intends to promote the regional aspects of development: its action is, therefore, not entirely restricted by the frontiers separating Territories which maintain special relations with different member States of the Community. The purpose of the Fund is to raise the standards of living of the population in the Territories. The development plans intended to achieve this improvement will not originate outside the Territories. It is further stated that the Fund will grant assistance in whatever sector its action is most likely to be useful for the development efforts of the Territories themselves. It will give preference to financ-

- ing of projects making a direct contribution to the harmonious progress of the indigenous population. The assistance provided by the Fund is not limited to financing equipment. The Fund may devote a greater share of its resources to the development of scientific research, education, technical assistance, etc.
- 22. It is also stated that financial aid will be granted particularly to sectors where it will stimulate other action in favour of development. Thus assistance for the financing of infra-structure should stimulate private investment; assistance for general and technical training should facilitate improvement in the productivity of the population; surveys of natural resources might become the basis for programmes of mining development likely to be financed by loans, etc. As a general rule, the urgency of the needs to be satisfied by the projects concerned should be the criterion for the allocation of assistance by the Fund.
- 23. The statutes of the Fund, defining its rules of procedures and methods of operation, have been established by a regulation of the European Economic Commission.
- 24. Under these rules, the projects for which financing by the Fund is requested are submitted to the Commission of EEC by the authorities responsible for each country or Territory. These authorities provide to the Commission all the information required to enable it to assess the economic position of the country or Territory concerned, its development plans and the place of the project in such plans. The Commission studies the projects and, as a general rule, makes an investigation on the spot to obtain further information and expert advice. The Commission considers the impact which the implementation of the project is likely to have on the economic and social development of the recipient country or Territory, in particular on the standard of living of the local population. It is stated that the decision of the Commission will also be influenced by the urgency of the needs to be satisfied by the project; the importance of the recurrent charges which will result from the implementation of the project and the resources available to cover such charges; the yield expected from the equipment to be supplied, and the prospective markets for the new production to be started; the contribution which the project may provide to the increase of the purchasing power of the population and to the development and mobilization of local savings; the influence which the project may have on other developments already made or contemplated in other associated countries and Territories; and the contribution it may provide to a balanced and rational economic development of the geographical area concerned as a whole.
- 25. Approval of the project for financing by the Commission involves a commitment by the Fund to the country or Territory concerned. This commitment is formalized in a financing convention. The exact amount of the commitment is, however, finalized only after approval of the contracts made for the implementation of the project.
- 26. The Commission of EEC has already approved the provision of financial assistance for four projects of a social character concerning the Belgian Congo. These projects are:
- (a) Construction and provision of equipment for a centre of medicine and surgery in Doruma. This project is intended to improve the sanitary equipment in this area in the North of the Belgian Congo. The amount

allocated by the Commission on the 1958 investment budget is the equivalent of \$400,000.

- (b) Fight against erosion in the extra-customary centre (centre extra-coutumier) of Luluabourg. Erosion is a serious danger to housing, public buildings, and infra-structure in the indigenous community of N'Desha with a population of 47,500. The Commission has allocated to the project \$654,000, out of which \$400,000 comes from the 1958 investment budget.
- (c) Infra-structure at the extra-customary centre of Ruashi. The project, for which the sum of \$400,000 has been allocated, will enable installation in Ruashi of 18,000 Africans, who are actually living in very poor housing in the suburbs of Elisabethville.
- (d) Infra-structure at the extra-customary centre of Stanleyville for which \$600,000 have been allocated. The project is intended to provide the infra-structure for a city containing 8,000 housing units, and to achieve particularly an improvement in water supply.

DOCUMENT A/4226

Cessation of the transmission of information under Article 73 e of the Charter: communication from the Government of the United States of America

[Original text: English]
[24 September 1959]

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Note by the Secretary-General transmitting a communication from the Government of the United States of America

The Secretary-General received the following communication dated 17 September 1959 from the Permanent Representative of the United States of America to the United Nations:

"The representative of the United States of America to the United Nations . . . has the honor to refer to resolution 222 (III), adopted by the General Assembly on November 3, 1948. This resolution states that the General Assembly, having regard to the provisions of Chapter XI of the Charter, considers that it is essential that the United Nations be informed of any change in the constitutional position and status of any Non-Self-Governing Territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General. within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the Government of the metropolitan country.

"Since 1946, the United States has transmitted annually to the Secretary-General information on the Territory of Hawaii pursuant to Article 73 e of the Charter. However, on August 21, 1959 Hawaii became

one of the United States under a new constitution taking effect on that date. In the light of this change in the constitutional position and status of Hawaii, the United States Government considers it no longer necessary or appropriate to continue to transmit information on Hawaii under Article 73 e. Consequently, the United States Government has decided that, with the submission of information for the period July 1, 1958 to June 30, 1959, it will cease to transmit information on Hawaii.

"There are enclosed for the information of the Members of the United Nations the following documents in compliance with the terms of resolution 222 (III) of the General Assembly:

- "1. Memorandum by the Government of the United States of America concerning the cessation of transmission of information under Article 73 e of the Charter with regard to Hawaii;
- "2. Public Law 86-3, 86th Congress, S.50, March 18, 1959;
- "3. Admission of the State of Hawaii into the Union, Presidential Proclamation No. 3309, August 21, 1959;
- "4. Text of the Constitution of the State of Hawaii."

The documentation referred to above is, in accordance with General Assembly resolution 1051 (XI) of 20 February 1957, communicated to the General Assembly at its fourteenth session and is reproduced in the annexes to the present note.

ANNEX I

Memorandum by the Government of the United States of America concerning the cessation of transmission of information under Article 73 e of the Charter with regard to Hawaii

Introduction

- 1. The United States Government, pursuant to Article 73 e of the Charter of the United Nations and in accordance with resolution 66 (I) adopted by the General Assembly of the United Nations on 14 December 1946, has transmitted to the Secretary-General annually since 1946 information on several territories, including the Territory of Hawaii.
- 2. For many years the people of Hawaii have enjoyed a high degree of self-government as an Incorporated Territory of the United States. They have been citizens of the United States and have had an elected Territorial Legislature. They have had nonvoting representation in the United States House of Representatives but have not elected their own governor nor had representation in the United States Senate.
- 3. On 18 March 1959, Public Law 86-3 was enacted into law providing for the admission of the State of Hawaii into the Union on an equal footing with the other States in all respects. The Constitution, adopted by a vote of the people of Hawaii in the election held on 7 November 1950, was found by the Congress to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence. The President on 21 August 1959 proclaimed Hawaii admitted to the Union as the fiftieth State. With the occurrence of this event, the people of Hawaii have attained a full measure of self-government—the same as that enjoyed by the people of all the other forty-nine States of the United States.
- 4. Resolution 222 (III), adopted by the General Assembly on 3 November 1948, states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any Non-Self-Governing Territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the Government of the metropolitan country.
- 5. As a result of the change in the constitutional position and status of Hawaii described in this memorandum, the Government of the United States considers it unnecessary to transmit further information under Article 73 e of the Charter concerning Hawaii. The United States Government desires that the United Nations be fully informed of the background of this decision. Accordingly, and in accordance with the terms of resolution 222 (III), this memorandum has been prepared and, together with a copy of the Constitution of the State of Hawaii, Public Law 86-3, and Proclamation No. 3309, is transmitted to the Secretary-General for circulation to the Members of the United Nations for their information.

Constitutional development of Hawaii under United States administration

6. Hawaii has been administered by the United States since 1898. As early as 1900, Congress passed an Organic Act, establishing Hawaii as an incorporated territory in which the Constitution and laws of the United States, which were not locally inapplicable, would have full force and effect. Its inhabitants became citizens of the United States and were given an elected territorial legislature and a non-voting delegate to the Congress of the United States. For years they have exercised their self-government in a manner clearly demonstrating their adherence to the ideals of free government. Their well-developed and prosperous economy has, moreover, permitted them to govern themselves virtually without direct economic assistance from the United States.

Development and adoption of the Constitution of the State of Hawaii

- 7. The first bill providing for statehood for Hawaii was introduced in Congress in 1919. Since then many such bills have been introduced and congressional investigations on the subject have frequently been held. On 7 November 1950, a state constitution, which had been drafted by sixty-three delegates chosen at two special elections early in that year, was ratified by a popular vote of 82,788 to 27,109. While following in general the pattern of the constitutions of other States, it has been acclaimed by the National Municipal League as setting "a new high standard in the writing of a modern State constitution by a convention".
- 8. Early in the current year, the leaders of the 86th Congress of both political parties having pledged their full support to statehood for Hawaii, it became apparent that the obstacles which had previously prevented its entry into the Union had been overcome. Indeed, the statehood bill (S.50) was considered by both Houses of Congress in unusually expeditious fashion and passed with a very large favourable vote. On 11 March, it was approved by the Senate 76 to 15, on 12 March by the House of Representatives 323 to 89. President Eisenhower approved the bill on 18 March, and it became Public Law 86-3, "An Act to provide for the admission of the State of Hawaii into the Union".
- 9. On 15 April 1959, the Honorable William Quinn, the last appointed (and first elected) Governor of Hawaii, issued a proclamation calling for a primary election for the purpose of nominating candidates for United States Senator and Representative and for officers of all state elective offices provided for by the Constitution of Hawaii and, concurrently, a special election to adopt or reject three propositions as specified in Public Law 86-3. The same proclamation called a general election for the purpose of electing officers from among the candidates chosen in the primary.
- 10. In the special election held on 27 June 1959, Proposition 1: "Shall Hawaii immediately be admitted into the Union as a State?" was adopted by 132,938 votes to 7,854. Proposition 2: "The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved March 18, 1959, and all claims of this State to any areas of land or sea outside the boundaries prescribed are hereby irrevocably relinquished to the United States" was approved by a similar vote, as was Proposition 3: "All provisions of the Act of Congress approved March 18, 1959, reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people." These results were then duly certified by the Governor to the President. In the general election of 28 July 1959, the people of Hawaii chose two United States Senators and one Representative to serve in the Congress of the United States beginning with the 86th Congress, the members of the Senate and House of Representatives of the Legislature of Hawaii, the Governor and Lieutenant-Governor of Hawaii. The results of this election were also certified by the Governor to the President, as provided in the Statehood Act. The final step in the process was reached on 21 August 1959 with the issuance of Proclamation No. 3309 by the President certifying that the procedural requirements imposed by the Congress on the State of Hawaii to entitle it to admission into the Union had been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union had been accomplished.

Principal features of the Constitution of the State of Hawaii

11. The Constitution of the State of Hawaii, as it was accepted, ratified and confirmed by the Congress of the United States in the Statehood Act and became effective with its promulgation by the President, is similar in its principal features to that of other States of the Federal Union. It recognizes that "all political power . . . is inherent in the people" and that "all government is founded on this authority" (Article I, Section 1). It establishes a republican form of government and provides for the division of the powers attributed to the govern-

ment among executive, legislative and judicial branches. It contains a Bill of Rights, in which certain fundamental freedoms are guaranteed to the people of the State. It provides for the secrecy of the ballot and for universal adult suffrage.

- 12. The Preamble of the Hawaiian Constitution states: "We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii." The next provision of the Constitution is that "The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii."
- 13. The Bill of Rights, incorporated into the Constitution as Article I, declares: "All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property." It then goes on to guarantee freedom of religion, speech, the press, peaceable assembly and petition for redress of grievances. No person may be deprived of life, liberty, or property without due process of law or denied the enjoyment of his civil rights because of race, religion, sex or ancestry. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures may not be violated. No person shall be put in jeopardy twice for the same offence or compelled in a criminal case to be a witness against himself. Excessive bail may not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. In all criminal prosecutions, the accused has the right to a speedy and public trial by jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have the assistance of counsel. The privilege of writ of habeas corpus may not be suspended unless required by public safety and then only by the legislature or its authority.
- 14. Article II deals with conditions of suffrage and elections. Every United States citizen, twenty years of age or over, resident of Hawaii for at least one year, and able, except for physical disability, to speak, read and write the English or Hawaiian language, is qualified to vote.
- 15. Articles III, IV, and V set forth the organization, functions, powers, methods of selection, etc., of the legislature executive and judiciary, respectively. The Legislature is bicameral, consisting of a Senate and a House of Representatives, and has legislative power over all rightful subjects of legislation not inconsistent with the Hawaiian or United States Constitution. The members of the upper house are to be popularly elected for four-year terms, those of the lower for two-year terms. The executive power is vested in a popularly elected Governor. In his absence, the Lieutenant-Governor, elected at the same time as the Governor, for the same term and in the same manner, shall act in his stead. Should the office of Governor become vacant, the Lieutenant-Governor would become Governor. The judicial power is vested in a supreme court, circuit courts, and such inferior courts as may be established by the Legislature. The several courts are to have original and appellate jurisdiction as provided by law.
- 16. Article VI deals with the power of taxation and the financing of State expenditures. The following article provides for the organization and powers of the State's political subdivisions.
- 17. In Articles VIII and IX the concern of the Constitution's authors with the social needs of the citizens is reflected. The State is required to provide for the public health and welfare and the establishment of a free non-sectarian public school system and other educational facilities, including a state university, respectively.
- 18. Article X provides for the promotion of the conservation, development and utilization of the State's natural resources.
- 19. Article XII provides specifically for the right to organize for the purpose of collective bargaining.
- 20. Other articles provide for the State boundaries, capital (Honolulu) and flag, the merit principle in the civil service, the revision and amendment of the Constitution, the apportionment

of representative districts, and various transitional and miscellaneous procedures.

Conclusion

21. For the reasons already set forth, the United States Government has decided that, with the entry into force on 21 August 1959 of the Constitution of the State of Hawaii, it is no longer necessary or appropriate for the United States to continue to transmit information to the United Nations on Hawaii under Article 73 e of the Charter.

ANNEX II

Public Law 86-3, 86th Congress, S. 50, March 18, 1959

An Act to provide for the admission of the State of Hawaii into the Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7 (c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor" approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Section 2. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial

Section 3. The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Section 4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Section 5. (a) Except as provided in subsection (c) of this

section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

- (b) Except as provided in subsections (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.
- (c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.
- (d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States
- (e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.
- (f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.
- (g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.
- (h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend or repeal laws relating thereto

shall cease to be effective upon the admission of the State of Hawaii into the Union,

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Section 6. As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No identification or designation of either of the two senatorial offices, however, shall refer to or be taken to refer to the term of that office, nor shall any such identification or designation in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

- Section 7. (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in section 6 shall be chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Hawaii for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Hawaii may prescribe. The Governor of Hawaii shall certify the results of said elections, as so ascertained, to the President of the United States.
- (b) At an election designated by proclamation of the Governor of Hawaii, which may be either the primary or the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:
 - "(1) Shall Hawaii immediately be admitted into the Union as a State?
 - "(2) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved (date of approval of this Act) and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.
 - "(3) All provisions of the Act of Congress approved (date of approval of this Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of section 2 of this Act in lieu of any other language; article XI shall be deemed to include the provisions of section 4 of this Act; and section 8 of article XIV shall be deemed amended so as to contain the language of the third proposition above stated in lieu of any other language, and section 10 of article XVI shall be deemed amended by inserting the words "at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected" in lieu of the words "at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two

Senators and two Representatives to the Congress, and unless and until otherwise required by law, said Representatives shall be elected at large".

In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall cease to be effective.

The Governor of Hawaii is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Hawaii, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Hawaii, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 6 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Hawaii shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial office in, under, or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Section 8. The State of Hawaii upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13), nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

Section 9. Effective upon the admission of the State of Hawaii into the Union,

- (a) The United States District Court for the District of Hawaii, established by and existing under title 28 of the United States Code, shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States; Provided, however, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;
- (b) The last paragraph of section 133 of title 28, United States Code, is repealed; and
- (c) Subsection (a) of section 134 of title 28, United States Code, is amended by striking out the words "Hawaii and". The second sentence of the same section is amended by striking out the words "Hawaii and", "six and", and "respectively".

Section 10. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States District for the District of Puerto Rico,".

Section 11. Effective upon the admission of the State of Hawaii into the Union:

- (a) The last paragraph of section 501 of title 28, United States Code, is repealed;
- (b) The first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words ", except in the district of Hawaii, where the term shall be six years";
- (c) The first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words ", except in the district of Hawaii, where the term shall be six years"; and
- (d) Subsection (d) of section 541 of title 28, United States Code, is repealed.

Section 12. No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

Section 13. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District

of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any such case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Section 14. Effective upon the admission of the State of Hawaii into the Union,

- (a) Title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record;
- (b) Title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico":
- (c) Title 28, United States Code, section 1294, as amended, is further amended by striking out paragraph (4) thereof and by renumbering paragraphs (5) and (6) accordingly;
- (d) The first paragraph of section 373 of title 28, United States Code, as amended, is further amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico."; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii"; Provided, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: And provided further, That service as a judge of the District Court for the Territory of Hawaii or as judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in office as a district judge for the District of Hawaii on the date of enactment of this Act:
- (e) Section 92 of the Act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;
- (f) Section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;
- (g) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";
- (h) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";
- (i) Section 91 of title 28, United States Code, as heretofore amended, is further amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island"; and
- (j) The Act of June 15, 1950 (64 Stat. 217; 48 U.S.C., sec. 644a), is amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island,".

Section 15. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as provided in section 4 of this Act with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United

States: Provided, That, except as herein otherwise provided, a Territorial law enacted by the Congress shall be terminated two years after the date of admission of the State of Hawaii into the Union or upon the effective date of any law enacted by the State of Hawaii which amends or repeals it, whichever may occur first. As used in this section, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Hawaii) all laws or parts thereof enacted by the Congress, the validity of which is dependent solely upon the authority of the Congress to provide for the government of Hawaii prior to its admission into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Hawaii at the time of its admission into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provision of this Act.

Section 16. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by the United States.

· (b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are controlled or owned by the United States and held for Defense or Coast Guard purposes whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for Defense or Coast Guard purposes: Provided, however, That the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas, as delineated by the President of the United States and/or the Secretary of Defense.

Section 17. The next to last sentence of the first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251), as amended by section 19 of the Act of July 7, 1958 (72 Stat. 339, 350), is amended by inserting after the word "Alaska" the words "or Hawaii."

- Section 18. (a) Nothing contained in this Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.
- (b) Effective on the admission of the State of Hawaii into the Union.
- (1) The first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1156), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or";
- (2) Section 605 (a) of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1175), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or"; and
- (3) The second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1204), is amended by inserting before the words "an island possession or island territory" the words "the State of Hawaii or".
- Section 19. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, or restore nationality heretofore lost under any law of the United States or under any treaty to which the United States is or was a party.
- Section 20. (a) Section 101 (a) (36) of the Immigration and Nationality Act, (66 Stat. 170, 8 U.S.C., sec. 1101 (a) (36)) is amended by deleting the word "Hawaii,".
- (b) Section 212 (d) (7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C. 1182 (d) (7)) is amended by deleting from the first sentence thereof the word "Hawaii," and by deleting the proviso to said first sentence.
- (c) The first sentence of section 310 (a) of the Immigration and Nationality Act, as amended (66 Stat. 239, 8 U.S.C. 1421 (a), 73 Stat. 351) is further amended by deleting the words "for the Territory of Hawaii, and".
- (d) Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 305 of the Immigration and Nationality Act (66 Stat. 237), 8 U.S.C. 1405).
- Section 21. Effective upon the admission of the State of Hawaii into the Union, section 3, subsection (b), of the Act of September 7, 1957 (71 Stat. 629), is amended by substituting the words "State of Hawaii" for the words "Territory of Hawaii".
- Section 22. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.
- Section 23. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

Approved March 18, 1959.

ANNEX III

(Extract from Federal Register, Tuesday, August 25, 1959)

Proclamation 3309. Admission of the State of Hawaii into the Union

By the President of the United States of America

A Proclamation

Whereas the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Hawaii in an election held on November 7, 1950, and provided for the admission of the State of Hawaii into the Union on an equal footing with the other States upon compliance with certain procedural requirements specified in that act; and

Whereas it appears from the information before me that a majority of the legal votes cast at an election on June 27, 1959, were in favor of each of the propositions required to be submitted to the people of Hawaii by section 7 (b) of the act of March 18, 1959; and

Whereas it further appears from information before me that a general election was held on July 28, 1959, and that the returns of the general election were made and certified as provided in the act of March 18, 1959; and

Whereas the Governor of Hawaii has certified to me the results of the submission to the people of Hawaii of the three propositions set forth in section 7 (b) of the act of March 18, 1959, and the results of the general election; and

Whereas I find and announce that the people of Hawaii have duly adopted the propositions required to be submitted to them by the act of March 18, 1959, and have duly elected the officers required to be elected by that act:

Now, THEREFORE, I, Dwight D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Hawaii to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington at four p.m. E.D.T. on this twenty-first day of August in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

(Seal)

Dwight D. EISENHOWER

By the President:

Christian A. HERTER, Secretary of State.

[F.R. Doc. 59-7113; Filed, Aug. 24, 1959; 11:17 a.m.]

ANNEX IV

The Constitution of the State of Hawaii

PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.

FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

ARTICLE I

Bill of rights

Section 1. All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

Section 2. All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

Section 3. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right

of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 4. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

Section 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Section 6. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

Section 7. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

Section 8. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Section 10. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Section 12. No person shall be disqualified to serve as a juror because of sex.

Section 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

Section 14. The military shall be held in strict subordination to the civil power.

Section 15. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Section 16. No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Section 17. There shall be no imprisonment for debt.

Section 18. Private property shall not be taken for public use without just compensation.

Section 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

Section 20. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II

Suffrage and elections

Section 1. Every citizen of the United States, who shall have attained the age of twenty years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

Section 2. No person who is non compos mentis and no person convicted of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

Section 3. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

Section 4. The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

ARTICLE III

The Legislature

Section 1. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

Section 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and Pali Road and the upper ridge of the Koolau Range from the Nuuanu Pali to Makapuu Point and all other islands not specifically enumerated, five:

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau, three.

Section 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

Section 4. On or before June 1 of the year 1959, and of each tenth year thereafter, the governor shall reapportion the members of the house of representatives in the following manner: The total number of representatives shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member. Upon the determination of the total number of representatives to which each basic area is

entitled, such total shall be reapportioned among the one or more representative districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such representative districts and computed by the method known as the method of equal proportions, no representative district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any representative district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the house is entitled, then, as part of such reapportionment, the basic area within which such representative district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new representative district therein shall be more than one-half of such quotient.

The governor shall thereupon issue a proclamation showing the results of such reapportionment, and such reapportionment shall be effective for the election of members to such house for the next five succeeding legislatures.

Original jurisdiction is hereby vested in the supreme court of the State, to be exercised on the application of any registered voter, made within thirty days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty; and made within thirty days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment.

Section 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

Section 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

Section 7. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

Section 8. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

Section 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

Section 10. The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this article.

Section 11. Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State. In case the capital shall be unsafe, the

governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions".

At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article. The legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

Section 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

Section 13. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

Section 14. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 15. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

Section 16. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Section 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature *sine die*, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Sundays and holidays shall be excluded in computing the number of days designated in this section.

Section 18. Upon receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

Section 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

Section 20. The governor and lieutenant-governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and licutenant-governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

ARTICLE IV

The Executive

Section 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the

selection of the governor shall be determined in accordance with law

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of this State for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

Section 2. There shall be a lieutenant-governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

Section 3. The compensation of the governor and of the lieutenant-governor shall be prescribed by law, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant-governor succeeds to the office of governor, he shall receive the compensation for that office.

Section 4. When the office of governor is vacant, the lieutenant-governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant-governor during such absence or disability.

When the office of lieutenant-governor is vacant, or in the event of the absence of the lieutenant-governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant-governor, he shall not exercise the powers of his office until acquitted.

Section 5. The governor shall be responsible for the faithful execution of the laws. He shall be commander-in-chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. The legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least three years next preceding their appointment.

ARTICLE V

The Judiciary

Section 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive for their services such compensation as may be prescribed by law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

Section 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

Section 5. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

Section 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

ARTICLE VI

Taxation and finance

Section 1. The power of taxation shall never be surrendered, suspended or contracted away.

Section 2. The land and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Section 3. All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Sixty million dollars is established as the limit of the funded debt of the State at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of such limit may be issued when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such excess debt, at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to fifteen percent of the total of assessed values for tax rate purposes of real property in the State, as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to any debt limit.

A sum equal to ten percent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two percent of the total of such assessed values in such political subdivision.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and and of its governing body, without regard to the limits of debt hereinabove provided.

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue. Interest and principal payments shall be a first charge on the general revenues of the State or political subdivision, as the case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the State or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes, when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

Section 4. Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the State for the ensuing fiscal period, together with such other information as the legislature may require. The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session.

Section 5. No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

Section 6. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

Section 7. Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

Section 8. The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

ARTICLE VII

Local government

Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

Section 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

Section 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

Section 5. This article shall not limit the power of the legislature to enact laws of statewide concern.

ARTICLE VIII

Public health and welfare

Section 1. The State shall provide for the protection and promotion of the public health.

Section 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

Section 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

Section 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income.

Section 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

ARTICLE IX

Education

Section 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

Section 2. There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the State.

Section 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be *ex officio* a voting member thereof.

Section 4. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

Section 5. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

ARTICLE X

Conservation and development of resources

Section 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

Section 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to

the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

Section 3. All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

Section 4. The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency thereof.

Section 5. The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

ARTICLE XI

Hawaiian home lands

Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

Section 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian race shall be faithfully carried out.

ARTICLE XII

Organization, collective bargaining

Section 1. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

Section 2. Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the State, or any political subdivision or any department or agency thereof.

ARTICLE XIII

State boundaries, capital, flag

Section 1. The State of Hawaii shall include the islands and territorial waters heretofore constituting the Territory of Hawaii.

Section 2. Honolulu, on the Island of Oahu, shall be the capital of the State.

Section 3. The Hawaiian flag shall be the flag of the State.

ARTICLE XIV

General and miscellaneous provisions

Section 1. The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.

Section 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

Section 3. No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.

Section 4. All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as . . . to the best of my ability." The legislature may prescribe further oaths or affirmations.

Section 5. The legislature may provide for co-operation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such co-operation.

Section 6. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

Section 7. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

Section 8. The lands and other property, the final determination and disposition of which shall not have been made by the Congress upon the admission of this State, shall, pending such determination and disposition, continue to be administered in accordance with the laws applicable thereto immediately prior to the admission of this State, except as the Congress may consent to any amendment of said laws, and no provision of this constitution for the exercise of powers or functions other than in accordance with such laws shall, without the consent of the Congress, apply to the lands or property so administered.

Section 9. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

Section 10. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

Section 11. All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

Section 12. Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

Section 13. The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

Section 14. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

ARTICLE XV

Revision and amendment

Section 1. Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature.

Section 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant-governor shall certify the question, to be voted on at the first general election following the expiration of such period.

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner, as nearly as practicable, as required for the Hawaii State Constitutional Convention of 1950.

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all of the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty-five percent of the total number of registered voters; provided that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

Section 3. The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least ten days' written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in Section 2 of this article for ratification at a general election.

Section 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

ARTICLE XVI

Schedule

Representative Districts

Section 1. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of members to be elected from each shall be as follows:

First representative district: that portion of the island of Hawaii known as Puna, one representative;

Second representative district: that portion of the island of Hawaii known as South Hilo, four representatives;

Third representative district: that portion of the island of Hawaii known as North Hilo and Hamakua, one representative;

Fourth representative district: that portion of the island of Hawaii known as Kau and South Kona and that portion of North Kona, for convenience herein referred to as Keauhou, more particularly described as follows: from a point at the seashore between the lands of Holualoa 1 and 2 and Puapuaa 2 running northeasterly along the boundary of Holualoa 1 and 2 to Puu Laalaau; (2) easterly in a straight line to a point called "Naohueleelua" being the common corner of the lands of Puuanahulu, Kaohe and Keauhou 2nd; (3) southeasterly along the common boundary between Hamakua and North Kona districts to the summit of Mauna Loa; (4) westerly along the common boundary between Kau and North Kona districts to the easterly boundary of South Kona district: (5) northerly and westerly along the boundary between North and South Kona districts to the seashore; and (6) northerly along the seashore to the point of beginning; one representative;

Fifth representative district: that portion of the island of Hawaii known as Kohala and that portion of North Kona not included in the fourth representative district, one representative;

Sixth representative district: the islands of Molokai and Lanai, one representative;

Seventh representative district: the islands of Maui and Kahoolawe, five representatives;

Eighth representative district: that portion of the island of Oahu known as Koolaupoko and Koolauloa, two representatives;

Ninth representative district: that portion of the island of Oahu known as Waialua and Wahiawa, two representatives;

Tenth representative district: that portion of the island of Oahu known as Ewa and Waianae, two representatives;

Eleventh representative district: that portion of the island of Oahu, for convenience herein referred to as Kalihi, more particularly described as follows: from the intersection of Kalihi and Auiki Streets running westerly along Auiki Street to Mokauea Street; (2) southwesterly along Mokauea Street Extension extended to a point on the outer edge of the reef; (3) westerly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (4) northerly and northeasterly along the Moanalua-Halawa boundary to the top of Koolau Range; (5) southeasterly along the top of Koolau Range to a place called "Puu Lanihuli"; (6) southwesterly along the top of the ridge between the lands of Kalihi, Kapalama and Nuuanu to Kalihi Street; and (7) southwesterly along Kalihi Street to the point of beginning, three representatives;

Twelfth representative district: that portion of the island of Oahu, for convenience herein referred to as upper Nuuanu, more particularly described as follows: from the intersection of King and Kalihi Streets running northeasterly along Kalihi Street to the ridge between the lands of Kalihi, Kapalama and Nuuanu; (2) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (3) easterly along the top of said Range to Pali Road at the Nuuanu Pali; (4) southwesterly along Pali Road to Nuuanu Avenue and southwesterly along Nuuanu Avenue to School Street; (5) northwesterly along School Street to the center line of the Kapalama Drainage Canal (Waikiki Branch); (6) southwesterly along said Canal to the center line of the main Kapalama Drainage Canal; (7) southwesterly along said Canal to King Street; and (8) northwesterly along King Street to the point of beginning, three representatives;

Thirteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kapalama, more particularly described as follows: from the junction of the Honolulu Harbor Channel and the reef running westerly along the outer edge of the reef to Mokauea Street Extension extended, (2) northeasterly along Mokauea Street Extension to Sand Island Road; (3) northeasterly along Mokauea Street Extension to Auiki Street; (4) easterly along Auiki Street to Kalihi Street; (5) northeasterly along Kalihi Street to King Street; (6) southeasterly along King Street to the center line of the main Kapalama Drainage Canal; (7) northerly along said Canal to the center line of the Kapalama Drainage Canal (Waikiki Branch); (8) northeasterly along said Canal to School Street; (9) southeasterly along School Street to Nuuanu Avenue; (10) southwesterly along Nuuana Avenue to the sea, and (11) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the point of beginning, three representatives;

Fourteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Pauoa, more particularly described as follows: from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Queen Street and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Pali Road and northeasterly along Pali Road to the top of the Koolau Range at the Nuuanu Pali; (3) easterly and southerly along the top of the Koolau Range to a point called "Puu Konahuanui"; (4) southwesterly along the top of the ridge between the lands of Nuuanu, Pauoa and Manoa to a mountain peak called "Puu Ohia" or "Tantalus"; (5) southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (6) southerly along Lewalani Drive and Piikoi Street to Wilder Avenue; (7) easterly along Wilder Avenue to Punahou Street; (8) southerly along Punahou Street to King Street; (9) westerly along King Street to Kalakaua Avenue: (10) southerly along Kalakaua Avenue to the center line of the Ala Wai Canal; (11) westerly along said Canal and along the line of said Canal extended to the outer edge of the reef; and (12) westerly along the outer edge of the reef to the point of beginning, five representatives;

Fifteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Manoa and Waikiki, more particularly described as follows: from the intersection of Kalakaua Avenue and the center line of the Ala Wai Canal running northerly along Kalakaua Avenue to King Street; (2) easterly along King Street to Punahou Street; (3) northerly along Punahou Street to Wilder Avenue; (4) westerly along Wilder Avenue to Piikoi Street; (5) northerly along Piikoi Street to Lewalani Drive; (6) northerly along Lewalani Drive to Nehoa Street; (7) northeasterly along the top of the ridge between the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (8) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (9) southeasterly along the top of said Range to a place called "Mt. Olympus"; (10) southwesterly along the top of Waahila Ridge to the top edge of Palolo Valley; (11) southwesterly along the top edge of said Valley to the forest reserve boundary; (12) southwesterly along the southeasterly boundary of St. Louis Heights Tract, Series 2 (File Plan 464) to the southerly boundary of said Tract 100 feet southeasterly from Alencastre Street; (13) southwesterly parallel to and 100 feet from Alencastre Street and St. Louis Drive to Waialae Avenue; (14) westerly along Waialae Avenue to Kapahulu Avenue extended; (15) southerly across Waialae Avenue and along Kapahulu Avenue to Kalakaua Avenue; (16) westerly along Kapahulu Avenue extended to the outer edge of the reef; (17) northwesterly along the outer edge of the reef to a point on the line extended of the center line of the Ala Wai Canal; and (18) easterly along said line to the point of beginning, six representatives;

Sixteenth representative district: that portion of the island of Oahu, for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: from a point at the seacoast at a place called "Black Point" running westerly

along the seacoast to Kapahulu Avenue extended to the sea; (2) easterly across Kalakaua Avenue and easterly and northerly along Kapahulu Avenue to Waialae Avenue; (3) easterly along Waialae Avenue to a point 100 feet easterly of St. Louis Drive; (4) northeasterly across Waialae Avenue then parallel to and 100 feet from St. Louis Drive and Alencastre Street to the southerly boundary of St. Louis Heights Tract, Series 2 (File Plan No. 464); (5) northeasterly along the southeasterly boundary of said Tract to the forest reserve boundary; (6) northeasterly along the top ridge of Palolo Valley to the top of Waahila Ridge; (7) northeasterly along the top of Waahila Ridge to a point on Koolau Range called "Mt. Olympus"; (8) easterly along the top of the Koolau Range to the top of the ridge between the lands of Waialae Nui and Palolo; (9) southwesterly along the top of said ridge to a place called "Kalepeamoa"; (10) southwesterly along Mauumae Ridge to Sierra Drive; (11) southwesterly along Sierra Drive to Waialae Avenue; (12) easterly along Waialae Avenue to 13th Avenue; (13) southwesterly along 13th Avenue and Ocean View Drive to Kilauea Avenue; (14) westerly along Kilauea Avenue to Makapuu Avenue; (15) southwesterly along Makapuu Avenue to Diamond Head Road; and (16) southeasterly along Diamond Head Road to the Military Road and along the Military Road extended to the point of beginning, four representatives;

Seventeenth representative district: that portion of the island of Oahu not included in any other representative district on the island of Oahu, together with all other islands not included in any other representative district, three representatives;

Eighteenth representative district: the islands of Kauai and Niihau, four representatives;

Wherever a roadway, or the intersection of one or more roadways, is designated as a boundary in any of the above descriptions, the center line of such roadway or intersection is intended as such boundary.

Transitional provisions

Section 2. All laws in force at the time this constitution takes effect and not inconsistent therewith, including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii, shall be the laws of the State and remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of this constitution, except that the State shall be the legal successor to the Territory in respect thereof, and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in the name of the State, political subdivision, person or other party entitled to do so, in all respects as fully as could have been done prior to taking effect of this constitution.

Section 3. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

Section 4. All acts of the legislature of the Territory authorizing the issuance of bonds by the Territory or its political subdivisions are approved, subject, however, to amendment or repeal by the legislature, and bonds may be issued by the State and its political subdivisions pursuant to said acts. Whenever in said acts the approval of the President or of the Congress is required, the approval of the governor shall suffice.

Section 5. Except as otherwise provided by this constitution, all executive officers of the Territory or any political subdivision thereof and all judicial officers who may be in office at the time of admission of this State to the Union shall continue to exercise and discharge the powers and duties of their respective offices until their successors shall have qualified in accordance with this constitution or the laws enacted pursuant thereto.

Section 6. Unless otherwise provided by law, the lieutenant-

governor shall exercise and discharge the powers and duties of the secretary of the Territory.

Section 7. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

Section 8. The provisions of Section 6 of Article IV shall not be mandatory until four years from the date of admission of this State to the Union. The legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties among and within the principal departments pursuant to said section.

If such allocation and grouping shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make such allocation and grouping.

Section 9. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

First officers Procedures

Section 10. In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as hereinafter provided, at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two senators and two representatives to the Congress, and unless and until otherwise required by law, said representatives shall be elected at large.

Section 11. Said primary election shall take place not less than sixty nor more than ninety days after said proclamation, and the final election shall take place within forty days after the primary election. Such elections shall be held and the qualifications of voters thereat shall be as prescribed by this constitution and by the laws relating to the election of members of the legislature at primary and general elections. The returns thereof shall be made, canvassed and certified in the manner prescribed by law with respect to the election for the ratification or rejection of this constitution. The governor shall thereupon certify the results thereof to the President.

Section 12. Upon the issuance by the President of a proclamation announcing the results of said election and the admission of this State to the Union, the officers elected and qualified

shall proceed to exercise and discharge the powers and duties pertaining to their respective offices.

Section 13. The first governor and lieutenant-governor shall hold office for a term beginning with their election and ending at noon on the first Monday in December following the second general election.

Section 14. The governor of the State and secretary of state shall certify the election of the senators and representatives to the Congress in the manner required by law. For this purpose, the lieutenant-governor of this State shall be deemed secretary of state.

Section 15. The terms of office of the members of the first legislature shall be as follows:

Members of the house of representatives shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, three; second district, one; third district, two; fourth district, three; fifth district, two; and sixth district, two. Members of the first class shall hold office for a term beginning with their election and ending on the day of the third general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term beginning with their election and ending on the day of the second general election held thereafter.

Section 16. Ten days after the admission of this State to the Union, the legislature shall convene in special session.

Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of members of the legislature shall be as follows: the sum of two thousand five hundred dollars for each general session, the sum of one thousand five hundred dollars for each budget session and the sum of seven hundred and fifty dollars for each special session.

Section 18. Until the legislature shall otherwise provide under Section 3 of Article V, the chief justice, justices of the supreme court and judges of the circuit courts shall receive as compensation for their services the sums of seventeen thousand five hundred dollars, seventeen thousand dollars and fifteen thousand dollars per annum, respectively, which shall, notwithstanding the provisions of Article V of this constitution, be subject to increase or decrease by the first session of the legislature.

Effective date

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

DOCUMENT A/4227

Letter dated 29 September 1959 from the representative of the United Kingdom of Great Britain and Northern Ireland addressed to the President of the General Assembly

[Original text: English] [30 September 1959]

I have the honour to draw your attention to certain observations on the subject of British Honduras which were made in the general debate by the representative of Guatemala on 23 and 25 September²¹ and by the representative of Mexico on 24 September.²²

In order to remove any possible misunderstanding, I wish to make it clear that the territory to which these representatives referred is under the sovereignty of the United Kingdom.

I should be grateful if this letter could be circulated to all Members of the United Nations.

(Signed) Pierson Dixon

²² Ibid., 807th meeting.

²¹ Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 805th and 809th meetings.

DOCUMENT A/C.4/405

General questions relating to the transmission and examination Note by the Secretary-General

[Original text: French and English] [21 July 1959]

By communication of 29 June 1959, the Minister for Foreign Affairs of the Republic of Guinea, in reply to the letter addressed to him by the Secretary-General on 2 February 1959, stated that the Republic of Guinea does not administer any Non-Self-Governing Territories.

DOCUMENT A/C.4/406

General questions relating to the transmission and examination Note by the Secretary-General

[Original text: Spanish] [7 August 1959]

The Secretary-General of the United Nations has received the following communication, dated 28 July 1959, from the Permanent Mission of Spain to the United Nations:

"The Permanent Mission of Spain to the United Nations presents its compliments to the Secretary-General and has the honour to inform him of the following:

"With regard to the statements made at the last meeting of the Committee on Information from Non-Self-Governing Territories concerning the Spanish African Territories, the Permanent Mission of Spain wishes to point out that Spain's position on that question, as stated in document A/C.4/385²³ of 10 November 1958, is that Spain possesses no Non-Self-Governing Territories, since the Territories subject to its sovereignty in Africa are, in accordance with the legislation now in force, considered to be and classified as provinces of Spain.

"The Permanent Mission of Spain has the honour to be, etc."

DOCUMENT A/4343

Report of the Fourth Committee

[Original text: English] [9 December 1959]

- 1. At its 803rd plenary meeting on 22 September 1959, the General Assembly allocated to the Fourth Committee the following item on its agenda:
 - "36. Information from Non-Self-Governing Territories under Article 73 e of the Charter: reports of the Secretary-General²⁴ and of the Committee on Information from Non-Self-Governing Territories:25
 - (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter;26

²⁴A/4081 and Add.1-4, A/4082 and Add.1-5, A/4083 and Add.1-3, A/4084 and Add.1-4, A/4085 and Add.1-4, A/4086 and Add.1-10, A/4087 and Add.1-5, A/4088 and Add.1-14, A/4089 and Add.1-5. See ST/TRI/SER.A/15/Vol. 5 (Sales No.: 60.VI.B.1/Vol. 5).

²⁵ Official Records of the General Assembly, Fourteenth Session, Supplement No. 15 (A/4111).

²⁶ A/4105-4109, A/4114, A/4124, A/4128 and Corr.1, A/4129, A/4131, A/4134, A/4136, A/4137, A/4142, A/4144, A/4152, A/4162, and Corr.1, A/4165-4167, A/4175, A/4178, A/4181, A/4192-4195. See ST/TRI/SER.A/15/Vols. 1-4 (Sales No.: 60.VI.B.1./Vols. 1-4).

- "(b) Information on educational conditions;²⁷
- "(c) Information on other conditions;28
- "(d) General questions relating to the transmission and examination of information;29
- "(e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;30
- '(f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General."31
- 2. At its 967th meeting, the Committee decided that, after a general debate on the item as a whole, it would
- ²⁷ Official Records of the General Assembly, Fourteenth Session, Supplement No. 15 (A/4111), part one, section VI, and part two.

 28 Ibid., part one, sections VII and VIII.
- ²⁹ Ibid., part one, section X, A/4096 and Add.1, A/4115, A/4226, A/4227, A/C.4/405 and A/C.4/406.
 ³⁰ A/4197 and Corr.1.
 - 31 A/4196 and Add.1.

²³ See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 36, document A/C.4/385/Rev. 1.

discuss sub-item (a) separately, sub-items (b) and (c) together, sub-item (d) separately, and then sub-items (e) and (f).

- 3. The Committee heard general statements on this item from the 968th meeting to the 977th meeting, inclusive.
- 4. At the 967th and 977th meetings, the representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland reserved the positions of their Governments with respect to the Falkland Islands (Islas Malvinas) and the Falkland Islands dependencies. The representative of Chile reserved the position of his Government with regard to the Chilean Antarctic territory, concerning part of which the United Kingdom transmits information as included in the Falkland Islands dependencies. The representatives of Spain and the United Kingdom reserved the positions of their Governments with respect to Gibraltar. The representative of Yemen reserved the position of his Government with respect to the southern part of Yemen and the representative of the United Kingdom reserved the position of his Government in respect of Aden Colony and Protectorate. The representatives of Guatemala and the United Kingdom reserved the position of their Governments in respect of British Honduras (Belize). The representative of Mexico stated that if the status of British Honduras were changed, the right of his Government over part of that Territory would have to be taken into account. The representative of Guatemala stated that his Government had never recognized this claim by Mexico to Belize. The representative of Mexico reaffirmed the position of his Government.
- 5. The representatives of Morocco and France reserved the positions of their Governments in respect of Mauritania. The representative of Morocco also reserved the position of his Government in respect of Saguia-el-Hamra and Ifni under the administration of Spain. The representative of Spain stated that his Government hoped that this matter could be amicably settled by negotiation.
- 6. The representative of Indonesia reserved the position of his Government with respect to sovereignty over, and the transmission of information on, West Irian (Netherlands New Guinea). The representative of the Netherlands reserved the position of his Government with respect to sovereignty over, and the transmission of information on, Netherlands New Guinea (West Irian).
- 7. The position of their Governments was stated by the representative of Australia, in respect of Netherlands New Guinea; by the representatives of Iraq, Lebanon, Morocco and the United Arab Republic in respect of Aden Colony and Protectorate; by the representatives of Guinea, Iraq, Lebanon, Libya, the United Arab Republic and Yemen in respect of Mauritania; by the representatives of Guinea, Libya, the United Arab Republic and Yemen in respect of Ifni; by the representatives of Burma, Ceylon, Czechoslovakia, Ethiopia, Ghana, Guinea, India, Iraq, Lebanon, Liberia, Morocco, Nepal and the United Arab Republic in respect of West Irian (Netherlands New Guinea).
- 8. The representatives of Ceylon, Guinea, Ghana, Liberia and Nepal drew attention to the lack of information on Portuguese territories. The representative of Portugal reserved the position of his Government.

- Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter
- 9. At the 977th meeting, Ceylon, Ghana, India, Iraq, the United Arab Republic and Yugoslavia submitted a draft resolution (A/C.4/L.622), under the terms of which the General Assembly would request the Committee on Information from Non-Self-Governing Territories "to examine, in addition to its regular programme of work, the Progress Report at its next session, with a view to ascertaining the progress made by the inhabitants of the Non-Self-Governing Territories in the light of the objectives set forth in Chapter XI of the Charter". The Assembly would further request the Committee on Information "to submit its observations and conclusions on the Progress Report to the General Assembly at its fifteenth regular session, in order to assist it in its consideration of the report"; and would request the Committee, "in so doing, to be guided by terms of all relevant resolutions of the General Assembly, in particular resolutions 932 (X) and 1053 (XI), as well as the provisions of Chapter XI of the Charter"
- 10. At the 977th meeting, Panama became a co-sponsor of the resolution (A/C.4/L.622/Add.1).
- 11. At the same meeting, the Committee voted on this draft resolution.
- 12. The draft resolution was adopted by 55 votes to 1, with 7 abstentions. Subsequently, the representative of Brazil stated that if his delegation had been present when the vote was taken, it would have voted in favour of this draft resolution.
- 13. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution I.

Educational and other conditions

- 14. The Committee considered educational and other conditions from the 977th meeting to the 979th meeting inclusive.
- 15. The Committee had before it the resolution on the 1959 report on educational conditions, submitted by the Committee on Information from Non-Self-Governing Territories (A/4111, part one, annex II). This draft resolution proposed that the General Assembly should: (1) approve the report on educational conditions prepared in 1959 by the Committee on Information from Non-Self Governing Territories; (2) invite the Secretary-General to communicate the 1959 report on educational conditions to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories, to the Economic and Social Council, to the regional economic commissions of the United Nations, to the Trusteeship Council and to the specialized agencies concerned for their consideration; and (3) express its confidence that the Members responsible for the administration of Non-Self-Governing Territories would bring the report to the attention of the authorities responsible for education in those Territories.
- 16. At the 977th meeting, the Committee voted on this draft resolution, and approved it by 58 votes to none, with 4 abstentions. The Chairman stated that if her delegation had been able to participate in the vote, Cuba would have voted in favour of this draft resolution.
- 17. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution II.

- 18. At the 978th meeting, Romania submitted a draft resolution (A/C.4/L.625) on development of primary education in Non-Self-Governing Territories. Under the provisions of this draft resolution, the General Assembly would: (1) recommend that the Administering Members take all necessary steps to develop the primary education of the peoples of Non-Self-Governing Territories, to the end that such education may be raised as soon as possible to the level enjoyed by the peoples of the advanced countries; and (2) invite the Administering Members to communicate to the Secretary-General, for the seventeenth session of the General Assembly, information on the measures taken and the progress achieved towards the establishment of universal, free and compulsory primary education, with the aim of eradicating illiteracy among the peoples of the Non-Self-Governing Territories which they administer.
- 19. At the same meeting, the Committee voted on this draft resolution and adopted it by 63 votes to none, with 3 abstentions. Subsequently, the representative of Hungary stated that if his delegation had been present when the vote was taken, it would have voted in favour of this draft resolution.
- 20. The text approved by the Committee appears in paragraph 73 of the present report as draft resolution III.
- 21. At the 979th meeting, Ceylon and Ethiopia submitted a draft resolution (A/C.4/L.629) on equal treatment in matters relating to education in Non-Self-Governing Territories. Under the terms of this draft resolution, the General Assembly would reaffirm its resolution 328 (IV) of 2 December 1949, urge the Administering Members to intensify their efforts to fulfil the basic objectives of that resolution, and request the Committee on Information from Non-Self-Governing Territories to pay special attention to this matter and to continue to bring out the salient facts in its annual report on conditions in the Non-Self-Governing Territories.
- 22. At the same meeting, the representative of Venezuela orally proposed an amendment which would add to the preamble the following paragraph:

"Having regard to the fundamental importance of race relations, particularly under modern conditions, for the attainment of the objectives of Chapter XI of the Charter of the United Nations."

23. The representative of India orally proposed an amendment which would add between operative paragraphs 2 and 3, the following new paragraph:

"Endorses the view expressed by the Committee on Information from Non-Self-Governing Territories that on no ground whatsoever can education on a racial basis be justified."

- 24. The oral amendments proposed by the representatives of Venezuela and India were accepted by the sponsors, which were joined by Liberia as a co-sponsor.
- 25. At the same meeting, the Committee voted on the revised draft resolution (A/C.4/L.629/Rev.1), and adopted it by a roll-call vote of 70 to none, with 2 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq,

Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Belgium, Union of South Africa. Australia was present but did not participate in the vote. Subsequently, the representative of Panama stated that if his delegation had been present when the vote was taken, it would have voted in favor of this draft resolution.

- 26. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution IV.
- 27. At the 979th meeting, the Committee also considered a draft resolution (A/C.4/L.631) submitted by Bulgaria, Burma, Ceylon, Ethiopia, Guinea, India and the United Arab Republic. Under the provisions of this draft resolution, the General Assembly would: (1) request the Administering Members to adopt necessary measures for the dissemination of information concerning the United Nations among the inhabitants of Non-Self-Governing Territories and to seek the active support and participation of the representative organizations of these inhabitants for this purpose; (2) invite the attention of Administering Members to the recommendations contained in paragraph 54 of part two of the 1959 report of the Committee on Information from Non-Self-Governing Territories (A/4111), and request them to furnish information concerning the implementation of the recommendations to the Secretary-General; and (3) request the Secretary-General to prepare for the fifteenth session of the General Assembly a special report on the present state of dissemination of information concerning the United Nations in Non-Self-Governing Territories, and on further measures necessary to this end.
- 28. At the same meeting, the Committee voted on this resolution. It was adopted by a roll-call vote of 67 to 1, with 3 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Belgium.

Abstaining: France, Peru, Portugal.

Australia was present but did not participate in the vote. Subsequently, the representative of Panama stated that if his delegation had been present when the vote was taken, it would have voted in favour of this draft resolution.

- 29. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution V.
- 30. At the 978th meeting, Guinea submitted a draft resolution (A/C.4/L.623) on the participation of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies. The last paragraph of the preamble and the operative part of the draft resolution read as follows:

"Considering that there is no valid reason to exclude from the specialized agencies certain Non-Self-Governing Territories in respect of which the Administering Member States have accepted as a sacred trust the obligation to promote their political, economic and social advancement, in accordance with the political aspirations of their peoples,

- "1. Invites the Administering Members to submit the candidature of the Territories referred to in Article 73 of the Charter to the specialized agencies, with a view to their admission as members, associate members or observers, according to the constitution of the particular agency;
- "2. Specially requests all Member States administering Non-Self-Governing Territories to propose the participation of the latter in the work of the Economic Commission for Africa;
- "3. Re-emphasizes the need for the Administering Members to secure the increased participation of representatives of the Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories and in the discussion of such matters in the Fourth Committee of the General Assembly;
- "4. Invites the Administering Members to furnish the Secretary-General with a report on the practical measures taken to implement this resolution;
- "5. Requests the Secretary-General to report to the General Assembly at its fifteenth session on the progress made."
- 31. At the same meeting, the representative of Guinea orally revised the text: (1) to delete the last paragraph of the preamble; (2) to insert, in operative paragraph 2 after the words "Non-Self-Governing Territories," the words "in Africa"; and (3) to replace, in operative paragraph 3, the words "the need" by "the great advantage", and to delete the word "increased".
- 32. The representative of the United Kingdom orally proposed an amendment to operative paragraph 3 to insert the words "in their delegations" before the words "the increased participation". This amendment was accepted by the representatives of Guinea with the understanding that the actual wording of the English text would be brought into line with the French text suggested by the representative of Guinea.
- 33. Also at the 978th meeting, the Committee voted on the draft resolution (A/C.4/L.623) as orally revised by the sponsor and incorporating the oral amendment proposed by the representative of the United Kingdom.
- (1) The preamble and operative paragraphs 1, 2 and 3, as revised and amended, were adopted by 59 votes to none, with 5 abstentions.
- (2) Operative paragraphs 4 and 5 were adopted by 43 votes to 2, with 14 abstentions.
 - (3) The draft resolution as a whole, as revised and

amended, was adopted by a roll-call vote of 60 to none, with 6 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, France, Peru, Portugal, Spain.

Subsequently, the representative of Liberia stated that if her delegation had been present when the vote was taken, it would have voted in favour of this draft resolution.

34. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution VI.

General questions relating to the transmission and examination of information

- 35. On the question of the transmission of information, the Committee had before it a reply of the Government of Guinea (A/C.4/405) to the letter of the Secretary-General of 2 February 1959, and a communication from the Government of Spain (A/C.4/406), concerning the transmission of information under Article 73 e of the Charter.
- 36. The Committee also had before it three communications transmitted to the Secretary-General in accordance with General Assembly resolution 222 (III) of 3 November 1948. By a letter dated 23 March 1959, the Government of France (A/4096 and Add.1) informed the Secretary-General that with regard to information transmitted under Article 73 e: "Except with regard to New Hebrides, where the existence of the condominium created a special situation, the French Government decided to stop transmitting this information as from 1957" and attached documents relating to the status of the various Territories on which information was no longer being transmitted. It also communicated to the Secretary-General information concerning the change in constitutional status of French West Africa, French Equatorial Africa, Madagascar, French Somaliland, the Comoro Archipelago and the New Hebrides.
- 37. By letters dated 2 June 1959 (A/4115) and 17 September 1959 (A/4226), the Government of the United States of America informed the Secretary-General of the change in constitutional status of Alaska and Hawaii, respectively, as a result of which the Government of the United States of America intended to cease to transmit information, and communicated to him the relevant documents.
- 38. The Committee discussed this sub-item from the 981st to the 986th meetings inclusive.
- 39. At the 981st meeting, in response to a question raised by the representative of India, the representative of the United Kingdom stated that his Government ac-

knowledged that, where the transmission of information in respect of a Non-Self-Governing Territory had ceased because of the constitutional considerations referred to in Article 73 e, there was an obligation to resume the transmission of information on such a Territory when constitutional considerations permitted. In view of recent developments, his Government agreed that that applied to Malta for the time being.

- 40. At the same meeting, the representative of Spain stated that Spain had no Non-Self-Governing Territories and the provisions of Chapter XI did not therefore apply to it. However, his Government would transmit to the Secretary-General for information purposes, in accordance with Article 73 e, information concerning all those provinces of Spain which could be of interest to the United Nations. The information would be submitted in due course, but that fact did not affect his Government's position of principle with regard to the provinces in question.
- 41. In reply to statements made at the 977th meeting by various representatives, the representative of Portugal stated that the political and constitutional unity of Portugal was such as to preclude the application of Chapter XI to any part of it.
- 42. At the 981st meeting, Canada, Ghana, India, Indonesia, Iran, Iraq, Ireland, Mexico and Yugoslavia submitted a draft resolution (A/C.4/L.627). Under the terms of this draft resolution, the General Assembly would decide to establish a special committee consisting of six members, to be elected by the Fourth Committee on behalf of the General Assembly-three of whom were to be Members who transmit information and three nonadministering Members—to study the principles which should guide Members in determining whether or not an obligation existed to transmit the information called for in Article 73 e of the Charter of the United Nations. The draft resolution would also have the General Assembly request the Secretary-General to prepare for the use of this committee an account of the history of this matter, including a summary of the opinions on the subject which have been expressed by Member States in the past and of the relevant legal treatises on the interpretation of the Charter, and invite Member States to submit in writing to the Secretary-General, before 1 May 1960, their views on these principles, in order that the Committee might take them into account.
- 43. At the same meeting Ceylon became a co-sponsor of the draft resolution (A/C.4/L.627/Add.1).
- 44. In accordance with the rule 154 of the rules of procedure, the Committee was informed at the 981st meeting of the financial implications of the proposal contained in this draft resolution (A/C.4/L.627).
- 45. At the same meeting the Committee voted on this draft resolution.
- (1) The first preambular paragraph was adopted by 58 votes to 2, with 8 abstentions.
- (2) The second preambular paragraph was adopted by a roll-call vote of 47 to 9, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, Ukrainian

Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Chile, France, Honduras, Luxembourg, Peru, Portugal, Spain, Union of South Africa.

Abstaining: Australia, Austria, Brazil, China, Colombia, Costa Rica, Denmark, Dominican Republic, Finland, Italy, Netherlands, New Zealand, Norway, Panama, Paraguay, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

- (3) The third preambular paragraph was adopted by 60 votes to none, with 13 abstentions.
- (4) The fourth preambular paragraph was adopted by 64 votes to none, with 10 abstentions.
- (5) Operative paragraph 1 was adopted by a roll-call vote of 51 to 9, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Chile, France, Luxembourg, Peru, Portugal, Spain, Union of South Africa.

Abstaining: Austria, Brazil, China, Colombia, Costa Rica, Dominican Republic, Finland, Honduras, Italy, Netherlands, Panama, Paraguay, United Kingdom of Great Britain and Northern Ireland, Uruguay.

- (6) Operative paragraph 2 was adopted by 53 votes to 6, with 14 abstentions.
- (7) Operative paragraph 3 was adopted by 52 votes to 4, with 14 abstentions.
- (8) Operative paragraph 4 was adopted by 54 votes to 3, with 14 abstentions.
- (9) The draft resolution as a whole was adopted by a roll-call vote of 53 to 9, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Brazil, Chile, France, Honduras, Luxembourg, Peru, Portugal, Union of South Africa.

Abstaining: Australia, Austria, China, Colombia, Costa Rica, Dominican Republic, Italy, Netherlands, Panama, Paraguay, Spain, United Kingdom of Great Britain and Northern Ireland.

46. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution VII.

- 47. At the 984th meeting, Ghana, India and Yugoslavia submitted a draft resolution (A/C.4/L.624) relating to information on political developments in Non-Self-Governing Territories. Panama subsequently became a co-sponsor (A/C.4/L.624/Add.1). The text of the operative part of this draft resolution read as follows:
 - "1. Endorses the observations of the Committee on Information from Non-Self-Governing Territories, based on its examination of the information transmitted by the Administering Members, that speedy advancement in the functional fields is usually obtained where there is the broadest participation of the inhabitants in political bodies empowered to establish policies and to vote budgets;
 - "2. Requests the Administering Members to do their utmost to mobilize the effective participation of the inhabitants of the Non-Self-Governing Territories by transferring to them effective power in order to accelerate their social, economic and educational advancement;
 - "3. Considers that the transmission of information on developments in the political field will enable the General Assembly better to assess the information transmitted by the Administering Members concerning educational, social and economic development in the Non-Self-Governing Territories;
 - "4. Reiterates the view that the voluntary transmission of information on political developments in the Non-Self-Governing Territories is fully in accord with the spirit of Article 73 of the Charter of the United Nations;
 - "5. Urges the Administering Members concerned to extend their full co-operation in this matter by transmitting information of a political and constitutional character with regard to developments in the Territories under their respective administrations."
- 48. At the same meeting, Iraq submitted an amendment (A/C.4/L.634) which would add to the end of operative paragraph 5 the following: "including the establishment of intermediate time-tables leading to the attainment of self-government by these Territories."
- 49. The representative of Argentina orally proposed that the word "voluntarily" should be inserted before the word "information" in the second paragraph of the preamble and in operative paragraph 5. Subsequently the representative of Uruguay orally proposed that the word "Voluntary" should be included in the title. Both these amendments were accepted by the sponsors.
- 50. At the same meeting the Committee voted on the draft resolution contained in document A/C.4/L.624 and Add.1 and on the amendment thereto (A/C.4/L.634).
- (1) The amendment submitted by Iraq (A/C.4/L.634) was adopted by a roll-call vote of 44 to 7, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, France, Netherlands, Portugal, Sweden, Union of South Africa.

Abstaining: Austria, Brazil, Canada, China, Colombia, Denmark, Dominican Republic, Finland, Greece, Guatemala, Honduras, Ireland, Israel, Italy, New Zealand, Norway, Peru, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

(2) The words "by transferring to them effective power" in operative paragraph 2, were adopted by a roll-call vote of 45 to 6, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ethiopia, Federation of Malaya, France, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Poland, Romania, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Dominican Republic, Portugal, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Canada, China, Colombia, Denmark, Ecuador, El Salvador, Finland, Greece, Guatemala, Honduras, Italy, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Turkey.

- (3) Operative paragraphs 1 and 2 were adopted by 44 votes to 9, with 16 abstentions.
- (4) The word "fully" in operative paragraph 4 was adopted by a roll-call vote of 42 to 6, with 22 abstentions. The voting was as follows:

In favour: Afghanistan, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, France, Italy, Netherlands, Portugal, Union of South Africa.

Abstaining: Argentina, Belgium, Brazil, Canada, China, Colombia, Denmark, Dominican Republic, Finland, Greece, Guatemala, Honduras, Ireland, Japan, New Zealand, Norway, Peru, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

- (5) Operative paragraph 5, as amended, was adopted by 44 votes to 13, with 8 abstentions.
- (6) The draft resolution as a whole, as amended, was adopted by a roll-call vote of 47 to 15, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Czechoslovakia, Ecuador, Ethiopia, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republics,

United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Dominican Republic, Finland, France, Italy, Netherlands, New Zealand, Portugal, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Colombia, El Salvador, Greece, Guatemala, Honduras, Norway, Peru, Turkey.

- 51. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution VIII.
- 52. In the course of the discussion of this sub-item, reference was made to the communication from the Government of France. Some Members, while welcoming the constitutional advance, expressed the view that French West Africa, French Equatorial Africa, Madagascar, French Somaliland and the Comoro Archipelago had not yet attained a full measure of self-government and that the political status of these Territories was still in a stage of evolution. Accordingly, they expressed the view that the Assembly, at its present session, should not act on the communication transmitted by the Government of France.
- 53. At the 983rd meeting, the representative of France stated that, owing to constitutional changes which had taken place, it was no longer possible for his Government to transmit information in accordance with Article 73 e of the Charter, except on the New Hebrides.
- 54. At the 982nd meeting, Argentina, Canada, the Federation of Malaya, Honduras, Iraq, Japan, Liberia and Sweden submitted a draft resolution (A/C.4/L.632) on the cessation of transmission of information by the United States of America concerning Alaska and Hawaii. Subsequently, at the 983rd meeting, Nepal became a co-sponsor (A/C.4/L.632/Add.1). By this resolution, the General Assembly would: (1) take note of the opinion of the Government of the United States that, owing to the new constitutional status of Alaska and Hawaii, it was no longer appropriate or necessary for it to transmit information under Article 73 e of the Charter of the United Nations in respect of Alaska and Hawaii; (2) express the opinion that, from the documentation and the explanations provided, the people of Alaska and Hawaii had effectively exercised their right of selfdetermination and had freely chosen their present status; (3) congratulate the United States and the people of Alaska and Hawaii upon the attainment of a full measure of self-government by the people of these two Territories; (4) consider that, owing to the circumstances referred to, the declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter could no longer be applied to Alaska and Hawaii; and (5) consider it appropriate that the transmission of information in respect of Alaska and Hawaii under Article 73 e of the Charter should
- 55. At the same meeting, Liberia submitted an amendment (A/C.4/L.633) which would insert immediately after the last paragraph of the preamble the following new paragraph:

"Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter".

56. At the 983rd meeting, the representative of

Ethiopia orally proposed an amendment to replace, in operative paragraph 3, the words "of these two Territories" by the words "of Alaska and Hawaii". This amendment was accepted by the sponsors.

- 57. At the same meeting the representative of India suggested a drafting change in operative paragraph 2 so that it would read "Expresses the opinion, based on its examination of the documentation and the explanations provided, that the people . . .". This change was also accepted by the sponsors.
- 58. At the 983rd meeting, the Committee voted on the draft resolution (A/C.4/L.632 and Add.1) and the amendment (A/C.4/L.633).
- (1) The amendment submitted by Liberia (A/C.4/L.633) was adopted by a roll-call vote of 41 to 20, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Panama, Philippines, Poland, Romania, Saudi Arabia. Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, Denmark, Finland, France, Honduras, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal. Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Costa Rica, Ireland, Israel, Japan, Peru, Thailand, Uruguay. Subsequently, the representative of Ghana stated that if his delegation had been present when the vote was taken, it would have voted in favour of this amendment. The representative of Spain stated that if his delegation had been present when the vote was taken, it would have voted against this amendment.

- (2) Operative paragraph 1 of the draft resolution (A/C.4/L.632 and Add.1) was adopted by 59 votes to none, with 10 abstentions.
- (3) Operative paragraph 3, as amended, was adopted by 59 votes to none, with 9 abstentions.
- (4) The draft resolution as a whole, as amended, was adopted by a roll-call vote of 52 to none, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Austria, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Lebanon, Liberia, Libya. Mexico, Morocco, Nepal, Norway, Panama, Peru, Philippines, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Albania, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, France, Hungary, Italy, Netherlands, New Zealand, Poland, Portugal, Romania, Spain, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Subsequently the representative of Paraguay stated

that if his delegation had been present when the vote was taken, it would have voted in favour of this draft resolution.

- 59. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution IX.
- 60. At the 985th meeting, Guinea submitted a draft resolution on the attainment of independence by Non-Self-Governing Territories (A/C.4/L.628), the text of which was as follows:

"The General Assembly,

"Considering Chapter XI of the Charter of the United Nations, and in particular Article 73 a and b, in which the principle is established that the interests of the inhabitants of the Non-Self-Governing Territories are paramount and that Administering Members shall assist them in the progressive development of their free political institutions,

"Recalling that, in its resolutions 566 (VI), 647 (VII) and 744 (VIII), the General Assembly confirmed that the mission of the United Nations with regard to the Non-Self-Governing Territories was to promote their progress towards a status of equality with Member States,

"Considering that in recent years several Non-Self-Governing Territories have attained independence, that certain other Territories will attain it shortly and that the date for its attainment by some Territories has already been set,

"Believing that the preliminary establishment of plans and objectives can assist in speeding up the advancement of the peoples of the Non-Self-Governing Territories,

"Considering therefore that it is necessary and desirable to provide for a course of events which will enable other Non-Self-Governing Territories speedily to attain independence,

- "1. Invites Administering Members to submit for the consideration of the General Assembly at its fifteenth session, after consultation with representatives of the peoples, time-tables for the attainment of independence by the Non-Self-Governing Territories;
- "2. Requests the Secretary-General to submit a detailed report on the matter to the General Assembly at its fifteenth session."
- 61. The Committee discussed this draft resolution at its 985th and 986th meetings.
- 62. The representatives of Bulgaria, Czechoslovakia, Ethiopia, India, Iran, Liberia, Mexico, Morocco, Poland, the United Arab Republic, the Union of Soviet Socialist Republics and Venezuela expressed their support of the objectives of the draft resolution. Several of these representatives, however, appealed to the representative of Guinea to withdraw the draft resolution for the present session, since the Committee had already adopted draft resolution VIII including the amendment submitted by Iraq, the text of which appears in paragraph 48 of the present report.
- 63. At the 986th meeting, the representative of Guinea agreed to withdraw the draft resolution (A/C.4/L.628) for the present session.
- Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community
- 64. In accordance with General Assembly resolution 1330 (XIII) of 12 December 1958, the Secretary-

General had prepared a report (A/4197 and Corr.1) on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community.

65. At the 980th meeting, Burma, Ceylon, Czechoslovakia, Ghana, Indonesia and the United Arab Republic submitted a draft resolution (A/C.4/L.630), the text of which read as follows:

"The General Assembly,

"Referring to its resolution 1330 (XIII) of 12 December 1958,

"Having examined the report of the Secretary-General on the association of Non-Self-Governing Territories with the European Economic Community,

"Noting with concern that the Administering Members have not yet submitted any information on the possible effects of the association of the Non-Self-Governing Territories under their administration with the European Economic Community,

"Considering that the association of Non-Self-Governing Territories with the European Economic Community may have significant effects on the development of these Territories towards the objectives of Article 73 of the Charter of the United Nations,

- "1. Takes note of the report of the Secretary-General on the association of Non-Self-Governing Territories with the European Economic Community;
- "2. Invites again the Administering Members concerned to transmit to the Secretary-General information on the association of the Non-Self-Governing Territories under their administration with the European Economic Community;
- "3. Requests the Committee on Information from Non-Self-Governing Territories to devote, at its 1960 session at which it is to deal particularly with the economic development of the Non-Self-Governing Territories, special attention to the question of the association of some Non-Self-Governing Territories with the European Economic Community and to the effects this association may have on the development of these Territories towards the objectives of Article 73 of the Charter of the United Nations;
- "4. Requests the Secretary-General to prepare for the fifteenth session of the General Assembly a report on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community, taking into account the information to be submitted by the Administering Members and the studies that may be undertaken in this connexion by the Economic and Social Council, the Economic Commission for Africa, the Economic Commission for Asia and the Far East, the Economic Commission for Latin America and other international organs, in so far as these studies may be relevant to the development of Non-Self-Governing Territories;
- "5. Resolves to resume consideration of this question at its fifteenth session."
- 66. At the same meeting, the representative of Ceylon, on behalf of the sponsors, introduced an oral revision in the third preambular paragraph which would replace the word "any" by the word "sufficient".
- 67. The representative of the Philippines suggested the following changes: (a) in operative paragraph 2, to add the words "more adequate" before the word "information"; (b) in operative paragraph 2, to replace

the words "the association" by the words "the possible effects of the association"; (c) in operative paragraph 3, to replace the words "the effects this association may have" by the words "the possible effects of this association"; and (d) in operative paragraph 4, to replace the words "the association of Non-Self-Governing Territories" by the words "the possible effects of the association of Non-Self-Governing Territories". The sponsors accepted suggestions (b), (c) and (d) to qualify the word "association".

- 68. Also at the 980th meeting, the Committee voted on the draft resolution (A/C.4/L.630).
- (1) The word "sufficient" in the third paragraph of the preamble was adopted by 22 votes to 15, with 22 abstentions.
- (2) The third preambular paragraph as a whole was adopted by 32 votes to 16, with 13 abstentions.
- (3) The word "possible" in operative paragraph 2 was adopted by 21 votes to 15, with 29 abstentions.
- (4) The words "the possible effects of this association" in operative paragraph 3 were adopted by 22 votes to 14, with 31 abstentions.
- (5) The words "possible effects of the" in operative paragraph 4 were rejected by 16 votes to 15, with 28 abstentions.
- (6) The draft resolution as a whole, as amended, was adopted by a roll-call vote of 46 to 15, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Hungary, India, Indonesia, Iraq, Japan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Austria, Belgium, Denmark, France, Honduras, Italy, Luxembourg, Netherlands, New Zealand, Portugal, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Canada, Finland, Greece, Ireland, Israel, Norway, Spain.

Subsequently, the representative of Iran stated that if his delegation had been present when the vote was taken, it would have voted in favour of this draft resolution,

69. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution X.

Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General

70. The Committee had before it the report of the Secretary-General (A/4196 and Add.1), submitted in accordance with General Assembly resolution 1331 (XIII) of 12 December 1958. At the 980th meeting, the Committee considered a draft resolution (A/C.4/L.626) submitted by Ceylon, Czechoslovakia and Ghana. Under the terms of this draft resolution, the General Assembly would, *inter alia*: (1) request all Administering Members which have not done so to give the fullest publicity in the Non-Self-Governing Territories under

their administration to all offers to study and training facilities made by Member States; (2) request the Member States offering scholarships to take into account the necessity of furnishing complete information about the scholarships offered, and, whenever possible, the need to provide travel funds to prospective students; (3) request the Secretary-General to give such assistance as is possible, and as may be sought by the Member States concerned and by the applicants; and (4) request the Secretary-General to prepare for the fifteenth session of the General Assembly a report concerning the actual use of scholarships and training facilities offered by Member States to students from the Non-Self-Governing Territories.

- 71. At the same meeting, the Committee voted on this draft resolution. It was adopted by 61 votes to none, with 5 abstentions.
- 72. The text as approved by the Committee appears in paragraph 73 of the present report as draft resolution XI.

Recommendations of the Fourth Committee

73. The Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution II

Report on educational conditions in Non-Self-Governing Territories

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution III

Development of primary education in Non-Self-Governing Territories

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution IV

EQUAL TREATMENT IN MATTERS RELATING TO EDUCATION IN Non-Self-Governing Territories

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution V

DISSEMINATION OF INFORMATION ON THE UNITED NATIONS IN THE NON-SELF-GOVERNING TERRITORIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution VI

PARTICIPATION OF THE NON-SELF-GOVERNING TERRITORIES IN THE WORK OF THE UNITED NATIONS AND OF THE SPECIALIZED AGENCIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution VII

GENERAL QUESTIONS RELATING TO THE TRANSMISSION AND EXAMINATION OF INFORMATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution VIII

Voluntary transmission of information on political developments in Non-Self-Governing Terbitories

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution IX

Cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution X

EFFECTS OF THE EUROPEAN ECONOMIC COMMUNITY ON THE DEVELOPMENT OF CERTAIN NON-SELF-GOVERNING TERRITORIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution XI

Offers by Member States of Study and training facilities for inhabitants of Non-Self-Governing Territories

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 855th plenary meeting, on 12 December 1959, the General Assembly adopted draft resolutions I, II, III, IV, V, VI, VII, VIII, IX, X and XI submitted by the Fourth Committee (A/4343, para. 73). For the final texts, see resolutions 1461 (XIV), 1462 (XIV), 1463 (XIV), 1464 (XIV), 1465 (XIV), 1466 (XIV), 1467 (XIV), 1468 (XIV), 1469 (XIV), 1470 (XIV) and 1471 (XIV) respectively, below.

At its 857th plenary meeting, on 12 December 1959, the General Assembly confirmed the election of six States as members of the special committee established under the terms of resolution 1467 (XIV).

Resolutions adopted by the General Assembly

1461 (XIV). Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter

The General Assembly,

Recalling its resolution 932 (X) of 8 November 1955, in which it expressed the opinion that an examination of the progress achieved in the Non-Self-Governing Territories since the establishment of the United Nations, based on the information received from the Administering Members under Article 73 e of the Charter of the United Nations, would be highly desirable and should make it possible to ascertain the extent to which the peoples of the Non-Self-Governing Territories are advancing towards the attainment of the goals set in Chapter XI of the Charter,

Further recalling its resolution 1053 (XI) of 20 February 1957, in which it invited the Secretary-General, in collaboration with the specialized agencies concerned, to prepare a report on the progress that has taken place in the Non-Self-Governing Territories in those fields on which information has been transmitted, in accordance with the objectives set forth in Chapter XI of the Charter, since the establishment of the United Nations.

1. Expresses its appreciation of the work of the Secretary-General and of the specialized agencies in preparing the report on the progress achieved by the Non-Self-Governing Territories (see A/4196, annex);

- 2. Requests the Committee on Information from Non-Self-Governing Territories to examine the above-mentioned report at its next session, in addition to its regular programme of work, with a view to ascertaining the progress made by the inhabitants of the Non-Self-Governing Territories in the light of the objectives set forth in Chapter XI of the Charter of the United Nations;
- 3. Further requests the Committee to submit its observations and conclusions on the report to the General Assembly at its fifteenth session, in order to assist the Assembly in its consideration of the report;
- 4. Requests the Committee, in so doing, to be guided by the terms of all relevant resolutions of the General Assembly, in particular resolutions 932 (X) and 1053 (XI), as well as by the provisions of Chapter XI of the Charter.

855th plenary meeting, 12 December 1959.

1462 (XIV). Report on educational conditions in Non-Self-Governing Territories

The General Assembly,

Considering that, by resolution 445 (V) of 12 December 1950, it approved the special report on educational conditions prepared in 1950 by the Committee on Information from Non-Self-Governing Territories (A/1303/Rev.1, part two) as a brief but considered indication of the importance of educational advancement and of the

problems of education still to be faced in the Non-Self-Governing Territories,

Considering that, by resolution 743 (VIII) of 27 November 1953, it approved a further report on education (A/2465, part two) as a supplement to the report approved in 1950,

Considering that, by resolution 1048 (XI) of 20 February 1957, it approved another report on education drawn up in 1956 (A/3127, part two),

Noting the report on educational conditions prepared in 1959 by the Committee on Information from Non-Self-Governing Territories (A/4111, part two),

- 1. Approves the report on educational conditions prepared in 1959 by the Committee on Information from Non-Self-Governing Territories, and considers that it should be studied in conjunction with the reports approved in 1950, 1953 and 1957;
- 2. Invites the Secretary-General to communicate the 1959 report to Member States responsible for the administration of Non-Self-Governing Territories, to the Economic and Social Council, to the regional economic commissions, to the Trusteeship Council and to the specialized agencies concerned, for their consideration;
- 3. Expresses its confidence that the Members responsible for the administration of Non-Self-Governing Territories will bring the report to the attention of the authorities responsible for education in those Territories.

855th plenary meeting, 12 December 1959.

1463 (XIV). Development of primary education in Non-Self-Governing Territories

The General Assembly,

Recalling the obligations which, under Article 73 of the Charter of the United Nations, are incumbent upon Members administering Territories whose peoples have not yet attained a full measure of self-government to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses.

Considering in the spirit of those principles that, in order to develop primary education and to combat illiteracy among the peoples of Non-Self-Governing Territories, the Administering Members should endeavor to create in those Territories conditions which are not less favourable than those enjoyed by the peoples of the advanced countries,

Reaffirming its resolutions 743 (VIII) of 27 November 1953 and 1049 (XI) of 20 February 1957, by which it recommended, inter alia, the establishment or extension of universal, free and compulsory primary education in the Non-Self-Governing Territories,

Noting, ten years after the adoption of resolution 330 (1V) of 2 December 1949, in which the General Assembly recognized that one of the fundamental problems in Non-Self-Governing Territories is illiteracy, that the progress made in this field has been very slow,

Having noted that, in its report on educational conditions, the Committee on Information from Non-Self-Governing Territories was obliged to reiterate the view expressed in 1950 that the eradication of illiteracy is a problem of the utmost urgency in the majority of the

Non-Self-Governing Territories (A/4111, part two, para. 44),

- 1. Recommends that the Administering Members take all necessary steps to develop the primary education of the peoples of Non-Self-Governing Territories, to the end that such education may be raised as soon as possible to the level enjoyed by the peoples of the advanced countries;
- 2. Invites the Administering Members to communicate to the Secretary-General, for the seventeenth session of the General Assembly, information on the measures taken and the progress achieved towards the establishment of universal, free and compulsory primary education, with the aim of eradicating illiteracy among the peoples of the Non-Self-Governing Territories which they administer.

855th plenary meeting, 12 December 1959.

1464 (XIV). Equal treatment in matters relating to education in Non-Self-Governing Territories

The General Assembly,

Recalling its resolution 328 (IV) of 2 December 1949 on equal treatment in matters relating to education in Non-Self-Governing Territories, and all other relevant resolutions,

Having regard to the fundamental importance of race relations, particularly under modern conditions, for the attainment of the objectives of Chapter XI of the Charter of the United Nations,

Having considered the special report submitted by the Committee on Information from Non-Self-Governing Territories (A/4111, part two, paras. 30-38),

Recognizing that some progress has been achieved in equal treatment in matters relating to education in Non-Self-Governing Territories,

- 1. Reaffirms its resolution 328 (IV);
- 2. *Urges* the Administering Members to intensify their efforts to fulfil the basic objectives of the abovementioned resolution;
- 3. Endorses the view expressed by the Committee on Information from Non-Self-Governing Territories that on no ground whatsoever can education on a racial basis be justified (*ibid.*, para. 37);
- 4. Requests the committee to pay special attention to this matter and to continue to bring out the salient facts in its annual report on conditions in the Non-Self-Governing Territories.

855th plenary meeting, 12 December 1959.

1465 (XIV). Dissemination of information on the United Nations in the Non-Self-Governing Territories

The General Assembly,

Recalling the obligations of Member States, enumerated in Chapter XI of the Charter of the United Nations, which have or assume responsibilities for the administration of Non-Self-Governing Territories towards the inhabitants of these Territories,

Reiterating the principle that the interests of the inhabitants of these Territories are paramount,

Considering it necessary that the political, economic, social and educational advancement of these inhabitants, as envisaged in the Charter, should be accelerated,

Recalling the principle underlying the public information activities of the United Nations that the Organization cannot achieve the purposes for which it has been created unless the peoples of the world are informed of its aims and activities,

Considering therefore that it is important that the peoples of the Non-Self-Governing Territories be widely informed concerning the United Nations,

- 1. Requests the Administering Members to adopt necessary measures for the dissemination of information concerning the United Nations among the inhabitants of Non-Self-Governing Territories and for this purpose to seek the active support and participation of the organizations representative of these inhabitants;
- 2. Invites the attention of Administering Members to the recommendations contained in paragraph 54 of part two of the 1959 report of the Committee on Information from Non-Self-Governing Territories (A/4111), and requests them to furnish the Secretary-General with information concerning the implementation of the recommendations;
- 3. Requests the Secretary-General to prepare for the fifteenth session of the General Assembly a special report on the present state of the dissemination of information concerning the United Nations in Non-Self-Governing Territories, and on further measures necessary to this end

855th plenary meeting, 12 December 1959.

1466 (XIV). Participation of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies

The General Assembly,

Recalling its resolution 566 (VI) of 18 January 1952, and in particular:

- (a) The first preambular paragraph, in which it noted the Secretary-General's proposal concerning the use of the United Nations to promote by peaceful means the progress of dependent peoples to a position of equality with Member States of the United Nations,
- (b) The fourth preambular paragraph, in which it stated that the direct association of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies is an effective means of promoting the progress of the peoples of those Territories towards a position of equality with Member States of the United Nations,
- (c) Operative paragraph 2, in which it commended the use of the special provisions in the constitutions of some of the specialized agencies and of the regional economic commissions of the United Nations permitting the admission of the Non-Self-Governing Territories to those agencies and commissions as associate members, on the proposal of the Administering Member concerned,

Recalling its resolutions 647 (VII) of 10 December 1952 and 744 (VIII) of 27 November 1953, in which it reaffirmed the provisions of the above-mentioned resolution and expressly invited the Member States administering Non-Self-Governing Territories progressively to increase the participation of indigenous representatives from those Territories in the work of the technical organs

of the United Nations, including the Committee on Information from Non-Self-Governing Territories and the specialized agencies,

Noting with satisfaction that some Non-Self-Governing Territories are already participating fruitfully in the work of certain specialized agencies and certain regional economic commissions,

- 1. Invites the Administering Members to submit to the specialized agencies the candidature of the Territories referred to in Article 73 of the Charter of the United Nations with a view to their admission as members, associate members or observers, according to the constitution of the agency concerned;
- 2. Specially requests all Member States administering Non-Self-Governing Territories in Africa to propose the participation of these Territories in the work of the Economic Commission for Africa;
- 3. Re-emphasizes the great advantage of the Administering Members including in their delegations representatives of the Non-Self-Governing Territories to participate in the work of the Committee on Information from Non-Self-Governing Territories and in the discussion of such matters in the Fourth Committee;
- 4. *Invites* the Administering Members to furnish the Secretary-General with a report on the practical measures taken to implement the present resolution;
- 5. Requests the Secretary-General to report to the General Assembly at its fifteenth session on the progress made.

855th plenary meeting, 12 December 1959.

1467 (XIV). General questions relating to the transmission and examination of information

The General Assembly,

Having regard to the provisions of Chapter XI of the Charter of the United Nations, and in particular to the obligation to transmit information under Article 73 e accepted by Members which have or assume responsibilities for Territories whose peoples have not yet attained a full measure of self-government,

Recalling that, by its resolution 334 (IV) of 2 December 1949, the General Assembly considered that is within its responsibility to express its opinion on the principles which have guided, or may in future guide, the Administering Members in enumerating the Territories for which the obligation exists to transmit information under Article 73 e of the Charter,

Recalling also that, by its resolution 742 (VIII) of 27 November 1953, the General Assembly approved a list of factors to be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government,

Noting that Member States have expressed differing opinions as to the application of the provisions of Chapter XI to Territories whose peoples have not yet attained a full measure of self-government, including the obligation to transmit the information called for in Article 73 e of the Charter,

1. Considers that it would be desirable for the General Assembly to enumerate the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations;

- 2. Decides to establish a special committee consisting of six members to be elected by the Fourth Committee on behalf of the General Assembly three of whom shall be Members who transmit information under Article 73 e of the Charter and three non-administering Members to study these principles and to report on the results of its study to the Assembly at its fifteenth session;
- 3. Requests the Secretary-General to prepare for the use of this committee an account of the history of this matter, including a summary of the opinions on the subject which have been expressed by Member States in the past and of the relevant legal treaties on the interpretation of the Charter;
- 4. *Invites* Member States to submit in writing to the Secretary-General, before 1 May 1960, their views on these principles, in order that the committee may take them into account.

855th plenary meeting, 12 December 1959.

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At its 994th meeting, the Fourth Committee, acting in the name of the General Assembly, elected the members of the special committee established under the terms of the above resolution. At its 857th plenary meeting on 12 December 1959 the General Assembly confirmed the election.

The Committee is composed as follows: India, Mexico, Morocco, Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America.

1468 (XIV). VOLUNTARY TRANSMISSION OF INFORMA-TION ON POLITICAL DEVELOPMENTS IN NON-SELF GOVERNING TERRITORIES

The General Assembly,

Recalling its resolutions 144 (II) of 3 November 1947, 327 (IV) of 2 December 1949, 511 (VI) of 7 December 1951 and 848 (IX) of 22 November 1954 regarding the voluntary transmission of information on political developments in the Non-Self-Governing Territories,

Noting that only some Members responsible for the administration of the Non-Self-Governing Territories voluntarily transmit information on the development of political institutions in those Territories,

Recognizing that the principles and objectives set forth in Article 73 of the Charter of the United Nations relate as much to the political advancement of the inhabitants of the Non-Self-Governing Territories as to their advancement in economic, social and educational fields,

Recalling further that under Article 73 b of the Charter the Administering Members have assumed the obligation to develop self-government in the Non-Self-Governing Territories, with due regard to the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions,

Conscious of the inextricable relationship between developments in the political and functional fields,

- 1. Endorses the observations of the Committee on Information from Non-Self-Governing Territories, based on its examination of the information transmitted by the Administering Members, that speedy advancement in the functional fields is usually obtained where there is a broadest participation of the inhabitants in political bodies empowered to establish policies and to vote budgets (A/4111, part two, para. 27);
- 2. Requests the Administering Members to do their utmost to mobilize the effective participation of the inhabitants of the Non-Self-Governing Territories by

transferring to them effective power in order to accelerate their social, economic and educational advancement;

- 3. Considers that the transmission of information on developments in the political field will enable the General Assembly better to assess the information transmitted by the Administering Members concerning educational, social and economic development in the Non-Self-Governing Territories;
- 4. Reitcrates the view that the voluntary transmission of information on political developments in the Non-Self-Governing Territories is fully in accord with the spirit of Article 73 of the Charter of the United Nations;
- 5. Urges the Administering Members concerned to extend their full co-operation in this matter by voluntarily transmitting information of a political and constitutional character with regard to developments in the Territories under their respective administrations, including the establishment of intermediate time-tables leading to the attainment of self-government by these Territories.

855th plenary meeting, 12 December 1959.

1469 (XIV). CESSATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73 E OF THE CHARTER IN RESPECT OF ALASKA AND HAWAII

The General Assembly,

Recalling that, by resolution 222 (III) of 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considered it essential that the United Nations be informed of any change in the constitutional status of any such Territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that Territory under Article 73 e of the Charter of the United Nations,

Having received from the Government of the United States of America communications dated 2 June 1959 (A/4115) and 17 September 1959 (A/4226) informing the Secretary-General that Alaska and Hawaii, respectively, have, as a result of their admission into the United States as the forty-ninth and fiftieth States, attained a full measure of self-government and that, as a consequence of this change in their constitutional status, the United States Government would cease to transmit information under Article 73 e of the Charter in respect of Alaska and Hawaii,

Having examined the communications of the Government of the United States of America in the light of the basic principles and objectives embodied in Chapter XI of the Charter and of all the other elements of judgement pertinent to the issue,

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

- 1. Takes note of the opinion of the Government of the United States of America that, owing to the new constitutional status of Alaska and Hawaii, it is no longer appropriate or necessary for it to transmit information under Article 73 e of the Charter of the United Nations in respect of Alaska and Hawaii.
- 2. Expresses the opinion, based on its examination of the documentation and the explanations provided, that the people of Alaska and Hawaii have effectively exercised their right to self-determination and have freely chosen their present status;

- 3. Congratulates the United States of America and the people of Alaska and Hawaii upon the attainment of a full measure of self-government by the people of Alaska and Hawaii:
- 4. Considers that, owing to the circumstances mentioned above, the declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to Alaska and Hawaii;
- 5. Considers it appropriate that the transmission of information in respect of Alaska and Hawaii under Article 73 e of the Charter should cease.

855th plenary meeting, 12 December 1959.

1470 (XIV). Effects of the European Economic Community on the development of certain Non-Self-Governing Territories

The General Assembly,

Referring to its resolution 1330 (XIII) of 12 December 1958,

Having examined the report of the Secretary-General on the association of Non-Self-Governing Territories with the European Economic Community (A/4197),

Noting with concern that the Administering Members have not yet submitted sufficient information on the possible effects of the association of the Non-Self-Governing Territories under their administration with the European Economic Community,

Considering that the association of Non-Self-Governing Territories with the European Economic Community may have significant effects on the development of these Territories towards the objectives of Article 73 of the Charter of the United Nations,

- 1. Takes note of the report of the Secretary-General on the association of Non-Self-Governing Territories with the European Economic Community;
- 2. Again invites the Administering Members concerned to transmit to the Secretary-General information on the possible effects of the association of the Non-Self-Governing Territories under their administration with the European Economic Community;
- 3. Requests the Committee on Information from Non-Self-Governing Territories to devote special attention at its 1960 session, at which it is to deal particularly with the economic development of the Non-Self-Governing Territories, to the question of the association of certain Non-Self-Governing Territories with the European Economic Community and to the possible effects of this association on the development of these Territories towards the objectives of Article 73 of the Charter of the United Nations;
- 4. Requests the Secretary-General to prepare, for the fifteenth session of the General Assembly, a report on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community, taking into account the information to be submitted by the Administering Members and the studies that may be undertaken in this connexion by the Economic and Social Council, the Economic Commission for Africa, the Economic Commission for Europe, the Economic Commission for Asia and the Far East, the Economic Commission for Latin America and other international organs, in so far as these studies may be relevant to the development of Non-Self-Governing Territories;

5. Resolves to resume consideration of this question at its fifteenth session.

855th plenary meeting, 12 December 1959.

1471 (XIV). Offers by Member States of Study and training facilities for inhabitants of Non-Self-Governing Territories

The General Assembly,

Bearing in mind that most of the Non-Self-Governing Territories do not have sufficient facilities for higher education which would ensure the education of highly qualified indigenous cadres,

Considering the urgent need in the Non-Self-Governing Territories for indigenous personnel who could take over the functions held by those non-indigenous persons who up to now have occupied the most important positions in the administration of those Territories,

Noting with satisfaction the further response to its resolution 845 (IX) of 22 November 1954 inviting Member States to extend offers of facilities for study and training to the inhabitants of Non-Self-Governing Territories,

Expressing regret that a great number of the scholarships offered by Member States remain unutilized,

Further expressing regret that some Administering Members do not provide all students who have been accorded scholarships with facilities to leave the Non-Self-Governing Territories in order to take advantage of such scholarships,

Recalling its resolution 845 (IX) inviting the Member States to make scholarships available to qualified students from the Non-Self-Governing Territories,

- 1. Takes note of the report of the Secretary-General on offers of study and training facilities under General Assembly resolution 845 (IX) (A/4196 and Add. 1);
- 2. Reaffirms its resolution 1331 (XIII) of 12 December 1958, and invites the Administering Members to take all necessary measures consistent with the interests and needs of the Non-Self-Governing Territories and their peoples to ensure that scholarships and training facilities offered by Member States may be utilized by the inhabitants of those Territories, and to render every assistance to those persons who have applied for, or have been granted, scholarships or fellowships, particularly with regard to facilitating their travel formalities;
- 3. Requests all Administering Members which have not done so to give the fullest publicity in the Non-Self-Governing Territories under their administration to all offers of study and training facilities made by Member States;
- 4. Requests the Member States offering scholarships to take into account the necessity of furnishing complete information about the scholarships offered, and, whenever possible, the need to provide travel funds to prospective students;
- 5. Requests the Secretary-General to give such assistance as is possible, and as may be sought by the Member States concerned and by the applicants;
- 6. Requests the Secretary-General to prepare for the fifteenth session of the General Assembly a report concerning the actual use of scholarships and training facilities offered by Member States to students from the Non-Self-Governing Territories.

855th plenary meeting, 12 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 36 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3127	Report of the Committee on Information from Non-Self-Governing Territories	Official Records of the General Assembly, Eleventh Session, Supplement No. 15
A/3928	Report of the Committee of Experts on United Nations Public Information	
A/4081 and Add.1-4	Note by the Secretary-General transmitting to the General Assembly summaries of information on Central African Territories	For the summaries, see ST/TRI/ SER.A/15/Vol. 5
A/4082 and Add.1-5	Note by the Secretary-General transmitting to the General Assembly summaries of information on East African Territories	Idem
A/4083 and Add.1-3	Note by the Secretary-General transmitting to the General Assembly summaries of information on Southern African Territories	Idem
A/4084 and Add.1-4	Note by the Secretary-General transmitting to the General Assembly summaries of information on Indian Ocean Territories	Idem
A/4085 and Add.1-4	Note by the Secretary-General transmitting to the General Assembly summaries of information on West African Territories	Idem
A/4086 and Add.1-10	Note by the Secretary-General transmitting to the General Assembly summaries of information on Caribbean and Western Atlantic Territories	Idem
A/4087 and Add.1-5	Note by the Secretary-General transmitting to the General Assembly summaries of information on Asian Territories	Idem
A/4088 and Add.1-14	Note by the Secretary-General transmitting to the General Assembly summaries of information on Pacific Territories	Idem
A/4089 and Add.1-5	Note by the Secretary-General transmitting to the General Assembly summaries of information on other Territories	Idem
A/4111	Report of the Committee on Information from Non-Self-Governing Territories	Official Records of the General Assembly, Fourteenth Session, Supplement No. 15
A/AC.35/L.273	Mass communications in the Non-Self-Governing Territories: report prepared by the Secretariat	t Mimeographed
A/AC.35/L.294	Participation of the inhabitants of Non-Self-Governing Territories in educational policies and administration: report prepared by the Secretariat	Ditto
A/AC.35/L.295	Recent developments in technical and vocational training in the Non-Self-Governing Territories: report prepared by the International Labour Office	Ditto
A/AC.35/L.296	Agricultural education and extension services in the Non-Self-Governing Territories: report prepared by the Food and Agriculture Organization of the United Nations	Ditto
A/AC.35/L.297	Education and training of medical and health personnel in the Non-Self-Governing Territories: report prepared by the World Health Organization	Ditto
A/AC.35/L.298	Free and compulsory education in primary schools in Non-Self-Governing Territories 1955-1957: report prepared by the United Nations Educational, Scientific and Cultural Organization	Ditto
A/AC.35/L.299	Secondary education in Non-Self-Governing Territories: report prepared by the Secretariat	Ditto
A/AC.35/L.300	Non-Self-Governing Territories—date of receipt of information: note by the Secretariat	Ditto
A/AC.35/L.301	Method of examination of the Progress Report: note by the Secretariat	Ditto
A/AC.35/L.302	Higher education in Non-Self-Governing Territories: report prepared by the Secretariat	Ditto
A/AC.35/L.303	Illiteracy and fundamental education in Non-Self-Governing Terri- tories: report prepared by the United Nations Educational, Sci- entific and Cultural Organization	Ditto Ditto
A/C.4/L.603	Attainment of self-government or independence by Trust Territories—Burma, Ethiopia, Ghana, Guatemala, Haiti, India, Indonesia, Iraq, United Arab Republic, Venezuela and Yugoslavia: draft resolution	For the text of this document, see Official Records of the General Assembly, Fourteenth Session, Sup- plement No. 16, resolution 1413 (XIV)
A/C.4/L.622 and Add.1	Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter—Ceylon, Ghana, India, Iraq, Panama, United Arab Republic and Yugoslavia: draft resolution	Adopted without change. See A/4343, para. 73, draft resolution I
A/C.4/L.623	Participation of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies—Guinea: draft resolution	Adopted without change. See A/4343, para. 73, draft resolution VI
A/C.4/L.624 and Add.1	Information on political developments in Non-Self-Governing Territories—Ghana, India, Panama and Yugoslavia: draft resolution	Incorporated in substance in A/4343, para. 47

Document No.	Title	Observations and references
A/C.4/L.625	Development of primary education in Non-Self-Governing Territories —Romania: draft resolution	Adopted without change. See A/4343, para. 73, draft resolution III
A/C.4/L.626	Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories—Ceylon, Czechoslovakia and Ghana: draft resolution	Idem, draft resolution XI
A/C.4/L.627 and Add.1	General questions relating to the transmission and examination of information—Canada, Ceylon, Ghana, India, Indonesia, Iran, Iraq, Ireland, Mexico and Yugoslavia: draft resolution	Idem, draft resolution VII
A/C.4/L.628	Attainment of independence by Non-Self-Governing Territories—Guinea: draft resolution	See A/4343, para. 60
A/C.4/L.629	Equal treatment in matters relating to education in Non-Self-Governing Territories—Ceylon and Ethiopia: draft resolution	Replaced by A/C.4/L.629/Rev. 1
A/C.4/L.629/Rev.1	Equal treatment in matters relating to education in Non-Self-Governing Territories—Ceylon, Ethiopia and Liberia: revised draft resolution	Adopted without change. See A/4343, para. 73, draft resolution IV
A/C.4/L.630	Effects of the European Economic Community on the development of certain Non-Self-Governing Territories—Burma, Ceylon, Cze- choslovakia, Ghana, Indonesia and United Arab Republic: draft resolution	See A/4343, para. 65
A/C.4/L.631	Dissemination of information on the United Nations in the Non-Self-Governing Territories—Bulgaria, Burma, Ceylon, Ethiopia, Guinea, India and United Arab Republic: draft resolution	Adopted without change. See A/4343, para. 73, draft resolution V
A/C.4/L.632 and Add.1	Cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii—Argentina, Canada, Federation of Malaya, Honduras, Iraq, Japan, Liberia, Nepal and Sweden: draft resolution	Incorporated in substance in A/4343, para. 54
A/C.4/L.633	Cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii—Liberia: amendment to the draft resolution contained in document A/C.4/L.632	Incorporated in A/4343, para. 55
A/C.4/L.634	Information on polical developments in Non-Self-Governing Territories—Iraq: amendment to the draft resolution contained in document $A/C.4/L.624$	Idem, para. 48
A/C.4/L.635	Draft report of the Fourth Committee	For the text of this document, as amended by the Fourth Committee at its 993rd meeting, see A/4343

United Nations

GENERAL ASSEMBLY



Agenda item 37

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 37: Election to fill vacancies in the Committee on Information from Non-Self-Governing
Territories*

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A/4344	Report of the Fourth Committee	1

DOCUMENT A /4344

Report of the Fourth Committee

[Original text: English]
[9 December 1959]

- 1. At its 803rd plenary meeting, on 22 September 1959, the General Assembly allocated to the Fourth Committee the following item on its agenda:
 - "37. Election to fill vacancies in the Committee on Information from Non-Self-Governing Territories."
- 2. The terms of office of Ceylon and Guatemala having expired, the Fourth Committee, at its 993rd meeting of 8 December 1959, acting on behalf of the General Assembly, elected Argentina and re-elected Ceylon as members of the Committee on Information from Non-Self-Governing Territories.

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 883rd, 993rd and 994th meetings; and ibid., Plenary Meetings, 857th meeting.

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records NEW YORK, 1959

- Agenda item 38: Question of South West Africa*
 - (a) Report of the Good Offices Committee on South West Africa;
 - (b) Report of the Committee on South West Africa;
 - (c) Study of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa;
 - (d) Election of three members of the Committee on South West Africa

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A/C.4/425	Statements made in South West Africa by Chief Hosea Kutako, Chief Samuel Witbooi, the Reverend Markus Kooper and other petititioners	10
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DOCUMENT A /4224

Report of the Good Offices Committee on South West Africa

[Original text: English] [23 September 1959]

LETTER DATED 21 SEPTEMBER 1959 FROM THE CHAIRMAN OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the report of the United Nations Good Offices Committee on South West Africa prepared in accordance with General Assembly resolution 1243 (XIII) of 30 October 1958. The report was unanimously adopted by the members of the Good Offices Committee.

The Committee was requested by that resolution to submit its report to the General Assembly at its fourteenth session. I should therefore be grateful to you if you would distribute it to the Members of the United Nations.

(Signed) Charles ARDEN-CLARKE

1. The United Nations Good Offices Committee on South West Africa was established by General Assembly resolution 1143 (XII) of 25 October 1957, in accordance with which the Committee was directed to dis-

cuss with the Government of the Union of South Africa a basis for an agreement which would continue to accord to the Territory of South West Africa an international status.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 890th, 900th, 904th to 932nd, 949th, 950th, 993rd and 994th meetings; and ibid., Plenary meetings, 838th and 857th meetings.

- 2. As a result of its activities prior to the thirteenth session of the General Assembly, the Committee submitted a report (A/3900) in which it gave an account of its discussions with the Government of the Union of South Africa. The report embodied the solutions proposed by the Committee which proved unacceptable to the Government and the solution proposed by the Government which proved unacceptable to the Committee. In the absence of an agreement on any other proposals, the Committee expressed to the General Assembly (a) the opinion that a form of partition might provide a basis for an agreement concerning the Territory of South West Africa, and (b) the hope that the General Assembly would therefore encourage the Government of the Union of South Africa to carry out an investigation of the practicability of partition, on the understanding that if the investigation proved this approach to be practicable the Government would be prepared to submit to the United Nations proposals for the partitioning of the Territory.
- 3. Following the discussion of this report at its thirteenth session, the General Assembly adopted resolution 1243 (XIII) of 30 October 1958 by which it decided not to accept the suggestions contained in the report of the Committee that envisaged partition and annexation of any part of the Territory as a basis for the solution of the question of South West Africa; invited the Committee to renew discussions which the Government of the Union of South Africa in order to find a basis for an agreement which would continue to accord to the Mandated Territory of South West Africa as a whole an international status, and which would be in conformity with the purposes and principles of the United Nations; requested the Committee, in the conduct of its work, to bear fully in mind the discussions held at the thirteenth session of the General Assembly; requested the Committee to submit a further report to the General Assembly at its fourteenth session; and requested the Secretary-General to continue to provide the Committee with all necessary staff and facilities.
- 4. During the period under review, Member States were represented on the Committee by the following persons:

Brazil:

Representative: Mr. Vasco T. Leitão da Cunha; Alternate representative: Mr. Carlos Sette Gomes Pereira;

United Kingdom of Great Britain and Northern Ireland: Representative: Sir Charles Noble Arden-Clarke;

United States of America:

Representative: Mr. Walter N. Walmsley; (later): Mr. William Howard Taft III;

Alternate representative: Mr. Benjamin Gerig.

Sir Charles Arden-Clarke continued to hold office as Chairman of the Committee. In accordance with the terms of resolution 1243 (XIII) the Committee was assisted throughout its work by a secretariat appointed by the Secretary-General.

5. The Committee held a series of meetings from 15 to 22 January 1959 with a view to determining the action to be taken by it under General Assembly resolution 1243 (XIII). A letter dated 22 January was then sent by the Chairman to the Minister of External Affairs of the Union of South Africa (see annex I). The letter expressed readiness on the part of the Com-

- mittee to renew discussions with the Government of the Union of South Africa in accordance with General Assembly resolution 1243 (XIII) and invited it to designate a representative or representatives to confer with the Committee at a time and place to be mutually agreed upon.
- 6. The reply of the Government of the Union of South Africa was contained in a letter dated 15 May 1959 from the Union Minister of External Affairs addressed to the Chairman of the Committee (see annex II). The Union Government stated inter alia, that it was still prepared to act in accordance with the spirit which animated the 1957 resolution of the General Assembly establishing the Committee and to collaborate with the Committee on the basis of the terms of reference contained therein. It stood by that resolution and in particular by the recommendation included in the final paragraph of the report of the Committee regarding an investigation of the partition suggestion. If, however, the Committee should feel that it was debarred by the 1958 resolution from giving further consideration to the partition proposal, it was difficult to see what useful purposes could be served by renewing, under the Committee's new and much restricted terms of reference, the discussions which had been initiated in the previous year in such completely different circum-
- 7. The Committee held a further series of meetings on 16 and 17 June 1959 to consider the reply of the Union Government and approved a further letter which was sent by the Chairman on 19 June 1959 to the Union Minister of External Affairs (see annex III). In that letter the Committee stated that its terms of reference under the 1958 resolution were not essentially different from those under the 1957 resolution. It was true that the 1958 resolution specifically ruled out the suggestions which envisaged partition or annexation as a basis for a solution, but the Committee itself had been the first to point out that in bringing such suggestions to the notice of the General Assembly it was laying itself open to the charge of having exceeded its 1957 terms of reference. The Committee went on to state that it was prepared to renew the discussions in the same spirit which had animated it throughout. In view of the assurance of the Union Government's sincere desire to find a mutually acceptable solution to the question, the Committee reiterated the invitation for further discussions contained in the previous letter.
- 8. In a reply dated 15 July 1959 (see annex IV), the Minister of External Affairs of the Union Government, while disagreeing with the view of the Committee that its present terms of reference were not essentially different from those under the 1957 resolution, stated that in accordance with his Government's desire to find a mutually acceptable solution to the South West Africa issue, it was prepared to have representatives available in New York to explore means towards that end
- 9. Renewed discussions with representatives of the Union Government took place between 11 and 21 September in New York, the Union Government being represented by Mr. W. C. Naudé, Under-Secretary for External Affairs and by Mr. B. G. Fourie, Permanent Representative to the United Nations.
- 10. In opening the discussion, the Committee made it clear that it was bound by its 1958 terms of reference and that in consequence partition had been ruled out

as a solution, but that there were other possible solutions which merited consideration. In the absense of any proposal from the Union representatives, the Committee pointed out that because of its need to report to the General Assembly within a short space of time detailed negotiations seemed precluded, and suggested that the Union Government and the Committee might agree on the following formula, within the framework of which future negotiations should take place:

- "It is agreed that further talks might be concentrated on the negotiation of some form of agreement to which the United Nations must be a party for the supervision of the administration of South West Africa in a manner which would not impose greater responsibilities on the Union Government or impair the rights enjoyed by it under the Mandate."
- 11. The Union representatives replied that the formula proposed by the Committee was not one to which their Government could subscribe. They stated that their Government's difficulties were the same as those put forward by Union representatives at Pretoria and summarized in paragraphs 38 to 41 of the Committee's previous report (A/3900).
- · 12. Subsequently the Union representatives explained the attitude of their Government as follows:
 - "(1) The Union Government in the spirit of the 'new approach' initiated at the 1957 Assembly, and in view of the terms of the Assembly resolution containing the terms of reference, agreed to meet the Good Offices Committee at Pretoria in 1958, when the whole South West Africa issue was fully discussed in a cordial spirit.
 - "(2) A proposal for the settlement of the issue put forward by the Good Offices Committee was unacceptable to South Africa; likewise, a proposal made by the Union could not be entertained by the Committee, in spite of the fact that in our opinion it went a considerable way towards meeting the attitude taken by the Assembly during past years.
 - "(3) The Union Government did, however, express its willingness to investigate a suggestion regarding a proposed partition of the South West Africa territory. This suggestion was in due course incorporated in the report with a recommendation of the Good Offices Committee.
 - "(4) The Committee's recommendation was rejected by the Fourth Committee and later also by the Assembly, which thereupon reappointed the Committee with new and very much restricted terms of reference.
- "(5) Although the Union Government saw little prospect of finding a solution of the South West Africa issue on the basis of the new and restricted terms of reference, it nevertheless agreed once more to discuss the issue with the reappointed Committee.
- "(6) The attitude of the Union Government was put to the Committee, viz. that the Union Government still stands by its undertaking to investigate the feasibility of the partition proposal as recommended in the concluding paragraphs of the Committee's previous report, such investigation naturally being made in consultation also with the indigenous inhabitants of the Territory. The attitude of the Union Government is in conformity with the spirit of the 'new approach' and of the resolution which was in

- 1957 agreed to by a large majority of the Assembly. The Union Government is convinced that this recommendation contained in the Good Offices Committee's report still holds out the best prospects for settling the issue.
- "(7) The Committee's attitude is that it is precluded by the new terms of reference from considering the recommendation contained in last year's report. The Union Government hopes that it will be realized that the interests of the indigenous inhabitants demand that this avenue be explored.
- "(8) As already indicated the Union Government is unable to accept the proposal put forward by the Committee [see para. 10, above]. In its view this proposal would not lead to a solution of the issue.
- ''(9) The Union delegation reminded the Committee that at the 1958 discussions the Union Government reiterated its willingness to enter into an agreement with the three remaining Allied and Associated Powers, from whom South Africa received the Mandate over South West Africa in 1920. That offer still stands. Once again the Committee was precluded from considering this suggested solution of the issue by its restricted terms of reference.
- "(10) In spite of these difficulties, the Union is still willing to continue negotations with the Committee for the purpose of arriving at an arrangement which would be acceptable both to the Union Government and to the United Nations, it being understood that such discussions will be without prejuduce to the juridical position which it has consistently held in regard to this issue."
- 13. Without wishing to comment on all aspects of the Union Government's statement, the Committee reiterated that it was not in a position, in view of the terms of General Assembly resolution 1243 (XIII), to consider proposals relating to partition and explained that its attitude concerning the offer to enter into an agreement with the three Powers remained the same as that set out in paragraph 44 of its previous report. The Committee appreciated that the final paragraph of the Union statement contained an expression of readiness to participate in further negotiations for the purpose of arriving at a mutually acceptable arrangement. After careful consideration however, the Committee expressed the view to the Union representatives that the paragraph in question was not sufficiently precise or encouraging, particularly when read in the context of the whole statement, to provide a framework within which further negotiations could take place with prospects of achieving an agreement acceptable to the United Nations.
- 14. The Union representatives stated that in an effort to meet the point of view of the Committee the Union wished to propose the following text:
 - "It is agreed that further talks with the Union Government should be concentrated on negotiation with the United Nations, through its Good Offices Committee, of some form of settlement regarding South West Africa, which would not impose greater (or more onerous) responsibilities on the Union Government or impair any of the rights conferred upon it by the Mandate in 1920, it being understood that such discussions will be without prejudice to the juridical position taken up by the Union in the past."

- 15. The Committee explained that the new text did not, in its view, improve the position and that it was unable to report it to the General Assembly as an agreed text.
- 16. The Committee, therefore, regrets to inform the General Assembly that it has not succeeded in finding a basis for an agreement under its terms of reference.

Annex I

LETTER DATED 22 JANUARY 1959 FROM THE CHAIRMAN OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA ADDRESSED TO THE MINISTER OF EXTERNAL AFFAIRS OF THE UNION OF SOUTH AFRICA

I have the honour to inform you that the members of the Good Offices Committee on South West Africa, at a meeting held in New York on 22 January 1959, expressed their readiness to renew discussions with representatives of the Government of the Union of South Africa in accordance with General Assembly resolution 1243 (XIII) of 30 October 1958.

The Committee accordingly invites the Government of the Union of South Africa to designate a representative or representatives to confer with it at a time and place to be agreed upon by the Committee and the Government of the Union of South Africa. The Committee suggests that London would be a suitable place for the renewal of the discussions initiated during 1958, and it would suit the convenience of the members of the Committee if the meeting could be arranged in June.

Annex II

LETTER DATED 15 MAY 1959 FROM THE MINISTER OF EXTERNAL AFFAIRS OF THE UNION OF SOUTH AFRICA ADDRESSED TO THE CHAIRMAN OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA

I have the honour to refer to your letter TR. 230 of 22nd January 1959, and to inform you that the invitation contained therein for further discussions with your Committee on the subject of South West Africa has been carefully considered by the Government of the Union of South Africa.

Resolution 1243 (XIII) of October 30th, 1958, in terms of which your invitation is extended, invited the Good Offices Committee to "renew" discussions with the Union Government. The Assembly apparently assumed that the circumstances which existed at the time of the Pretoria discussions sets which existed at the time of the Case. Subsequent events and discussions at the thirteenth Assembly of the United Nations have, as you will agree, materially affected the situation. It is most important that this fact should be fully appreciated, and I therefore take the liberty of briefly reviewing the circumstances which persuaded the Union Government to respond favourably to the invitation to enter into discussions in terms of General Assembly resolution 1143 (XII) adopted the previous year.

As you will recall, it was clearly stated at the time, and repeated during the initial stages of the Fourth Committee's debate, that the Union Government, impressed as it was by the spirit which animated the "new approach", was prepared to regard your Committee's invitation as evidence of a sincere desire on the part of a large number of Member States to undertake a fresh start on the South West African issue, and to see whether, in a spirit of mutual goodwill and understanding, a solution acceptable to all parties could be achieved.

It was in these circumstances that we consented to meet your Committee—on the strict understanding, of course, that participation in the discussions would be without prejudice to the Union's consistently held stand on the juridical aspect of the issue. As further evidence of the Union Government's goodwill, the Committee was invited to come to Pretoria for the talks, which were there conducted in a frank and cordial atmosphere.

You will recall, also, that it was only after several avenues for arriving at an agreement had been explored, that your Committee mentioned the so-called partition proposal, which visualized the partition of South West Africa in such a manner that the northern part of the Territory, which would house the Native peoples, would be placed under the trusteeship of the United Nations, to be administered as an integral part of South Africa, while the rest of the Territory would be annexed to the Union. The Union's representative, as you will remember, expressed the view that this suggestion merited further study, and, after further discussion, it was agreed that your Committee would in its report recommend to the United Nations that the Union Government be requested to investigate the feasibility of such a plan.

In this connexion it is important that I remind you of the specific assurances of which I gave to the Fourth Committee that the wishes of all the inhabitants of the Territory would be taken into account in the course of any investigation undertaken by the Union Government and that we would only put forward to the United Nations a specific proposal in the event of our investigation proving the partition proposal to be a feasible one.

I need hardly remind you and your fellow members of what happened in New York. Almost immediately after the Fourth Committee had convened, a violent attack was launched against the report of your Committee—an attack which was continued for several days. When the Fourth Committee by a large majority decided to hear the evidence of Messrs. Scott and Getzen on the report of your Committee, I was obliged to inform the Fourth Committee that the majority of delegations had clearly come to the meeting determined to wreck the report—and at the same time to wreck the so-called "new approach".

This view was fully borne out by the discussions which ensued after the withdrawal of the Union delegation, when numerous distasteful allegations were made concerning not only the Union's administration of South West Africa, but also the Union's internal affairs. It was clear that there was little if any hope that there would be an objective discussion of the proposals contained in the Good Offices Committee's report. Moreover, the general tone of the ensuing discussion showed that we were correct in our view that the essential elements of conciliation and goodwill had in fact been absent from the beginning of the discussions in the Fourth Committee. Indeed, this unfortunate fact was brought into clear relief when it proved to be impossible to secure a clear majority for even the straightforward proposal to express appreciation of the work done by the Good Offices Committee! In the event, the "new approach" upon which our hopes were built for a solution of the South West African issue, was wrecked by the fairly large majority of the Fourth Committee.

It is true of course that an effort was made to salvage the "new approach". Those delegations who had endeavoured to pursue a realistic and constructive course sought to save the situation by moving for the reappointment of the Good Offices Committee. This they could, however, only achieve by sacrificing what to the Union Government were essential elements in the "new approach", and resolution 1243 (XIII) of October 30th, 1958, therefore emerged from the Assembly inter alia with your Committee's new and much restricted terms of reference. You, and the other two members of the Committee who participated in the frank and friendly discussions at Pretoria, and who were able to acquaint yourselves with the views of the Union Government, will, I am sure, appreciate that the new and restricted terms of reference could not possibly form the basis of an agreement.

The position is that the Union Government is still prepared to act in accordance with the spirit which animated the 1957 resolution, and to collaborate with your Committee on the basis of the terms of reference contained therein. The Union Government stands by the 1957 resolution of the Assembly, and particularly by the recommendation included in the final paragraphs of the report of the Good Offices Committee regarding an investigation of the partition suggestion—a suggestion which, I think you will agree, was never seriously considered by the Fourth Committee.

In this connexion the Union Government has noted with interest that in adopting a resolution on March 13th, 1959, in connexion with the future of the British Cameroons, the General Assembly had no objection to the two principles of partition and annexation.

Should your Committee feel that it is debarred, by the 1958 resolution, from trying to find a solution on the basis of your report to the General Assembly, and therefore from giving further consideration to the partition proposal, it is difficult to see what useful purpose could be served by renewing the discussions which were initiated last year under such completely different circumstances.

In conclusion, I wish once more to assure you and your fellow Committee members of the Union Government's sincere desire to find a mutually acceptable solution of the South West African issue.

Annex III

LETTER DATED 19 JUNE 1959 FROM THE CHAIRMAN OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA ADDRESSED TO THE MINISTER OF EXTERNAL AFFAIRS OF THE UNION OF SOUTH AFRICA

I have the honour to refer to your letter of 15 May 1959 regarding the invitation of the Good Offices Committee on South West Africa for the renewal of discussions concerning that Territory. Your letter has been given most careful consideration by the Good Offices Committee, which has approved the present reply.

With regard to the expression of the views of your Government on the proceedings of the Fourth Committee on this question during the thirteenth session of the General Assembly, you will, I feel sure, appreciate that it would be quite improper for the Committee to enter into any controversy over the views expressed during those proceedings. Rather it conceives it to be its task, while bearing those discussions fully in mind, to seek by sincere and conciliatory discussions the basis for an agreement concerning the future status of the Territory according to the principles set forth in resolution 1243 (XIII) of the General Assembly.

The Committee wishes to comment, however, on the fifth paragraph of your letter, in which you give an account of the "partition proposal", which might be taken to imply that the Committee had itself proposed that South West Africa should be partitioned and part annexed to the Union. As will be noted from the report of the Committee (A/3900, paragraph 51), and the statement of the Chairman to the Fourth Committee (A/C. 4/PV.745, pp. 7 and 8), the Committee merely expressed the opinion that a form of partition might provide a basis for a solution and the hope that the Union would be encouraged to carry out an investigation.

The Committee has further noted that your Government, while expressing its readiness to collaborate with the Good Offices Committee on the basis of the terms of reference contained in the 1957 resolution, finds it difficult to see what useful purpose could be served by renewing the discussions under the present circumstances. It is the view of the Committee that its terms of reference under the 1958 reso-

lution are not essentially different from those under the 1957 resolution. It is true that the 1958 resolution specifically rules out suggestions that envisage partition or annexation as a basis for a solution, but the Committee itself was the first to point out both in Pretoria and in its report that in bringing them to the notice of the General Assembly it was laying itself open to the charge of having exceeded its 1957 terms of reference.

I wish to assure you that the Committee is prepared to renew the discussions in the same spirit which has animated it throughout. In view of the assurances of the sincere desire of your Government to find a mutually acceptable solution to this question, the Committee has requested me to reiterate the invitation for further discussion contained in my letter of 22 January 1959. Since the time available is now limited by the need to present a report to the forthcoming session of the General Assembly, the Committee would appreciate being informed at an early date whether your Government agrees to the renewal of the discussions and, if so, what date you would suggest.

Annex IV

LETTER DATED 15 JULY 1959 FROM THE MINISTER OF EXTERNAL AFFAIRS OF THE UNION OF SOUTH AFRICA TO THE CHAIRMAN OF THE GOOD OFFICES COMMITTEE ON SOUTH WEST AFRICA

I have the honour to refer to your letter TR 230 of 19th June 1959, in which you enquire whether the Government of the Union of South Africa agrees to the renewal of the discussions with your Committee and if so, to suggest a date.

It is noted that your Committee had given careful consideration to my letter of 15th May last in which I explained fully why the Union Government found it difficult to see what useful purpose could be served by renewing the discussions which were initiated last year under such completely different circumstances. It is further noted that in the view of your Committee the present terms of reference are not essentially different from those under the 1957 resolution—a view with which the Union Government cannot agree. Your letter also leaves me with the impression that your Committee feels that despite the Union Government's views as expressed in my letter of 15th May, there is a possibility that progress can be made through a renewal of the discussions.

As was repeatedly stated both at the Pretoria talks and during the discussions of the Fourth Committee last year, it is the Union Government's desire to find a way out of the impasse which could lead to a mutually acceptable solution of the South West Africa issue. In accordance with that expressed desire the Union Government is prepared to have representatives available in New York to explore, with your Committee, means towards that end. If it would suit the convenience of your Committee it is therefore suggested that the discussions might commence in New York on 11th September 1959.

The Union Government notes that the Good Offices Committee is prepared to renew discussions in the same spirit which animated the Pretoria talks. For my part I should like to assure you that this sentiment also reflects the sincere desire of the Union Government.

DOCUMENT A/C.4/413

Letter dated 29 September 1959 from the Permanent Representative of the Union of South Africa to the United Nations, addressed to the Secretary of the Fourth Committee

Original text: English] [30 September 1959]

It will be recalled that at the 884th meeting of the Fourth Committee, Mr. Louw, the Leader of the South

African Delegation, requested that certain articles and correspondence be circulated as official documents.

I enclose herewith the three documents in question and shall be grateful if they can be circulated as official documents of the Fourth Committee.

(Signed) B. G. FOURIE

ENCLOSURES

Copy of a dispatch by the South African Press Association published in the South African newspapers regarding the visit of a group of foreign journalists to Rehoboth, the home of the Beukes family.

Interviewed by a group of foreign correspondents, members of the Rehoboth Advisory Council said that if Mr. Beukes were to speak at the United Nations against the Union Government and the Administration of South West Africa, he would not be doing so on behalf of the Rehoboth community or the Advisory Council.

Hans Beukes's grandfather, Johannes Beukes, who is a member of the Advisory Council, told the journalists:

"I specifically warned him, when the Council sponsored his passport to go to Norway to study, not to allow himself to be influenced to attack the South African Government or the South West African Administration while he was abroad."

He said he wanted Hans to go overseas and qualify so that he "could return to South West Africa and serve his own people". He had also told him that if he acted like Getzen (who is also from South West Africa and who attacked the Union Government at the United Nations) it would make it difficult for other students to get passports for study purposes abroad.

The father of Hans Beukes, Herman Christoffel Beukes, who is chairman of the Rehoboth Civic Association, confirmed that Hans had no authority to speak at the United Nations on behalf of the Rehoboth Advisory Council or the Rehoboth community.

He believed that if Hans went to the United Nations, it would not be to attack South Africa or South West Africa, but to enlist the assistance of the United Nations in enabling him to return to South West Africa after completing his studies in Norway.

"If I knew where he was, I would send him a cable instructing him not to make representations at the United Nations on matters affecting our community, because this is a matter between us, the Government of South Africa and the South West Africa Administration", he said.

Extracts from a news item in the Windhoek Advertiser of 7 August 1959

Beukes says news report wanted to make liar out of son

"Could you please tell me where my son is", said Mr. H. C. Beukes, father of the Rehoboth-born student, Hans Beukes, when he entered the <u>Advertiser</u> office this week. Tears were forming in his eyes ...

Mr. H. C. Beukes, the father of Hans, came to the <u>Advertiser</u> office as result of an article sent by a SAPA reporter to various newspapers.

Mr. Beukes said that his words had been twisted and was written, in his opinion, to make a liar out of his son if he talks overseas.

Only one fact was correct in the article, said Mr. Beukes. He had told the correspondent that if his son now talks against the Government overseas because his passport has been taken away, then he blames the Government because they should not have taken his passport away...

Mr. Beukes said that he had not said that Hans had no authority to speak at the United Nations on behalf of the Rehoboth Community. His father had also not said so ...

Copy of a letter sent to the South African Press Association by the President of the Foreign Correspondents' Association of South Africa

The Foreign Correspondents' Association of South Africa

P.O. Box 2059 Pretoria 13th August, 1959

Mr. David Friedmann The Editor, SAPA P.O. Box 7766 Johannesburg

Dear Mr. Friedmann,

Thank you for your copy of extracts from the Windhoek Advertiser concerning the interview a number of Foreign Correspondents visiting South West Africa as guests of the Administration had recently with the Beukes family at Rehoboth.

During the 7 years since our Association was formed we have resisted and will continue to resist all efforts to draw us into S. Africa's politics but in the interests of accuracy you might like to know the following facts, which are corroborated by the members of our Association who were invited to South West Africa.

We went to Rehoboth at our request hoping to meet members of the Beukes family, although nothing had been arranged by the Administration. We found Hans Beukes's grandfather by accident when we were looking for members of the Raad who would give us their point of view and while we were talking to him Hans Beukes's father came forward spontaneously to talk to us.

The two members of the Administration who had driven us to Rehoboth took no part in these conversations. Both father and grandfather answered our questions readily and volunteered further information.

Since receiving a copy of the <u>Windhoek Advertiser</u> we have checked our notes of those interviews with the story put out by SAPA. Our notes confirm it as an accurate report of both the Beukes statements to us, which we ourselves cabled overseas.

We should have been happy to have given them to the Windhoek Advertiser if they had approached us. No restrictions were placed on us by the Administration at any time. In fact a visit to Rehoboth had not been included in the original schedule for our visit. It was arranged by the Administration at the last minute at our request.

Very sincerely yours,

(Signed) Margaret LESSING

Signed on behalf of:

Mr. Henri Schoup, United Press International Mr. Adrian Porter, Associated Press of America Mr. Edmund Bellairs, Agence France-Presse Mrs. Margaret Lessing, Daily Herald, London.

P.S. The fifth member of our party, Mr. Hans Kruger of the German News Agency, did not accompany us.

DOCUMENT A/C.4/422

Letter dated 18 June 1959 from the Reverend William J. Devenney to the Chairman of the Committee on South West Africa

[Original text: English] [8 October 1959]

Note by the Secretariat: The following letter is circulated to members of the Fourth Committee in accordance with a decision taken by the Committee at its 900th meeting. All the footnotes in this document are author's notes.

Would you be so kind as to read the following to the Committee on South West Africa, or at least, see that the members are aware of it. It is impossible that I appear before the Committee, since I am sailing for South West Africa July 1, 1959.

(Signed) Rev. William J. DEVENNEY

TO THE COMMITTEE ON SOUTH WEST AFRICA:

Re: Statements concerning Roman Catholic Mission Schools made by Mr. Kerina (Getzen) at the seven hundred and forty-ninth meeting held at Headquarters, New York, on Monday, 6 October 1958 at 3.15 p.m.^{a/} and at the seven hundred and fifty-fifth meeting held at Headquarters, New York, on Thursday, 9 October 1958, at 3.15 p.m.^{b/}

Introduction to the writer:

The Rev. William J. Devenney is a citizen of the United States of America, a B.A. in Philosophy and an M.A. in Anthropology, Manager of the Roman Catholic Elementary School at Luderitz, South West Africa, and a permanent resident of South West Africa since 1953.

Status of the Roman Catholic Elementary School at Luderitz, South West Africa:

Recognized by the Department of Education, South West Africa.

Enrolment: About 120 African and Coloured pupils.

Teachers: Two Coloured (one of them non-Catholic) at the Coloured School; one nun (White) at the African School. (The Government requires that there be a separation of Coloureds and Africans when they attend school; i.e., that there be two different school buildings, one for Coloureds and one for Africans).

Religion: Roman Catholic, but admits and has admitted non-Catholics. No child is forced to become Roman Catholic.

Number of Standards: The Coloured School goes to Standard VI. The African School goes to Standard IV, but could also have had the same as the Coloured School if local parents kept their children in school after Standards II and IV. There must be a certain number of pupils as minimum for each Standard taught.

<u>Languages:</u> Afrikaans is the first language and English the second, for both African and Coloured children.

Textbooks: The same for African and Coloured pupils.

I, the Rev. William J. Devenney, in my capacity as Manager and Spiritual Guide for the Roman Catholic Mission School at Luderitz, South West Africa, defend the Catholic philosophy of education against the inaccurate statements made by one Mr. Kerina (Getzen) on the 6 and 9 October 1958 and published as official records under the symbols A/C.4/PV.749 and A/C.4/PV.755.

Mr. Kerina (Getzen), when he speaks of Roman Catholic Mission Schools, seems to have adopted the practice of dealing in generalities or drawing conclusions from unsubstantiated

statements. Furthermore, he has not, to my knowledge, answered the questions put to him by Mr. Rodríguez Fabregat.

The questions of Mr. Rodríguez Fabregat: ^c/

"Referring, in particular, to some of Mr. Kerina's previous statements, I hope I may be forgiven for coming now to another field, which is understandably more familiar to me and nearer to my heart—the field of education and its problems in the Territory. On the hypothesis that, at the very least, a population under Mandate was offered new prospects of intellectual development and progress, I would ask Mr. Kerina to explain and amplify some of the very grave statements he made before this Committee on 6 and 7 October—two days ago—regarding the educational system in the Territory of South West Africa. I should like to know whether this educational system is based roughly on a supposedly religious concept which implies the supremacy of the white, European population over the African population. And I would ask ... in what institution the absurd doctrine he mentioned is taught, the doctrine that whites were created by God and coloured people by the devil, so that I can at least know where I stand with regard to the plan of creation taught by the teachers of the racist Government of the Union of South Africa."

Mr. Kerina answered: d/

"The first statement that I mentioned about the pictures brought to the classroom was made in front of me in the Roman Catholic School which I attended...."

The first statement of Mr. Kerina was: e/

"African children are indoctrinated from a very early age in the theory of white supremacy. This is not done extensively in the schools where there are African teachers and principals, but in schools where there are white teachers and principals this indoctrination is present to a wide extent. The following examples will illustrate something of the nature of this indoctrination.

"In an elementary mission school which I attended, a teacher one day brought two pictures to class—one showing heaven in all its beauty, occupied only by whites, and the other showing the tortures of hell, where all the inhabitants had black skins.

"When I asked her what was the reason for that, she replied that: 'If you behave like an obedient native, after death you would be transformed into a white and admitted into heaven. But if you are an undesirable native, you can only expect to go to hell'."

I could tell another story to contradict Mr. Kerina, but that would be the beginning of an anthology of "Individual Stories". We would establish nothing. What I would like to know is:

- 1. The name of the person who made the statement;
- 2. The year, at least, when the statement was made;
- The Standard Mr. Kerina was in when the statement was made;
- 4. The language in which the statement was made.

a/ A/C.4/PV.749.

b/ A/C.4/PV.755.

c/ A/C.4/PV.755, p. 16.

d <u>Ibid.</u>, p. 17.

 $e/\overline{A/C.4/PV.749}$, pp. 54 and 55.

If such a thing were said, it would be contrary to everything that the Roman Catholic Church teaches. Anyone teaching such absurd doctrine would not only be going contrary to Catholic doctrine, but would be, to say the least, reprimanded by his superior.

I shall not contradict Mr. Kerina's concepts and ideas of Catholic education with my words; I shall use the words of the Head of the Catholic Church which were heard in Vienna by the teachers of twenty countries when they gathered there for the third international congress of the World Union of Catholic Teachers, August 5, 1957. ^f

"... He (the Catholic Teacher) [2] will point out that those faraway people feel as we do, that they too have achievements to point to and can serve as our models in many things. Above all, he will stress the fact that they too have God for their Creator and Father, that they too are included in the love and salvation of Christ and called to his Church. Thus young people will, with all due pride in the history and attainments of their own people and with all love of their country, also have respect and good will, for all other nations. What power there lies in such education against excessive nationalism which lacks that respect and good will, and which is incompatible with Christian thinking. Here too the effect of your school reflects in a precious way the world-wide unity of the Catholic Church..."

Concerning the young nations of Asia and Africa, Pius XII said:

"In Our Christmas message of December 24, 1955, We considered the relation of Europe to the younger, non-European states while discussing ways of securing world peace. These states, We said, should not forget how much they owe to Europe; and Europe should continue to be generous in putting at their disposal those genuine values in which it is rich.

"What We said then you may apply, <u>mutatis mutandis</u>, to the problem of schooling and education. But we should hold it self-evident that those young and, perhaps, still underdeveloped peoples must adopt cultural values organically, that is, just as a living organism absorbs and incorporates what is given to it. They must grow in a way and to a measure that corresponds to the conditions of a young nation, and always in such a manner that psychic and moral growth keep pace with technical, economic, and intellectual advances. The genuine building of culture aims at whole persons oriented to God. This is the task of all those who can influence intellectual development, particularly Catholic teachers."

If, however, these words are of too recent origin, I suggest that Mr. Kerina might read to the Committee the Catholic doctrine concerning Creation, etc., from the Catholic Catechism which he used in school at the time of this alleged attack. If he does not have one, I would be only too glad to send one to the Committee.

Again, Mr. Kerina deliberately attacked the principal of the Roman Catholic School at Doebra with the following statement: by

"However, I also had the opportunity of visiting the Roman Catholic training school centre at Doebra. I visited that area several times because some of my friends who were raised by my own parents were attending school there. I was very shocked one morning in 1952 when I entered the class and listened to the principal, who had arrived from Germany to preside over Doebra, when he saw the first Herero priest who was ordained in South West Africa walking out of the class, probably after careful observation of the educational system. This priest stood up in front of his students. I was just a visitor there; I was not a student there; I never liked

it because of the inferiority of the education. He stood before his students and told them, 'Do you know that, no matter how high a black man can be educated, he is always a black man? So don't be convinced when you see one of your fellow men becoming a priest. He is still a black man'. We did not understand why he expected him to change to white, in fact, We were proud that he was black in the first place. Then he went on to say: 'Do you know what? When I arrived at Walvis Bay, at your dock, I looked around the whole surroundings, and the first thing I noticed was a native smell'. He ended there. I walked out of the class and left the whole place, because in fact I was not a student and I did not have any right to express my opinion there.

"These were the statements made on various occasions at all these schools in order to make the African youngsters probably subjective to the whole "apartheid" policy in South West Africa, and unconsciously most of our students have been affected by this whole philosophy. There are times when they would like to resist, but there are times when they are forced not to resist, because they begin to doubt themselves as human beings, part of God's creation."

This, in the words of Mr. Kerina, is not only an illustrative story, but a "whole philosophy". The story has already been denied by the principal of the school he mentioned, but Mr. Kerina has yet to rectify the damage to the Roman Catholic Missions caused by this false statement.

The Pope, in 1951 and again in 1957, referred as follows to the missionary policy of the Catholic Church: $^{1/}$

missionary efforts, namely, that 'the Church should be solidly estalished among other peoples and a Hierarchy given to them chosen from among their own sons' (Encyclical, Evangeli Pracones, 1951). In accordance with this policy the new Churches of Africa are taking their legitimate place in the great Catholic family, while the rest of the faithful who have preceded them in embracing the faith unite with them in brotherly love and welcome them enthusiastically."

Again:1/

"We intend to proceed without hesitation along this way. Those who enter the Church, whatever their origin or their status, must know that they have equal rights within the House of the Lord, where the Law of Christ and the peace of Christ prevail',—Pius XII, Summi Pontificatus, 1939.

"The law of Christ governs the Catholic Church. And Christ reduced all His law to two great commandments: Love God; love your neighbour. The second commandment is the rub. It is at the heart of the error of racism. But in the Church of Christ, the law of Christ must prevail. Negroes, Puerto Ricans, Mexicans, Indians—all peoples and races have equal rights in the Catholic Church no matter what individual Catholic may think about the matter. There is no equivocation here; there is no pussy-footing. The Catholic Church receives all. The Catholic Church must love all. And Pius XII means this when he said:

"In the midst of the disruptive contrasts which divide the human family, may this solemn act (of consecrating bishops from different lands and races) proclaim to all our sons, scattered over the world, that the spirit, the teachings and the work of the Church can never be other than that which the Apostle of the Gentiles preached: "Here is no more Gentile and Jew, no more circumcised and uncircumcised; no one is barbarian, or Scythian, no one is slave or free man; there is nothing but Christ in any of us".'—Pius XII,

f/This was a letter from Pope Pius XII read by Archbishop Franz Koenig of Vienna and reported in Osservatore Romano, September 7, 1957. German text. The English text may be found in The Pope Speaks, Addresses and Publications of the Pope, vol. 4, No. 4 (Spring 1958), pp. 371-374, published at 3622 12th Street, N.E., Washington, D.C.

g/ Parentheses mine.

h/ A/C.4/PV.755, p. 17.

i/ Encyclical letter, Fidei Donum, April 21, 1957. This letter concerns the condition of the Catholic missions, their problems and urgent needs. It was reported in the Osservatore Romano, April 27, 1957. The text is Latin. The English text is taken from The Pope Speaks, op. cit. (Winter 1957-58), pp. 295-312.

^{1/} Cf. The Homiletic and Pastoral Review, June 1959: "The Popes Speak on Racism", Roy M. Gasnick, O.F.M., pp. 827-831. Published by Joseph F. Wagner, Inc., 53 Park Place, New York, N.Y.

Address given at the consecration of twelve new bishops in 1939. Two were Negroes.

"However, if the above statements are of too recent origin, allow me to point out that:

And now, concerning the following statement by Mr. Kerina: n/

"There are now an African Teachers Organization and a Coloured Teachers Organization. I have cause to believe their activities are carefully regulated by the Government, particularly the Africans. At every annual meeting of the African Teachers Organization, a white government agent or officer must be present and on most occasions he acts as the presiding officer. I do not know how the Coloured Teachers Organization meetings are conducted, but I suspect that government agents are present ..."

There is a Catholic teachers organization and it is for both Africans and Coloureds; this organization is not regulated by the Government and no White Government agent or officer is present at meetings and no Government agent is present to act as presiding officer. I shall present Mr. Kerina's statement to the teachers organization and let the Catholic teachers answer for themselves. They are perfectly able, capable and free to do so.

Again, concerning Mr. Kerina's statement: o/

"... Many families on the farms who wish their children to obtain an education hesitate to send them to the hostel schools because of the poor treatment and abuse they receive there. The diet is extremely poor, in the first place. In most cases, the students must ask their parents to send them money or additional food to supplement the diet..."

Many families send their children to the Roman Catholic hostel schools. Further, many of the children are transported to the hostel and returned to their homes at vacation time at the expense of the mission. And no worthy case is turned away because of lack of money. We subscribe completely to the statement of Pius XI: P/

"Let the missionaries remember that they must follow the same methods with the natives as did the divine Teacher when he was on earth ... how kind and loving Jesus showed himself to infants and little children;—Apropos of this let Us remind you of what We said on another occasion, namely, that all who are interested in health of the inhabitants and minister to the sick, and all who are kind to infants and little children, win the goodwill and affection of all the natives, so readily does the human heart respond to charity and kindness."

The Roman Catholic Missions of South West Africa have been placed under a cloud of suspicion. They have been accused of subscribing to the racist tenet. I hope the foregoing statements concerning Roman Catholic educational policies in South West Africa will correct any misunderstanding that may have arisen as a result of Mr. Kerina's statements.

Ecclesiastical statistics for 1958, of the Territory of South West Africa 4/

For the purpose of organization and administration, South West Africa has been divided into two sections. Each section is known as a Vicariate. The following statistics may be of interest to the Committee:

1. The Vicariate of Keetmanshoop:

Boundaries: to the south, the Orange River; to the east, the political boundaries of S.W.A.; to the north, the northern limits of the civil districts of Luderitz, Gibeon, Rehoboth; to the west, the Atlantic Ocean.

Area, sq. miles: 108,146.

Estimated Catholic population: 11,038.

Convents: 18.

Schools: White: none; Indian: none; Coloured: 11; Native: 16.

Pupils: White: none; Indian: none; Coloured: 1,040; Native: 196

Hospitals: 8.

Dispensaries: 16.

Orphanages: White: none; Coloured: none; Native: 1.

Hostels: White: 1; Coloured: 8; Native: 12.

2. The Vicariate of Windhoek:

Boundaries: To the south, southern limits of the civil districts of Gobabis, Windhoek, Karibib, Swakopmund; to the east, Bechuanaland Protectorate; to the north, Portuguese Territory of Angola; to the west, the Atlantic Ocean.

Area, sq. miles: 200,000.

Catholic population: 41,868.

Convents: 27.

Schools: White: 1; Indian: none; Coloured: 1; Native: 64.

Pupils: White: 418; Indian: none; Coloured: 129; Native: 6,121.

Hospitals: 9.

Dispensaries: 16.

Orphanages: White: none; Coloured: none; Native: none.

Hostels: White: 2; Coloured: 1; Native: 18.

Further information may be obtained from The Catholic Directory of Southern Africa 1959, printed by the Salesian Press, Somerset Road, Cape Town, Union of South Africa, cf. pages 131 and 133, 529-536, 537-549.

(Signed) The Rev. William J. DEVENNEY, O.S.F.S. B.A., M.A.

5456 Catherine St.,
Philadelphia, Pa.,
United States of America
and
Roman Catholic Mission
P.O. Box 71,
Luderitz
South West Africa

k/ Pius V, letter to the King of Portugal, 1571; Urban VII, Bull of 1627.

^{1/} Instructions of 1630.

m/ The Catholic Church and the Race Question, The Rev. Father Ives M. J. Congar, O.P., 1953, United Nations Educational, Scientific and Cultural Organization, 19 Avenue Kléber, Paris 16e.

n/ A/C.4/PV.749, p. 55.

o/ <u>Ibid.</u>, p. 53.

p/ Popes on Youth, Raymond B. Fullam, S.J., Canesius High School, Buffalo, New York, 1956, p. 299, No. 561.

g/ The Catholic Directory of Southern Africa 1959, The Salesian Press, Somerset Road, Cape Town, Union of South Africa (on page 13).

DOCUMENT A /C.4/425

Statements made in South West Africa by Chief Hosea Kutako, Chief Samuel Witbooi, the Reverend Markus
Kooper and other petitioners

[Original text: English] [20 October 1959]

Note by the Secretariat: The following statements have been transcribed from the tape-recording made available to the Fourth Committee by petitioners. They are circulated to members of the Fourth Committee in accordance with a decision taken by the Committee at the 907th meeting.

I am Hosea Kutako speaking now and I am saying this: our country, for quite a long time, was under the African people themselves and they traded with Pretoria. Later on, the Germans came and entered into negotiations with us. After a time they started killing people, not directly but in one way or another; sometimes they would say "We thought he was an animal" or "We thought it was stone" or something like that.

After all this, the Hereros realized that these people did not come in peace. They cut off all trade between us and the Union of South Africa; they started killing us. Apparently these people came for war and they then provoked us.

Are you sure that this thing is recording what I am saying?

They also plundered everything; they invaded our land, they took away our land and we had no home. That was what led to war—that is, they came here not in peace but with all their military force to force us into submission and we did not fear them but rose and fought; even without guns or anything we fought them. We fought them without guns or anything and we want to impress upon the world that we did not just give this land as a present to the Germans; we fought for it and it is our land. We shall always claim it back. This is why, even up to this day, we claim it back and this is why, even up to this day, we are appealing to the United Nations.

And then followed a period of slavery when we were really exposed to sufferings and to a lot of hardships. Then the country changed hands and we thought that the country had been taken over by the British people only to realize later on that we were under the Boers. And our suffering continued under the Boers; sometimes we feel that it is even more than we had under the Germans.

That is why I am appealing to the United Nations and to all the nations gathered there to see and to listen to this; we who are suffering have been suffering from German times up to this day.

The dwelling place which was given us by God has been taken away from us and as such today we just like animals who have nowhere to live. So that the United Nations can free us but up to now the United Nations has not done anything to free us. But we shall not give up appealing to the United Nations; we shall continue to petition the United Nations so that they may hear our voice and our cry. This country is ours and it is ours; we never gave it to the Germans as a present and we shall continue to claim it, and we suffer for it even today. We appeal to the United Nations to help us; we appeal to the United Nations to give us the freedom we desire. We are suffering and

we have been suffering for a long time. We want freedom.

I wanted to go the the United Nations many years ago but I was not allowed. I applied for a passport to go to the United Nations; it was not granted me. My people applied for passports to go in my place but they were not given passports. Up to now, we have not been allowed to leave for the United Nations.

Just recently, in fact last week, in Aminuis Reserve, I was visited by some officials from Windhoek and I told them this: that this year I want to send six men to the United Nations. And now I have been appealing to the United Nations for many years and the United Nations Organization knows this very well.

And this is what I have to say to the United Nations: I implore the United Nations to give me my freedom this year. I do not want this year to pass. And much of what I have to say and about the conditions in this country has been said by the Reverend Michael Scott. Even that has been said by (Kerina) and the young boy I have just sent, Kozonguizi. They can hear from me. We want the United Nations to help us; we want them to free us.

It is now being said that while I have been petitioning the United Nations for such a long time and even now I have sent people, but the United Nations has not helped me up to now and it is very unlikely that it will ever help me. That is what is being said. But I always say, and I shall always say, that I shall not stop petitioning the United Nations. This is what I had to say.

* *

I am the Chief Hendrick Samuel Witbooi, of the Nama tribe. The first chief has already given his petitions to the United Nations Organization. His name is David Witbooi. He was complaining about freedom in his country. He could not even come together with the people over he was intended to rule. In this land there are three tribes. Those three men were dwelling in this land even before Europeans came to this country. They have been handling together, they have been trading amongst themselves but from ... when ... we were placed under the rule of the Union Government, all form of freedom has disappeared. We have been asking since that time from the Union Government to be given back our freedom but we have not get them until now. We, the indigenous inhabitants of this country, have totally no sort of freedom; we have no freedom of thought, we have no freedom of speech, we have no freedom of religious worship. All in which we are kept is fear. It is why we have approached the United Nations Organization after we hear that it is

such a great organization. When we hear about the United Nations Organization, we thought that we will be delivered from the Union Government. We have now a strong application [?].

This Government of the Union has asked us, the inhabitants of this country, to incorporate this country of ours into the Union of South Africa. We have refused totally at all those three times. But the Government is keeping on to incorporate this country into the Union... We have asked our freedom from everything. Now at last the Government has promised us a kind of a government... in the year 1955... That government has been formulated in the Union of South Africa, the form of that government... That government is called the Bantu Authority Act. From 1955 up to now we have refused that form of government. But it has come to 1959... The last time we were together was around 14 April 1959, at Berseba. In that meeting we told the Administration quite straightforwardly ... all the head men, all the Nama head men... but we totally do not want that Bantu Authority Act. We also do not want to accept that Nama tribal fund which is related to the Bantu Act. We have said "It must be buried. Let it never again sound in our ears." Although this Government says that he is not forcing us to accept anything, yet we see that this Government is forcing us, because he is doing so. He has brought that form or system, of Bantu Education Act in this country. If the Government would have do it in the proper way he would have approached us, asking us to give our consent to accept that Bantu Education Act. Or the Government would have weighed... we have to say about the Bantu Authority Act with the customs of this country... We, the Nama chiefs, the Herero chiefs and the Damara chiefs: that is our word and our standpoint.

I am really today grateful to have met such men as these three gentlemen today, because I believe God wants to help us by sending us these three men. How much have we do we desire a chief of this country... to come personally to the country of America! I was once at the office of Mr. Neser asking him to give me the passport to go over to America. I was together with the Hereros. He promised us he would first ask the permission from Dr. Malan, at that time Prime Minister of South Africa. But until today we have been refused and will never be permitted to go over to New York. So this Government, in such a secret way, with the Bantu Authority Act, because it is not with our consent that the Administration of Native Department has gone to the Union Department of Native Affairs. In this country we do not want different systems of education. We, the people of this country, are enough to do the work in this country. But the Union Government is saying in this country that we are asking, demanding, too high sums for our work and that is why they bring those people in this country-which is not right. By so doing our people are pushed backwards. We have understood the United Nations Organization to be a dignified organization, which will see that all the people on the face of this earth will have their rights and freedom. It is therefore all of us, the chiefs of this country, request that this country of ours be placed under the trusteeship of the United Nations Organization; then we believe that we will become free. We can no more move; the pass laws restrict us severely; that is why we have asked this Government to release us from the pass laws. We believe that if this country be placed

under the United Nations Organization, our education would be improved. All that our children need is to put the key in the lock and to unlock the door. Teachers who have to taught other children were just taught only as far as Standard II. How can a teacher who has only got Standard II teach other children? This Government has also done a very serious incident, which he did to the Nama people of Hoachanas, because he reject them from their fatherland. That land belongs to that tribe from the times of our kings.

The Rooinasie Nama people are known as the first Nama people ever residing as Nama people in South West Africa. Orlam Nama tribes came later on. I am not speaking only on my behalf and on behalf of the chiefs, but I am speaking on behalf of the whole indigenous peoples of South West Africa. Instead of becoming better, our life situation becomes more worser and worser.

The Government tells me that if Iaccept their Bantu Authority Act I will be given more authority over my people but I realize that by giving me the Bantu Authority Act the Government is destroying even the little rights which I have had so far. Therefore it is my earnest request on behalf of all the indigenous tribes, of all the chiefs, that this Mandate of South West Africa should be placed under the trusteeship of the United Because I believe if South West Africa's Mandate is placed under the trusteeship of the United Nations our rights will be given back to us. The Union Government has ruled South West Africa for thirtynine years as a mandatory, and if I conclude all that this Government has done for us in the thirty years, then I have found nothing. We have no opportunity or rights, no education, we have no political rights, and we see all the people go forward with politics [?]. You have no rights in the house in which you are sleeping.

* *

I speak here, the Reverend Markus Kooper of the A.M.E. (African Methodist Episcopal) Church at Hoachanas. I am grateful for this splendid opportunity to be together here in the field of Hoachanas with men who come from America to hear our complaints and difficulties personally. So I am going to give my brothers the chance to state their personal statements and feelings to the United Nations Organization.

* *

I, Jonas Nakom of Hoachanas, has now been appointed representative of the people of Hoachanas, whose oppressions have become more intense since 29 January 1959, where we until that date have never had any Government officials in our midst. At that date these officials come in seven motor cars under the leadership of the district magistrate of Rehoboth and the Colonel of Police, Dorfling, with fifteen Europeans and twelve native African policemen armed with guns, assagais, bayonets, kieries. We hope that these words will have the attention of the very high officials of the various nations who are gathered at the United Nations.

At that date, within forty-five minutes, we were made to see our blood run down on the ground. We saw our poor minister being thrown on one of the Government's lorries like a thief. This car was originally built for animals and we saw him thrown up there with his wife and his children, without food and without water. And we are expecting these bearers of death to turn up here every minute. We believe we are awaiting their rearrival every day.

* *

I, Johannes Kubas: The Government under whom I am living today, who is boss over me, that is responsible for everything, that Government is my enemy and I do not know. And I am asking for help please. And I am asking for help from the big Powers. I am weaker than a child because I cannot even provide for my children and my wife like a father ought to. Here I am living so badly that I really do not know why I am still alive. If the Lord was not there, then I would have been gone long ago. My life is worse than that of a The dogs of white people live ten times better than I do. And I am asking the Lord that he should today please, please, place South West Africa under the hands of the United Nations. If the United Nations do not help us quickly we will die out like grass that has burnt out. So bad our life is. Our Fathers, please hear us and please help us for what we are asking you. We are feeling very badly. Here we are standing like children whose home have burned off. We are standing here helplessly. We do not have a leader. We have nothing. Our Minister, the person to whom we looked up as a leader, and thought here we have a leader, he has been taken away from us, has been thrown into a truck like a thief and taken away. Him too we want We want him back please in the name of the United Nations. What I can say today, those mothers, those women of us who are pregnant today, those women who have been bruised so much at that day even today there are some of them who are limping. They have been treated so badly they have been bodily assaulted. Even I who am speaking here has been cut in various places with bayonets. At that day my tears ran and I am praying the United Nations to dry my tears for me.

* *

I, Johannes Kooper, is speaking now. I am talking about the treatment we received from the Derm police. We non-Europeans meet the police of the Derm station, then it is just as good if we meet the death itself. If I tell him my difficulties, I am not allowed to open my mouth. And if I keep on telling him what trouble or difficulty I have, that would cost me prison. The first thing that he will do is ask me the pass, the onliest means we are living in this country. They do not ask me where I am living. They ask me about a pass, and if he finds me without a pass I must be arrested and bound and thrown in the lorry. With my best knowledge I know that this country belongs to me and I must go quite freely in this country wherever I want to go.

*

I am Taseb speaking now. It is our desire that if we could fly to the United Nations Organization and we are waiting from the United Nations very earnestly their help. Hoachanas is our property, the property of our forefathers and we love it. That is why we don't want

to move from Hoachanas. We ask the Organization of the World Government to come and see the difficulties we are suffering each. We have refused to accept "Bantu" but the Government have wilfully kept on to write papers—official papers—with the term of Bantu. And we ask the United Nations Organization to remove the Union Government and to place South West Africa under the trusteeship of the United Nations or under another Government.

* *

My name is Reverent Daniel Dausab. I have been waiting all the time upon men who will come from the United Nations Organization. Our difficult life has become more difficult. On the 29 January 1959 people who have absolutely no reason were attacked by the police with guns, bayonets, knives and machine-guns. Even small children were frightened with those knives. Even pregnant women were slain to fall down on the ground.

Even before that, if the police came to Hoachanas without asking any questions, they ran into our houses and just do what he is wanting to do in our houses. He doesn't even ask anything, just ran in to our houses and say he is searching after the beer; but he is actually not searching after the beer. So he did one day in my own house. I am expressing today my wish with greatest pleasure. The main reason why we don't go away from this place is that Hoachanas has been found by our forefathers and they loved it and we, their generations or remnants love it too. We therefore ask the United Nations to deliver us from this slave state life under which we are suffering. We have absolutely no education whatsoever. The onliest thing we are getting is the slavery. I will therefore wait on the help of the United Nations before I die. So that our children inherit Hoachanas as their property and that I also ask the United Nations that the Reverend Michael Scott be bringed back by the Administration of South West Africa.

* *

I am evangelist Jonas Nakom speaking again. What we want to explain to the United Nations Organization is this: it was our wish to come to the United Nations Organization to tell here our feelings; personally and from face to face. The reason why we refuse to be removed from Hoachanas is that we are drinking the same water which our fathers have drinking. The Union Government has absolutely done no improvement to the reserve of Hoachanas; only improvements that the Union Government has done at Hoachanas is that he has stolen our country, or a part of the land of the reserve. We therefore ask that the United Nations would see that we get back that land which was stolen by the Union Government and the Administration of South West Africa.

This is clear that in the next year the books will be introduced and will be introduced into the syllabus of the Government. This is why we know that the Union Government has given us the Bantu Authorities Act, in spite of our refusing to accept it.

All we have said about have we spoken on behalf of the whole tribe of the Hoachanas Reserve and also on behalf of the whole Nama people, and in fact on behalf of the whole non-European tribes of South West Africa. So it would be better for the United Nations Organization not to be hindered by the actions of the delegation of the Union Government, even if Mr. Eric Louw, as he usually did, take his hat, and go out from the United Nations Organization. The South West Africa Administration must be placed under the United Nations Organization.

* *

(new voice)

I have asked for a passport already, so that I could go and tell our people, to tell the people overseas, about our way of life but I was refused that. So I am very glad today that I know that our sorrows will be told to the people at the United Nations through the means of this machine. So I ask with all my heart that those great nations who are gathered there will help us quickly, so that we will be released even this year from the bondage of the Union of South Africa. That is the only way that we will have political rights in our own country. That is the only way our children will have true education, it is the only way our children and our people will be able to make a true living and that is the only way we will be able to put up a life decent homes; the only way in which we will be able to get work under decent and fair conditions so that righteous laws will be made under which we will all benefit. I am giving, on behalf of my people, the mouths to speak to those three men whom I will name to speak on our behalf. Those men are the Reverend Scott, Kozonguizi and Kerina, and we ask them to speak on our behalf without fail.

I am the Reverend Kooper of the A.M.E. church, appointed to the pastoral charge of Hoachanas since 1952, and have been working as a pastor and a minister of the A.M.E. Church since that time in that congregation. Before I go on to give my personal statement about my removal from Hoachanas, I will first give a short history of Hoachanas itself. Hoachanas is a place which was found by the people, Nama people called Rooinasie, about in the year 1900-1700, not 1900, I'm sorry. From that time up to now the generations of Hoachanas Rooinasie people have been residing at Hoachanas. After they came to South West Africa the German Government had a war with the Nama people. Not only with those of Hoachanas, the Rooinasie people, but they had a war with the Witboois and the Hereros in particular and also those people of Orlam Nama people. In this war the Nama people, the Rooinasi, were defeated by the Germans. But prior to the war of 1904, in to the year 1902, the Hoachanas were declared as a Rooinasie reserve by the German Government. And this declaration of the reserve of Hoachanas has never been withdrawn by the German Government even after the war. So when the war was ended, the German officers came to Hoachanas and fetched the people who were at Hoachanas as war prisoners to Windhoek. He gathered the people and told them that although their captain had shed too much blood, he had done his war in a proper way and a righteous way. Therefore his people will not be removed from Hoachanas. They will serve their term of war prison at Windhoek. But after the elapse of that time they will come back again to Hoachanas and retain it as their property, as was the case in before.

When the Union Government came he asked the people to go from Hoachanas. They first asked them to go to Aminuis, the present Herero reserve, but the people refused, all along from that time until up to now. They said that they can not move from Hoachanas because it is their property. It is a misleading statement to say that the German Government has given Hoachanas to some few residents. It is absolutely robbed from any truth that the Union Government now say that Hoachanas is a temporary reserve since 1950, since 1952. But it must be pointed out that there is absolutely no such things as temporary reserves at Hoachanas, that Hoachanas is a temporary reserve. Hoachanas is and has been always the headquarters of the Rooinasie Nama people. The Rooinasie people have the sovereignty rights over the Hoachanas. When the reserve was proclaimed by the German Government it was not proclaimed as 14,000 hectares in extent; it was proclaimed as a 50,000-hectare reserve, by the German Government. And no portion of the 50,000 hectares of land has afterward been sold or given to any white man. But the Union Government has took, in the whole years doing it, a part of that land and giving it to the white people. Now the Union Government is alleging that they took that land because—not that they took the land, but that land belonged to the German Government and because it was belonging to the German Government they took it. But this is absolutely not true. Even all the fathers, all our fathers, the Rooinasie fathers who have died up till 1946, knew nothing about such things that Hoachanas have been a German place or that it had been a temporary reserve. The temporary reserve has come for the first time in 1952. It is at this time. That the United Nations may here understand that whatever the Union delegates may say at the meetings of the United Nations Organization, the fact remains that Hoachanas is our property and anything that will be done to Hoachanas must be done with our consent, the consent of the Rooinasie people. Now the people have refused everything to be removed from Hoachanas.

On the 29th, in early morning of the 29th of January the Magistrate of Rehoboth, Mr. Chatwind, accompanied by the colonel and some other officials, about thirty men in number came to Hoachanas and when they came the magistrate called me and told me that they came to remove me from Hoachanas. When he told me that, I asked him whether they came to remove only me or whether they have come to remove all of us. Instead of him, the Colonel, Mr. Dorfling, said that they came to remove me today, but if I want to do so I can tell the others that they too will be removed. But they today come only to remove me. So I turned and I go to my house and I was trying, I was putting on my church uniform. While I was busy putting on my uniform, the people came from their houses to take up the place in front of my house. The say the police will not take me away. That is what they said. They said that I am a minister and I am in no way responsible for their refusal to move from Hoachanas and that it is also not the first time the Government has come with the question of removal to the people of Hoachanas. It is there where the Colonel ordered the police to fight the people. So the police fight the people so that the blood was running down the bodies of the people. I was then fetched and thrown into the lorry.

When I was brought to the lorry I was taken by my right hand by a coloured policeman, Ovambo policeman

took my left hand and a sergeant of Rehoboth, Mr. Thomason, was walking behind me. They brought me to the lorry. I was in my full uniform. After I had been removed from Hoachanas I was given to the welfare officer at Tses. He took me to the place which are called Derm. They were trying to unload me there, but as the sun was too hot I said to the two head men which was in his company, "But I have absolutely nothing to give me shade". So they afterwards decided to take me to the place just about three miles from that place and the threw me away there, with my family and all. When we came there, the welfare officer asked me whether I am pleased now. I said to him that I was pleased at Hoachanas and I am not pleased here. So he said: But he was not asking me whether I was pleased at Hoachanas and he further said that is was not the first time he has heard about me. He has already heard a lot of nonsense about me but he is going to treat me bloody good-that is what he said. I don't know what is meant by bloody good treatment. After that, he was angry and thus returned to Tses and then fifteen days later he again came to the same place with two tents. He was-I want to say here that when I was removed from my place here at Hoachanas I had absolutely not a spoonful of mealie meal to quiet my children if they will cry from hunger. Nor have I anything to give them to comfort them, but the welfare officer just threw me away there in the desert and returned to Itzawisis after he became angry, and fifteen days later when he came with those tents he was trying to persuade me to have peace at that place. I told him that I will never get satisfied with that place. He said he had just been told by the Government there at Tses to give satisfaction to the people.

I told him that he may do that but he must do that to the people who have been placed there; but I belonged to Hoachanas and if the government wants to give me satisfaction he must give me that at Hoachanas, because that is my place, where I have been born. That is what the welfare officer told me.

Now, at last, I understand; I have totally no freedom of movement because the welfare officer—the same welfare officer at Tses, because Kranzplatz (Gibeon) falls under him—said that Chief Witbooi and I may not leave our residence. Chief Witbooi may not leave Kranzplatz without his permit, and it must not be known that Tses is about thirty miles from Kranzplatz where the Chief is situated. That means that if the Chief wants to move even to Windhoek north from Kranzplatz, he must first go forty miles south to tell the welfare officer that he wants to go to Windhoek. The Chief, he told me that; the welfare officer told him that he was given that instruction by the chief native commissioner, Mr. Blignaut.

I have been practising religion and therefore I would ask the United Nations Organization that the Union Government would see that I come back to Hoachanas to go on with my work of religion. I have never partaken in the politics. But the Union Government has seen fit to remove me from Hoachanas for reasons which he has not mentioned to me. He just said that I am an illegitimate inhabitant at Hoachanas. But why I am illegitimate inhabitant the South West African Administration has not said. Therefore, I am asking earnestly the United Nations Organization that I be returned to my work at Hoachanas.

DOCUMENT A/C.4/L.599

Denmark, Finland, Norway and Sweden: amendments to document A/C.4/L.595 and Add.1

[Original text: English] [29 October 1959]

- 1. In the seventh paragraph of the preamble, delete the words from "which further corroborate" to "the Committee on South West Africa".
- 2. Divide the operative part of the draft resolution into two sections, operative paragraph 4 to become paragraph 1 of section A, and operative paragraphs 1, 2, 3 and 5 to become paragraphs 1, 2, 3 and 4 of section B.
 - 3. In operative paragraph 2:
- (a) Replace the word ''Requests'' with the word ''Invites'';
- (b) Replace the words from "wich a view" to the end of the paragraph with "in order to continue to accord to the entire Mandated Territory of South West Africa an international status which would be in conformity with the principles and purposes of the United Nations".

- 4. In operative paragraph 3:
- (a) Replace the words ''immediately for the consideration of the General Assembly'' with the words ''for consideration of the General Assembly at its fifteenth session'';
- (b) Replace the words from "the surpervisory functions" to the end of the paragraph with the words "and the advisory opinion of the International Court of Justice of 11 July 1950".
- 5. In operative paragraph 5, which will become paragraph 4 of section B if amendment 2 is adopted:
- (a) Add after the words''the Committee on South West Africa'' the words ''or any other Committee which may be appointed in pursuance of paragraph 2 of section B of the present resolution'';
- (b) Replace the words "its negotiations" with the words "the negotiations".

DOCUMENTS A /4272 AND ADD.1

Report of the Fourth Committee

Document A /4272

[Original text: English] [12 November 1959]

- 1. At its 803rd meeting, on 22 September 1959, the General Assembly allocated to the Fourth Committee the following item on its agenda:
 - "38. Question of South West Africa:
 - "(a) Report of the Good Offices Committee on South Africa (A/4224);
 - "(\underline{b}) Report of the Committee on South West Africa (A/4191);
 - ''(c) Study of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa;
 - ''(d) Election of three members of the Committee on South West Africa.''
- 2. Sub-item (\underline{d}) , to be considered at a later stage of the Committee's deliberations, will be dealt with in an addendum to the present report.
- 3. At its 884th and 894th meetings on 24 September and 5 October 1959, the Committee considered eleven requests for the granting of hearings to sixteen petitioners (A/C.4/410 and Add.1). It granted ten of the requests for hearings (A/C.4/410) by separate votes at the 884th meeting, as follows:
- (a) Request from Chief Hosea Kutako for hearings for himself, the Reverend B. G. Karwaera and Mr. John Muundjwa, by 54 votes to 2, with 11 abstentions;
- (b) Request from Chief P. Kehavanyo, by 54 votes to 2, with 11 abstentions;
- (c) Request from the Reverend Markus Kooper for hearings for himself, Mr. Harry Bloch and Chief Samuel Witbooi, by 59 votes to 2, with 11 abstentions;
- (d) Request from Mr. Toivo Ja-Toivo for hearings for himself and the Reverend Hamtumbangela, by 57 votes to 2, with 11 abstentions;
- (e) Request from Mr. Jariretundu Kozonguizi, by 56 votes to 2, with 10 abstentions;
- (f) Request from Mr. Mburumba Kerina, by 56 votes to 2, with 10 abstentions;
- (g) Request from the Reverend Michael Scott, by 57 votes to 1, with 12 abstentions;
- (h) Request from Mr. H. J. Beukes, by 57 votes to 2, with 10 abstentions;
- (i) Request from Mr. Allard K. Lowenstein, by 43 votes to 6, with 19 abstentions;
- (\underline{j}) Request from Mr. Emory F. Bundy, by a roll-call vote of 43 to 5, with 23 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Colombia, Cuba, Czechoslovakia, Ecuador, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Liberia, Libya, Mexico, Morocco,

Pakistan, Panama, Philippines, Poland, Romania, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: France, Italy, Portgual, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Belgium, Brazil, Canada, China, Costa Rica, Denmark, Finland, Greece, Ireland, Israel, Japan, Laos, Nepal, Netherlands, New Zealand, Norway, Peru, Spain, Sweden, Turkey, United States of America.

4. The eleventh request for a hearing (A/C.4/410/Add.1), from Mr. Sherman M. Bull, was granted by the Committee at its 894th meeting, by a roll-call vote of 32 to 2, with 22 abstentions. The voting was as follows:

In favour: Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cuba, Czechoslovakia, Federation of Malaya, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Libya, Mexico, Morocco, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Belgium Canada, Chile, China, Costa Rica, Denmark, Finland, France, Honduras, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Portugal, Spain, Sweden, Turkey, United States of America.

- 5. At the 900th meeting, on 8 October 1959, the Chairman and the Rapporteur of the Committee on South West Africa introduced the report of that Committee (A/4191).
- 6. At the same meeting, a statement on the question of South West Africa was made by the representative of the Government of the Union of South Africa (A/C.4/421).
- 7. From the 904th to 913th meetings, from 12 to 16 October 1959, seven of the sixteen petitioners granted hearings appeared before the Committee: Mr. Mburumba Kerina addressed the Committee at the 904th meeting, Mr. Jariretundu Kozonguizi at the 904th to 906th meetings, Mr. H. J. Beukes and Mr. Emory F. Bundy at the 906th meeting, and Mr. Sherman M. Bull, Mr. Allard K. Lowenstein and the Reverend Michael Scott at the 907th meeting. The petitioners answered questions put to them by members of the Committee from the 908th to 913th meetings. In connexion with the hearing of petitioners, the Committee had before it a statement made at its 884th meeting by the representative of the Union of South Africa (A/C.4/424), a letter dated 29 September 1959 from the Permanent Representative of the Union of South Africa to the United Nations addressed to the Secretary of the Fourth Committee (A/C.4/413), a letter dated 18 June 1959 from the Reverend William J. Devenney to the Chairman of the Committee on South West Africa

- (A/C.4/422), and statements made by Chief Hosea Kutako, Chief Samuel Witbooi, the Reverend Markus Kooper and other petitioners in South West Africa (A/C.4/425), transcribed from a tape-recording made available to the Fourth Committee by petitioners appearing before the Committee.
- 8. At the 913th meeting, on the conclusion of the hearing of the petitioners, statements were made by the Chairman of the Committee on South West Africa, and by that Committee's Rapporteur (A/C.4/426) in reply to the statement made at the 900th meeting by the representative of the Union of South Africa (A/C.4/421), mentioned in paragraph 6 above.
- 9. The general debate on the item took place from the 914th to 924th meetings, from 19 to 26 October 1959, during the course of which representatives of the Union of South Africa made statements concerning conditions in South West Africa (A/C.4/427) and replied (A/C.4/428) to the statement made by the Rapporteur at the 913th meeting (A/C.4/426).
- 10. The general debate concluded with a statement by the representative of the Union of South Africa (A/C.4/429) outlining his Government's position to the effect that: (a) it intended again to participate in the discussions of the question of South West Africa at the fifteenth session of the General Assembly; (b) the Minister of External Affairs of the Union of South Africa intended to recommend to his Government that it make available to the United Nations the official publications and other official tests listed in his statement at the 900th meeting of the Committee (A/C.4/421); and (c) the Union Government was ready to enter into discussions with an appropriate United Nations ad hoc body which might be appointed after prior consultation with the Government. The representative of the Union of South Africa emphasized that his Government would find it possible to carry out these intentions only within the framework of cooperation and he hoped that further developments would not force it to reassess its attitude.
- 11. During the general debate, and subsequently at the 924th to 932nd meetings, from 26 to 30 October 1959, the Committee considered draft resolutions relating to the following matters:
- I. Petitions and related communications concerning conditions in South West Africa;
 - II. The Hoachanas Native Reserve;
- III. Withdrawal of a passport from Mr. Hans Johannes Beukes;
 - IV. Status of the Territory of South West Africa;
 - V. Question of South West Africa;
- VI. Legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa;
- VII. Report of the Good Offices Committee on South West Africa.
- 12. A detailed account of the Committee's consideration of these drafts resolutions and of amendments thereto is given below in sections I to VII.
- I. Petitions and related communications concerning conditions in South West Africa
- 13. The Committee had before it a draft resolution proposed by the Committee on South West Africa (A/

- 4191, annex II) concerning petitions and related communications examined by the latter Committee. By this draft resolution, the General Assembly, after noting that the relevant petitions and communications raised questions concerning various aspects of the administration and of conditions in the Territory upon which the Committee on South West Africa had presented a report, would decide to draw the attention of the petitioners to the report and observations of that Committee regarding conditions in the Territory and to the action taken by the General Assembly on that report.
- 14. The draft resolution was adopted by the Fourth Committee at the 924th meeting by 42 votes to 1, with 10 abstentions.
- 15. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution I.

II. The Hoachanas Native Reserve

- 16. A draft resolution concerning developments in this reserve, including in particular the forced removal of the Reverend Markus Kooper and his family from Hoachanas and the impending removal of other Rooinasie Nama inhabitants of the reserve, was proposed by the Committee on South West Africa (A/4191. annex III), which thereby recommended, interalia, that the General Assembly: (1) urge the Union Government to desist from carrying out the removal of other residents of Hoachanas and to arrange for the return of the Reverend Markus Kooper and his family to that reserve; (2) request the Union Government to investigate the claims of the Rooinasie Namas to the original area of Hoachanas, and to take such further steps as might be necessary, in consultation with the territoral Administration and the people concerned, to ensure the recognition and protection of the full rights of the people of Hoachanas and the promotion of their general welfare; and (3) request the Government to inform the United Nations on the measures taken to implement the
- 17. The draft resolution was adopted by the Fourth Committee at the 924th meeting by 46 votes to 1, with 12 abstentions.
- 18. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution II.

III. Withdrawal of a passport from Mr. Hans Johannes Beukes

19. The Committee on South West Africa proposed a draft resolution concerning the withdrawal by the Union Government of a passport granted to Mr. Beukes (A/4191, annex IV). By this draft resolution, the General Assembly after noting, inter alia, that Mr. Hans Beukes had been granted a scholarship by the Norwegian National Union of Students (Norsk Studentsamband) to study for three years at the University of Oslo, would: (1) express the opinion that the withholding or withdrawal of a passport from a qualified South West African student for the purpose of studying abroad was not only a direct interference in the educational and general advancement of an individual but a hindrance to the educational development of the Territory; (2) consider the withdrawal by the Union Government of the passport granted to Mr. Hans Beukes to be an act of administration contrary to the Mandate for South West Africa; and (3) express the hope that the Government would reconsider its decision and that Mr. Hans Beukes would be able to take advantage of the scholarship offered him to study at the University of Oslo.

- 20. At the 923rd meeting, Guatemala submitted an amendment (A/C.4/L.594) proposing that the text of operative paragraph 3 of the draft resolution should be altered to have the General Assembly express the hope that the Government would "reconsider its decision so that Mr. Hans Beukes may take advantage of the scholarship offered him to study at the University of Oslo in circumstances permitting him to maintain normal relations with his family and his country".
- 21. The draft resolution and the amendment were voted on at the 924th meeting as follows:

The Guatemalan amendment was adopted by 54 votes to 1, with 11 abstentions.

The preamble and operative paragraphs 1 and 2 were adopted by 54 votes to 1, with 12 abstentions.

The draft resolution as a whole, as amended, was adopted by 54 votes to 1, with 12 abstentions.

22. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution III.

IV. Status of the Territory of South West Africa

- 23. At the 922nd meeting, Ghana, Liberia, Pakistan, Tunisia and Yugoslavia submitted a draft resolution (A/C.4/L.593), which the Philippines later joined in sponsoring (A/C.4/L.593/Add.1), proposing that the General Assembly: (1) reiterate its twelve previous resolutions to the effect that South West Africa be placed under the International Trusteeship System; and (2) assert that, in the present conditions of political and economic development of the Territory, the normal way of modifying its international status was to place it under the Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter.
- 24. The draft resolution was adopted at the 926th meeting by 33 votes to 1, with 11 abstentions.
- 25. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution IV.

V. Question of South West Africa

26. At the 927th meeting, Afghanistan, Argentina, Burma, Ceylon, Ethiopia, the Federation of Malaya, India, Indonesia, Iraq, Ireland, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, the Philippines, Saudi Arabia, Sudan, the United Arab Republic, Yemen and Yugoslavia submitted a draft resolution concerning the question of South West Africa (A/C.4/L.595), later also jointly sponsored by Venezuela (A/C.4/L.595/Add.1), the text of which read as follows:

"The General Assembly,

"Recalling its previous resolutions in which the Assembly recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System, and repeatedly invited the Government of the Union of South Africa to propose,

for the consideration of the General Assembly, a Trusteeship Agreement for South West Africa,

''Considering that, in accordance with Chapter XII of the Charter of the United Nations, all Mandated Territories, with the sole exception of South West Africa, have been placed under the International Trusteeship System,

"Recalling further its resolution 449 A (V) of 13 December 1950, by which the General Assembly accepted the opinion of 11 July 1950 of the International Court of Justice to the effect that:

- "(a) South West Africa is a Territory under the International Mandate assumed by the Union of South Africa on 17 December 1920.
- "(b) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa, the supervisory functions to be exercised by the United Nations.
- "(c) That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa,

"Noting with grave concern that the Administration of the Territory, in recent years, has been conducted increasingly in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice, and the resolutions of the General Assembly.

"Having received from the Committee on South West Africa the sixth report submitted to it in accordance with its resolution 749 A (VII) of 28 November 1953,

"Noting further the conclusion of the Committee on South West Africa that it is essential to the welfare and security of the peoples of South West Africa that the Administration of the Territory be altered without undue delay.

"Having also heard the statements of petitioners which further corroborate the conclusions and opinions formed by the Committee on South West Africa concerning political, social, economic and educational conditions prevailing in the Territory,

"Considering further that while the former Mandated Territories placed under the trusteeship of the United Nations have rapidly progressed towards independence, the conditions in the Territory of South West Africa present a totally different picture,

- "1. Notes the statement made by the representative of the Union of South Africa at the 924th meeting of the Fourth Committee expressing, inter alia, the Union's readiness to enter into discussions with the United Nations;
- "2. Requests the Government of the Union of South Africa to enter into negotiations with the United Nations through the Committee on South West Africa, which is authorized under its terms of reference to continue negotiations with the Union, or through any other committee which the General Assembly may appoint, with a view to placing the Mandated Territory under the International Trusteeship System;
- "3. Further requests the Government of the Union of South Africa to formulate immediately for the

consideration of the General Assembly proposals which will enable the Mandated Territory of South West Africa to be administered in accordance with the principles and purposes of the Mandate, the supervisory functions being exercised by the United Nations according to the terms and intent of the Charter;

- "4. Approves the report of the Committee on South Africa and commends it to the urgent attention of the Government of the Union of South Africa;
- "5. Requests the Committee on South West Africa to submit to the General Assembly at its fifteenth session a report on its negotiations with the Union Government in addition to the annual report on conditions in the Territory of South West Africa."
- 27. At the 928th meeting, Denmark Finland, and Sweden submitted an alternative draft resolution (A/C.4/L.598), which as later revised and also sponsored by Norway (A/C.4/L.598/Rev.1), read as follows:

"The General Assembly,

- "<u>Recalling</u> its resolution 449 A (V) of 13 December 1950, by which the Assembly accepted the opinion of 11 July 1950 of the International Court of Justice to the effect that:
- ''(a) South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,
- "(b) The Union of South Africa continues to have international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa, the supervisory functions to be exercised by the United Nations,
- "(c) That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa,
- "<u>Having received</u> from the Committee on South West Africa the sixth report submitted to it in accordance with its resolution 749 A (VIII) of 28 November 1953,
 - "Having heard the statements of the petitioners,
- ''1. Notes the statement made by the representative of the Union of South Africa at the 924th meeting of the Fourth Committee expressing, inter alia, the Union's readiness to enter into discussions with the United Nations;
- ''2. <u>Invites</u> the Government of the Union of South Africa to enter into negotiations with the United Nations through the Committee on South West Africa, which is authorized under its terms of reference to continue negotiations with the Union, or through any other committee which the General Assembly may appoint;
- "3. Requests the Government of the Union of South Africa to formulate for the consideration of the fifteenth session of the General Assembly, proposals to the effect that the Mandated Territory of South West Africa should be administered in accordance with the principles and purposes of the Mandate and the advisory opinion of the International Court of Justice of 11 July 1950;

- ''4. Approves the report of the Committee on South West Africa, and commends it to the attention of the Government of the Union of South Africa;
- "5. Requests the Committee on South West Africa, or any other committee appointed by the General Assembly, to submit to the General Assembly at its fifteenth session a report on the negotiations with the Union Government."
- 28. At the 931st meeting, Denmark, Finland, Norway and Sweden withdrew their draft resolution (A/C.4/L.598/Rev.1) and submitted a number of amendments (A/C.4/L.599) to the twenty-three-Power draft resolution (A/C.4/L.595 and Add.1).
- 29. At the same meeting, the sponsors of the twenty-three-Power draft resolution accepted certain of these amendments (A/C.4/L.599, amendments 3 (a), 4 (a) and 5), and accordingly orally revised their draft resolution as follows:
- (a) In operative paragraph 2, the word "Requests" was replaced by the word "Invites";
- (b) In operative paragraph 3, the words 'immediately for the consideration of the General Assembly' were replaced by the words 'for the consideration of the General Assembly at its fifteenth session'; and
- (c) In operative paragraph 5, the words ''or any other committee which may be appointed in pursuance of paragraph 2 of the present resolution'' were inserted after the words ''the Committee on South West Africa'', and the words ''its negotiations'' were replaced by ''the negotiations''.
- 30. The four Powers had also proposed in document A/C.4/L.599 the following additional amendments to the twenty-three-Power draft resolution: the deletion of the words from "which further corroborate" to "the Committee on South West Africa" in the seventh preambular paragraph; the division of the operative part of the draft resolution into two sections, operative paragraph 4 to become paragraph 1 of section A, and operative paragraphs 1, 2, 3 and 5 to become paragraphs 1, 2, 3 and 4 of section B; the replacing, in operative paragraph 2, of the words from "with a view" to the end of the paragraph by the words "in order to continue to accord to the entire Mandated Territory of South West Africa an international status which would be in conformity with the principles and purposes of the United Nations"; and the replacing, in operative paragraph 3, of the words from "the supervisory functions" to the end of the paragraph by the words "and the advisory opinion of the International Court of Justice of 11 July 1950".
- 31. At the 931st meeting, the representative of Mexico orally submitted two drafting amendments to the twenty-three-Power draft resolution: firstly, the insertion of the words "inter alia" in the third preambular paragraph; and secondly, the deletion of the word "Further" at the beginning of operative paragraph 3.
- 32. At the same meeting, the Committee voted on the twenty-three-Power draft resolution (A/C.4/L.595 and Add.1), as orally revised by the sponsors' acceptance of certain of the four-Power amendments (A/C.4/L.599, amendments 3 (a), 4 (a) and 5), and on

the further amendments to that draft resolution, as follows:

The four-Power amendment to the seventh preambular paragraph (A/C.4/L.599, amendment 1) was rejected by 48 votes to 22, with 1 abstention.

The four-Power amendment concerning the division of the operative part of the draft resolution into two sections (A/C.4/L.599, amendment 2) was rejected by 46 votes to 23, with 3 abstentions.

The four-Power amendment to operative paragraph 2 (A/C.4/L.599, amendment 3 (b)) was rejected by 44 votes to 20, with 4 abstentions.

The four-Power amendment to operative paragraph 3 (A/C.4/L.599, amendment 4 (\underline{b})) was rejected by 48 votes to 20, with 5 abstentions.

The first preambular paragraph of the twenty-three-Power draft resolution was adopted by 57 votes to 1, with 13 abstentions.

The second preambular paragraph was adopted by 58 votes to 1, with 13 abstentions.

The Mexican oral amendment whereby the words "inter alia" would be inserted in the third preambular paragraph was adopted without objection.

The third preambular paragraph, as thus amended, was adopted by 68 votes to none, with 5 abstentions.

The words "with grave concern" in the fourth preambular paragraph were adopted by a roll-call vote of 52 to 8, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Colombia, Cuba, Czechoslovakia, Ecuador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Belgium, France, Italy, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Austria, Brazil, Canada, Chile, China, Denmark, Dominican Republic, Finland, Netherlands, New Zealand, Norway, Sweden, Turkey.

The fourth preambular paragraph, as a whole, was adopted by 54 votes to 7, with 12 abstentions.

The fifth preambular paragraph was adopted by 64 votes to none, with 5 abstentions.

The sixth preambular paragraph was adopted by 56 votes to 1, with 13 abstentions

The seventh preambular paragraph was adopted by 53 votes to 9, with 10 abstentions.

The eighth preambular paragraph was adopted by 40 votes to 1, with 25 abstentions.

Operative paragraph 1 was adopted unanimously.

The words ''or through any other committee which the General Assembly may appoint'', in operative paragraph 2 were adopted by 59 votes to 10, with 2 abstentions.

The words "with a view to placing the Mandated Territory under the International Trusteeship System", in operative paragraph 2 were adopted by 51 votes to 8, with 10 abstentions.

Operative paragraph 2 as a whole, as orally revised by the sponsors, was adopted by 56 votes to 4, with 11 abstentions.

The Mexican oral amendment calling for the deletion of the word "Further" at the beginning of operative paragraph 3 was adopted without objection.

Operative paragraph 3, as orally revised by the sponsors, and as thus amended, was adopted by 44 votes to 10, with 17 abstentions.

Operative paragraph 4 was adopted by 56 votes to 1, with 10 abstentions.

The words ''or any other committee which may be appointed in pursuance of paragraph 2 of the present resolution'', in operative paragraph 5 as orally revised by the sponsors, were adopted by 58 votes to 10, with 2 abstentions.

The first part of operative paragraph 5, as orally revised by the sponsors, up to and including the words "with the Union Government" was adopted by 68 votes to none, with 4 abstentions.

Operative paragraph 5 as a whole, as orally revised by the sponsors, was adopted by 64 votes to none, with 8 abstentions.

The twenty-three Power draft resolution (A/C.4/L. 595 and Add.1), as a whole, as orally revised by the sponsors and as amended, was adopted by a roll-call vote of 56 to 5, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Ecuador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Belgium, France, Portugal, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Canada, Denmark, Dominican Republic, Finland, Italy, Netherlands, New Zealand, Norway, Spain, Sweden.

33. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution $\mbox{\ensuremath{V}}$

- VI. Legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa
- 34. At the 927th meeting, Ethiopia, Ghana, Guinea, Haiti, Liberia, Libya, Morocco, Pakistan, the Philippines, Saudi Arabia, the Sudan, Tunisia and the United Arab Republic submitted a draft resolution (A/C.4/L.596), later also sponsored by Jordan (A/C.4/L.596/Add.1), whereby the General Assembly would draw the attention of Member States to the conclusions of the special report of the Committee on South West Africa (A/3625) covering the legal action open to them to refer any dispute with the Union of South Africa concerning the interpretation or application of the Mandate for South West Africa to the International Court of Justice for adjudication in accordance with article 7 of the Mandate, read in conjunction with Article 37 of the Statute of the Court.
- 35. At the 931st meeting, Colombia and Iran submitted an amendment (A/C.4/L.600) to the draft resolution which would replace the operative paragraph by the following text:
- ''1. Requests the Committee on South West Africa to study further the question of legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa, paying particular attention to the types and possibilities of action that may be taken by the United Nations as well as the nature and forms of any proceedings that may be instituted before the International Court of Justice;
- ''2. <u>Decides</u> to place the question of legal action concerning the Mandated Territory of South West Africa as a separate item on the provisional agenda of its fifteenth session.''
- 36. At the 932nd meeting, the amendments submitted by Colombia and Iran (A/C.4/L.600) were withdrawn by the co-sponsors.
- 37. At the same meeting, the draft resolution (A/C. 4/L.596 and Add.1) was adopted by a roll-call vote of 52 to 4, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Austria, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Portugal, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Belgium, Brazil, Canada, China, Colombia, Denmark, Finland, France, Italy, Netherlands, New Zealand, Norway, Paraguay, Peru, Spain, Sweden.

- 38. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution VI.
- VII. Report of the Good Offices Committee on South West Africa
- 39. At the 928th meeting, Argentina, Ireland, New Zealand and Norway submitted a draft resolution (A/C.4/L.597) whereby the General Assembly would take note of the report of the Good Offices Committee (A/4224) and express its appreciation to the members of that Committee for their efforts.
- 40. The draft resolution was adopted at the 932nd meeting by 59 votes to 7, with 1 abstention.
- 41. At the same meeting, the representatives of Albania, Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, the Ukrainian Soviet Socialist Republic, and the Union of Soviet Socialist Republics stated that they had voted against the draft resolution.
- 42. The text of the draft resolution is set forth in paragraph 43 of the present report as draft resolution VII.

Recommendations of the Fourth Committee

43. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Petitions and communications relating to South West Africa

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below,]

DRAFT RESOLUTION II

The Hoachanas Native Reserve

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below,]

DRAFT RESOLUTION III

Withdrawal of a passport from Mr. Hans Johannes
Beukes

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

DRAFT RESOLUTION IV

Status of the Territory of South West Africa

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

DRAFT RESOLUTION V

Question of South West Africa

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", below.]

DRAFT RESOLUTION VI

Legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

DRAFT RESOLUTION VII

Report of the Good Offices Committee on South West Africa

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Document A/4272/Add.1

[Original text: English]
[9 December 1959]

1. In paragraph 2 of its report (A/4272) on agenda items 38 (a), (b) and (c) the Fourth Committee noted that sub-item (d), namely, the election of three mem-

bers of the Committee on South West Africa, would be considered at a later stage of the Committee's deliberations and would be dealt with in an addendum to the report.

- 2. By resolution 1061 (XI) of 26 February 1957, the General Assembly decided that the composition of the Committee on South West Africa should be increased to nine members appointed by the Assembly on the recommendation of the Fourth Committee. It also decided that one-third of the membership of the Committee should be renewed by the same procedure annually.
- 3. Of the nine members of the Committee on South West Africa, one was elected by the General Assembly for an indefinite term prior to the adoption of resolution 1061 (XI), and two were appointed by the General Assembly at its eleventh session, three at its twelfth session, and three at its thirteenth session, pursuant to resolution 1061 (XI). Brazil, having been elected prior to the adoption of resolution 1061 (XI), and Ethiopia and Finland, having been appointed by the General Assembly at its eleventh session, were accordingly deemed the three members due to retire from the Committee on South West Africa.
- 4. At its 994th meeting, on 9 December 1959, the Fourth Committee, by a secret ballot, elected Denmark and re-elected Brazil and Ethiopia to fill the vacancies thus created.

Recommendation of the Fourth Committee

5. The Fourth Committee therefore recommends to the General Assembly that it appoint Brazil, Denmark and Ethiopia as members of the Committee on South West Africa as from 1 January 1960.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting, on 17 November 1959, the General Assembly adopted draft resolutions I, II, III, IV, V, VI and VII submitted by the Fourth Committee (A/4272, para. 43). For the final texts, see resolutions 1356 (XIV), 1357 (XIV), 1358 (XIV), 1359 (XIV), 1360 (XIV), 1361 (XIV) and 1362 (XIV), respectively, below.

At its 857th plenary meeting, on 12 December 1959, the General Assembly, on the recommendation of the Fourth Committee, appointed Denmark to replace Finland and reappointed Brazil and Ethiopia as members of the Committee on South West Africa.

Resolutions adopted by the General Assembly

1356 (XIV). PETITIONS AND COMMUNICATIONS RELATING TO SOUTH WEST AFRICA

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa, 1/

Having authorized the Committee on South West Africa, by resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

1/ International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

Having received a report (A/4191, part I, sec. III) from the Committee dealing with petitions and related communications from Chief Samuel Witbooi, Chief Hosea Kutako, the Reverend Michael Scott, Mr. Jariretundu Kozonguizi, the Reverend Markus Kooper, Mr. J. Dausab and others in the Hoachanas Native Reserve, Chief P. Keharanyo, Mr. Jacobus Beukes, Messrs. J. G. A. Diergaardt, J. H. Mall, P. Diergaardt and others in the Rehoboth Community, Messrs. Toivo Ja-Toivo and F. Isaacs, Mr. Neville Rubin, and Mr. Hans Beukes,

Noting that these these petitions and communications raise questions concerning various aspects of the administration of the Territory of South West Africa and of conditions in the Territory upon which the Committee has presented a report (A/4191, part II),

<u>Decides</u> to draw the attention of the petitioners to the report and observations of its Committee on South West Africa regarding conditions in the Territory, submitted to the General Assembly at its fourteenth session, and to the action taken by the Assembly on this report.

838th plenary meeting, 17 November 1959.

1357 (XIV). THE HOACHANAS NATIVE RESERVE

The General Assembly,

Having authorized the Committee on South West Africa, by resolution 749 A (VIII) of 28 November 1953, to examine petitions as far as possible in accordance with the Mandates procedure of the League of Nations,

Having received the report (A/4191) from the Committee dealing, inter alia, with its examination of petitions concerning developments in the Hoachanas Native Reserve,

Considering that the original inhabitants of the Territory have an inherent right to continued and unmolested residence on their own land,

Noting that inhabitants of the Hoachanas Native Reserve, survivors of the Red Nation, or Rooinasie Namas, have an inherent right of ownership and possession of their ancestral land at Hoachanas, where they claim an area of 50,000 hectares as recognized by agreement with the German Government, and that former Governor Theodor Leutwein, recording the history of his governorship of German South West Africa from 1894 to 1905, stated: "The next reserve was in Hoachanas, headquarters of the Red Nation. There, in 1902, a total of 50,000 hectares was declared the inalienable property of the tribe", 2

Noting further that the Government of the Union of South Africa reported to the League of Nations in 1923 that it had confirmed the rights of "Natives" on land occupied by them under treaties or agreements with the former German administration.

Noting that the residents of the Hoachanas Native Reserve were ordered by the Government of the Union of South Africa to vacate Hoachanas by 31 December 1956, that the majority refused to leave their traditional land and move, as directed by the Government, to land found by a government commission to be inferior to that of Hoachanas, and that the Administrator of South West Africa consequently obtained a court order in July 1958 for the eviction of one of the Nama residents, the Reverend Markus Kooper, Minister of the African Methodist Episcopal Church,

Recalling that the Committee on South West Africa, in its report to the General Assembly at the thirteenth session (A/3906 and Add.1, para. 119), urged the Union of South Africa to take all steps necessary to ensure that the people of Hoachanas retained their traditional homeland and to investigate their claim to surrounding land,

Recalling further that the General Assembly, by resolution 1245 (XIII) of 30 October 1958, approved the report of the Committee on South West Africa and thereby endorsed the Committee's decision regarding Hoachanas,

Noting with concern that the Government of the Union of South Africa disregarded this decision, and caused the Reverend Markus Kooper and his family to be forcibly removed from Hoachanas on 29 January 1959 to a site approximately 150 miles away, thereby depriving his congregation of their minister, that several residents of the reserve were allegedly injured during the removal, and that the other inhabitants of the reserve were informed by Government officials of their impending removal by force,

Considering with regret that it is the policy of the Mandatory Power to remove the "Native" inhabitants from their lands which they have held as their own in order to make room for "European" settlers, in violation of fundamental human rights and the sacred trust assumed by the Government of the Union of South Africa over the Mandated Territory,

Considering the removal of the inhabitants of Hoachanas for a purpose not in conformity with the Mandate or the Charter of the United Nations to be contrary to the obligation undertaken by the Mandatory Power to promote to the utmost the material and moral well-being and the social progress of the ''Native'' inhabitants of the Territory,

- 1. <u>Urges</u> the Government of the Union of South Africa to desist from carrying out the removal of other residents of the Hoachanas Native Reserve and to arrange for the return of the Reverend Markus Kooper and his family to that reserve;
- 2. Requests the Government of the Union of South Africa to investigate the claims of the Rooinasie Namas to the original area of Hoachanas, of which only 14,254 hectares are now occupied by them, and to take such further steps as may be necessary, in consultation with the territorial Administration and the people concerned, to ensure the recognition and protection of the full rights of the people of Hoachanas and the promotion of their general welfare;
- 3. Requests the Government of the Union of South Africa to inform the United Nations on the measures taken to implement to present resolution.

838th plenary meeting, 17 November 1959.

1358 (XIV). WITHDRAWAL OF A PASSPORT FROM MR. HANS JOHANNES BEUKES

The General Assembly,

Having accepted the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa,

Having authorized the Committee on South West Africa, by resolution 749 A (VIII) of 28 November 1953, to examine petitions in accordance with the Mandates procedure of the League of Nations,

Having received a report 3/ from the Committee dealing with petitions from Mr. Hans Johannes Beukes, a South West African student, and from Mr. Neville Rubin, President of the National Union of South African Students,

Noting that Mr. Beukes had been granted a scholarship by the Norwegian National Union of Students

^{2/} Theodor Leutwein, Elf Jahre Gouverneur in Deutsch-Südwestafrika, Berlin, 1907, p. 272.

^{3/} See A/4191, part I, sec. III, part II, sec. III, para. 80, and sec. VI, paras. 226 and 227; see also annexes XXIX to XXXII.

(Norsk Studentsamband) to study for three years at the University of Oslo,

Noting further that Mr. Beukes, a second-year student at the University of Cape Town, had been selected for the scholarship by a committee consisting of the Head of the Department of History, a professor of Roman law at that University, and the President of the National Union of South African Students,

Considering that the Government of the Union of South Africa granted Mr. Beukes a passport on 15 June 1959 to enable him to proceed to Norway, and withdrew that passport on 24 June, when Mr. Beukes arrived at the port of embarkation, subjecting Mr. Beukes to a search of his person, luggage and personal correspondence,

Noting the protests made by the South African Press, students of the University of Cape Town, and the Teachers' Educational and Professional Association in the Union of South Africa, as well as other representatives of the public in the Union of South Africa, against the action taken by the Union Government,

Taking into account that there are no facilities for university education in South West Africa and that "non-European" students from the Territory find it increasingly difficult to obtain adequate university education in the Union of South Africa,

- 1. Is of the opinion that the withholding or withdrawal from a qualified South West African student of a passport for the purpose of studying abroad is not only a direct interference in the educational and general advancement of an individual but a hindrance to the educational development of the Territory of South West Africa which was entrusted under the Covenant of the League of Nations to the administration of the Union of South Africa;
- 2. <u>Considers</u> the withdrawal by the Union of South Africa of the passport granted to Mr. Beukes to be an act of administration contrary to the Mandate for South West Africa;
- 3. Expresses the hope that the Government of the Union of South Africa will reconsider its decision so that Mr. Beukes may take advantage of the scholarship offered him to study at the University of Oslo in circumstances permitting him to maintain normal relations with his family and his country.

838th plenary meeting, 17 November 1959.

1359 (XIV). STATUS OF THE TERRITORY OF SOUTH WEST AFRICA

The General Assembly,

Having recommended, by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948, 337 (IV) of 6 December 1949, 449 B (V) of 13 December 1950, 570 B (VI) of 19 January 1952, 749 B (VIII) of 28 November 1953, 852 (IX) of 23 November 1954, 940 (X) of 3 December 1955, 1055 (XI) of 26 February 1957, 1141 (XII) of 25 October 1957 and 1246 (XIII) of 30 October 1958, that the Mandated Territory of South West Africa be placed under the International Trusteeship System, and having repeatedly invited the Government of the Union of South Africa to propose, for the consideration of the

General Assembly, a trusteeship agreement for South West Africa,

Having accepted, by its resolution 449 A (V) of 13 December 1950, the advisory opinion of 11 July 1950 of the International Court of Justice on the question of South West Africa, 1/

Considering that, in accordance with Chapter XII of the Charter of the United Nations, all Mandated Territories which have not achieved independence have been brought under the International Trusteeship System, with the sole exception of the Territory of South West Africa,

- 1. Reiterates its resolutions 65 (1) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948, 337 (IV) of 6 December 1949, 449 B (V) of 13 December 1950, 570 B (VI) of 19 January 1952, 749 B (VIII) of 28 November 1953, 852 (IX) of 23 November 1954, 940 (X) of 3 December 1955, 1055 (XI) of 26 February 1957, 1141 (XII) of 25 October 1957 and 1246 (XIII) of 30 October 1958, to the effect that the Territory of South West Africa be placed under the International Trusteeship System;
- 2. Asserts that, in the present conditions of political and economic development of South West Africa, the normal way of modifying the international status of the Territory is to place it under the International Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter of the United Nations.

838th plenary meeting, 17 November 1959.

1360 (XIV). QUESTION OF SOUTH WEST AFRICA The General Assembly,

Recalling its previous resolutions in which the Assembly recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and repeatedly invited the Government of the Union of South Africa to propose, for the consideration of the General Assembly, a trusteeship agreement for South West Africa,

Considering that, in accordance with Chapter XII of the Charter of the United Nations, all Mandated Territories, with the sole exception of South West Africa, have been placed under the International Trusteeship System,

Recalling further its resolution 449 A (V) of 13 December 1950, by which the General Assembly accepted the opinion of 11 July 1950 of the International Court of Justice¹/ to the effect, inter alia, that:

- (a) South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,
- (b) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa, the supervisory functions to be exercised by the United Nations,
- (c) That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa,

Noting with grave concern that the administration of the Territory, in recent years, has been conducted

increasingly in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice, and the resolutions of the General Assembly,

Having received from the Committee on South West Africa the sixth report (A/4191) submitted in accordance with General Assembly resolution 749 A (VIII) of 28 November 1953,

Noting further the conclusion of the Committee that it is essential to the welfare and security of the peoples of South West Africa that the administration of the Territory be altered without undue delay (A/4191, para. 233),

Having also heard the statements of petitioners which further corroborate the conclusions and opinions formed by the Committee on South West Africa concerning political, social, economic and educational conditions prevailing in the Territory,

Considering further that, while the former Mandated Territories placed under the International Trusteeship System have rapidly progressed towards independence, the conditions in the Territory of South West Africa present a totally different picture,

- 1. <u>Notes</u> the statement made by the representative of the <u>Union</u> of South Africa at the 924th meeting of the Fourth Committee on 26 October 1959 expressing, inter alia, the <u>Union's readiness</u> to enter into discussions with the <u>United Nations</u>;
- 2. <u>Invites</u> the Government of the Union of South Africa to enter into negotiations with the United Nations through the Committee on South West Africa, which is authorized under its terms of reference to continue negotiations with the Union, or through any other committee which the General Assembly may appoint, with a view to placing the Mandated Territory under the International Trusteeship System;
- 3. Requests the Government of the Union of South Africa to formulate for the consideration of the General Assembly, at its fifteenth session, proposals which will enable the Mandated Territory of South West Africa to be administered in accordance with the principles and purposes of the Mandate, the supervisory functions being exercised by the United Nations according to the terms and intent of the Charter;
- 4. Approves the report of the Committee on South West Africa and commends it to the urgent attention of the Government of the Union of South Africa;
- 5. Requests the Committee on South West Africa, or any other committee which may be appointed in pursuance of paragraph 2 above, to submit to the General Assembly, at its fifteenth session, a report on the

negotiations with the Union Government in addition to the annual report on conditions in the Territory of South West Africa.

838th plenary meeting, 17 November 1959.

1361 (XIV). LEGAL ACTION TO ENSURE THE FUL-FILMENT OF THE OBLIGATIONS ASSUMED BY THE UNION OF SOUTH AFRICA IN RESPECT OF THE TERRITORY OF SOUTH WEST AFRICA

The General Assembly,

Recalling the advisory opinion of the International Court of Justice of 11 July 1950 concerning the international status of South West Africa, 1/

Recalling that, by its resolution 449 A (V) of 13 December 1950, it accepted the advisory opinion of the International Court of Justice,

Recalling further that, by its resolution 1142 A (XII) of 25 October 1957, it commended the special report of the Committee on South West Africa (A/3625) on legal action which might be taken for that purpose, and in particular drew the attention of Member States to the legal action provided for in article 7 of the Mandate read with Article 37 of the Statute of the International Court of Justice,

<u>Draws the attention</u> of Member States to the conclusions of the special report of the Comittee on South West Africa covering the legal action open to Member States to refer any dispute with the Union of South Africa concerning the interpretation or application of the Mandate for South West Africa to the International Court of Justice for adjudication in accordance with article 7 of the Mandate read in conjunction with Article 37 of the Statute of the Court.

838th plenary meeting, 17 November 1959.

1362 (XIV). REPORT OF THE GOOD OFFICES COM-MITTEE ON SOUTH WEST AFRICA

The General Assembly,

Having considered the report of the Good Offices Committee on South West Africa, (A/4224), prepared in accordance with General Assembly resolution 1243 (XIII) of 30 October 1958,

- 1. Takes note of the report of the Good Offices Committee on South West Africa;
- 2. Expresses its appreciation to the members of the Committee for their efforts.

838th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 38 which are not reproduced in the present fascicle.

Document No.

Title

Observations and references

A/1901

Report of the Ad Hoc Committee on South West Africa to the General Assembly

Official Records of the General
Assembly, Sixth Session, Annexes, agenda item 38

		
Document No.	Title	Observations and references
A/2261	Report of the Ad Hoc Committee on South West Africa to the General Assembly	Ibid., Eighth Session, Annexes, agenda item 36
A/3625	Special report of the Committee on South West Africa	Ibid., Twelfth Session, Supplement No. 12A
A/3626	Report of the Committee on South West Africa	Ibid., Supplement No. 12
A/3900	Report of the Good Offices Committee on South West Africa	Ibid., Thirteenth Session, Annexes, agenda item 39
A/3906 and Add.1	Report of the Committee on South West Africa to the General Assembly	Ibid., Thirteenth Session, Supplement No. 12
A/4191	Report of the Committee on South West Africa to the General Assembly	Ibid., Fourteenth Session, Supplement No. 12
A/AC.73/2	Report of the Sub-Committee on Legal Questions to the Committee on South West Africa	Mimeographed
A/AC.73/ L.2	The provisional rules of procedure of the Committee on South West Africa for the examination of reports and petitions relating to the Ter- ritory of South West Africa	Ditto
A/AC.73/ L.13	Information and documentation in respect of the Territory of South West Africa	Ditto
A/C.4/96	Communications received by the Secretary-General: letter from the Reverend Michael Scott transmitting petitions from inhabitants of South West Africa	Official Records of the General Assembly, Second Session, Fourth Committee, annex 3e
A/C.4/410 and Add.1	Requests for hearings	Mimeographed
A/C.4/421	Statement made by the representative of the Union of South Africa at the 900th meeting of the Fourth Committee	Mimeographed; for summary, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 900th meeting, paras. 9-33
A/C.4/424	Statement made by the representative of the Union of South Africa at the 884th meeting of the Fourth Committee	Idem, 884th meeting, paras. 2-12
A/C.4/426	Statement made by the Rapporteur of the Committee on South West Africa at the 913th meeting of the Fourth Committee	$\frac{\text{Idem}}{47}$, 913th meeting, paras. 33-
A/C.4/427	Statements made by the representative of the Union of South Africa at the 914th, 915th and 916th meetings of the Fourth Committee	Idem, 914th meeting, paras. 11-23; 915th meeting, paras. 1-24; 916th meeting, paras. 1-12
A/C.4/428	Statement made by the representative of the Union of South Africa at the 918th meeting of the Fourth Committee	Idem, 918th meeting, paras. 3-13
A/C.4/429	Statement made by the representative of the Union of South Africa at the 924th meeting of the Fourth Committee	Idem, 924th meeting, paras. 1-3
A/C.4/L.593 and Add.1	Status of the Territory of South West Africa—Ghana, Liberia, Pakistan, Philippines, Tunisia and Yugoslavia: draft resolution	Adopted without change. See A/4272, para. 43, draft resolution IV
A/C.4/L.594	Guatemala: amendment to the draft resolution submitted by the Committee on South West Africa (A/4191, annex IV)	See A/4272, para. 20
A/C.4/L.595 and Add.1	Question of South West Africa—Afghanistan, Argentina, Burma, Ceylon, Ethiopia, Federation of Malaya, India, Indonesia, Iraq, Ireland, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, United Arab Republic, Venezuela, Yemen and Yugoslavia: draft resolution	See A/4272, para. 26
A/C.4/L.596 and Add.1	Legal action to ensure the fulfilment of the obligations assumed by the Union of South Africa in respect of the Territory of South West Africa—Ethiopia, Ghana, Guinea, Haiti, Jordan, Liberia, Libya, Morocco, Pakistan, Philippines, Saudi Arabia, Sudan, Tunisia and United Arab Republic: draft resolution	Adopted without change. See A/4272, para. 43, draft resolution VI
A/C.4/L.597	Report of the Good Offices Committee on South West Africa — Argentina, Ireland, New Zealand, Norway: draft resolution	Adopted without change. See A/4272, para. 43, draft resolution VII
A/C.4/L.598	Question of South West Africa—Denmark, Finland and Sweden: draft resolution	Mimeographed. Replaced by A/ C.4/L.598/Rev.1
A/C.4/L.598/ Rev.1	Question of South West Africa—Denmark, Finland, Norway and Sweden: revised draft resolution	See A/4272, para. 27
A/C.4/L.600	Colombia and Iran: amendment to document A/C.4/L.596 and Add.1	See A/4272, para. 35
A/C.4/L.601	Draft report of the Fourth Committee	Same text as A/4272

Document No.

A/C.4/PV. 745, 749 and 755 Title

Verbatim records of the 745th, 749th and 755th meetings of the Fourth Committee

Observations and references

Mimeographed; for summary, see Official Records of the General Assembly, Thirteenth Session, Fourth Committee, 745th, 749th and 755th meetings

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 40: Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of Ethiopia and of Italy*

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A/4324	Report of the Italian Government on the measures taken to give effect to General Assembly resolution 1345 (XIII) of 13 December 1958	6	
A/4325	Letter dated 25 November 1959 from Mr. Trygve Lie to the Secretary-General.	11	
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DOCUMENT A /4323

Report of the Ethiopian Government on the progress of the negotiations between the Governments of Ethiopia and Italy, with the assistance of the independent person concerning the terms of reference for arbitration as provided in General Assembly resolution 1345 (XIII) of 13 December 1958

[Original text: English]
[3 December 1959]

- 1. After consideration of the reports submitted by the Governments of Ethiopia and Italy and following the discussions held in the Fourth Committee, the General Assembly adopted, at its thirteenth session, resolution 1345 (XIII) which, in its operative part:
 - (1) Reaffirmed its resolution 1213 (XII);
- (2) Urged the parties once again to intensify their efforts to implement the terms of resolution 1213 (XII);
- (3) Recommended that the two Governments agree on the choice of an independent person within three months and, failing such agreement, invite His Majesty the King of Norway to nominate such independent person;
- (4) Requested the Governments of Ethiopia and Italy to report to the General Assembly at its four-teenth session on the measures taken to give effect to the resolution.
- 2. With a view towards implementing resolution 1213 (XII) of the General Assembly, the Ethiopian Government had proposed on 5 December 1958, a few days prior to the adoption of resolution 1345 (XIII), the names of five prominent jurists, in addition to the five others which it had previously suggested for the role of the independent person. Awaiting what it confidently hoped might be a favourable reply from the Italian Government, the Ethiopian Government, following the adoption of that resolution, refrained from offering yet other proposals for selection. Instead, less than one week before the deadline fixed in resolu-
- * For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 986th, 990th, 991st and 997th to 1001st meetings; and ibid., Plenary Meetings, 857th meeting.

- tion 1345 (XIII) for agreement between the two parties on the choice of the independent person, the Italian Government came forward with the names of three candidates. In a final attempt to reach some agreement on the selection, the Ethiopian Government proposed three additional names. It proved, however, impossible, under the circumstances, to reach agreement and, in consequence, appointment of the independent person by His Majesty the King of Norway, became, by virtue of the provisions of resolution 1345 (XIII), the procedure to be followed at that stage.
- 3. The appointment, by His Majesty the King of Norway, of His Excellency, Mr. Trygve Lie, as independent person, was communicated to the Ethiopian Government by note of 6 May 1959. The Ethiopian Government offered its facilities for the negotiation, as in the case of the previous discussions. However, out of consideration for the preferences indicated by the Italian Government, the Ethiopian Government did not insist upon its suggestion. Thereupon, agreement was reached that the two parties should meet Mr. Lie in Paris in the latter part of July 1959, to establish contact and to make the necessary arrangements for the negotiation of the compromis to be undertaken with his assistance. It was agreed during this preliminary contact that the negotiation should be held in Oslo. Norway, beginning 3 August 1959.
- 4. In the course of the negotiation in Oslo, the Ethiopian delegation expressed the hope that its draft $\underline{\text{compromis}}^{1}$ might be taken as a working paper, since

^{1/}Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 41, document A/4030, annex VII, appendix.

it was a detailed document and was strictly based on and took fully into account:

- (1) The Trusteeship Agreement providing that the frontiers of the Trust Territory of Somaliland be those fixed by international agreement;
- (2) The Agreement of the parties during the two years of bilateral negotiations that the 1908 Convention 2/should be the basis for the delimitation of the frontier under reference:
- (3) The basic General Assembly resolutions 392 (V) and 1213 (XII) establishing procedures for the delimitation of frontiers and according to which differences arising out of direct bilateral negotiations be resolved by arbitration rather than mediation;
- (4) The generally established principle of arbitration according to which terms of reference shall serve to set out the differences or issues to be referred to the tribunal for settlement.
- 5. However, out of consideration for the preferences expressed, the Ethiopian Government did not insist that its draft compromis be taken as the working paper. Instead, the Italian delegation presented and insisted upon discussion of a new draft compromis replacing the original Italian draft terms of reference which, it may be recalled, had provided that the Tribunal was to "consider the question and give its decision on the basis of all the international conventions relating thereto and of the interests and wellbeing of the populations, in harmony with the principles of the United Nations". 3/The new Italian draft (A/4324, annex I), in going considerably beyond the first proposal, is more intransigent and would appear to have no ostensible basis in the Trusteeship Agreement, in the basic United Nations resolutions or in the agreements reached between the parties during the two years of negotiations.

Contrary to the specific agreements reached during the two years of negotiations, including the recognition of the continuing validity of the basic frontier Convention, the new Italian draft <u>compromis</u> proceeds from the assumption that there is no frontier established by international agreement and that a new boundary is to be drawn up, by delegation to the Tribunal of the power as a "legislator" to create one.

- (1) It would require the Tribunal to ignore the two years of negotiations for the delimitation of the frontier in accordance with the only binding treaty, as well as all points of agreement and of difference resulting from such negotiations and to award exclusively on what the Italian Government alleges to be "the question concerning the frontier".
- (2) It would require that the Tribunal apply international deeds and instruments concluded by Italy with third countries, although most of these treaties are well known as providing for the partition of Ethiopia among the colonial Powers.
- (3) It would give full power to the Tribunal to decide ex aequo et bono, as if there had never been a frontier agreement and "as if the Tribunal were legislator".

These were among the more salient points in the new Italian draft <u>compromis</u> constituting the major elements of opposition to the views advanced by the Ethiopian delegation, opposition which the Italian delegation maintained throughout the Oslo negotiations.

- 6. In pressing its position as reflected in its new draft compromis, the Italian delegation argued that:
- (1) All declarations, whether on principle or otherwise, made by the Italian negotiators during the bilateral negotiations or to the General Assembly when the parties were engaged in bilateral negotiations, were today not binding, since the negotiations in the course of which those declarations were offered were meant to be only exploratory and for the purpose of ascertaining to what extent a general agreement could be reached; however, since general agreement was not attained and the parties had passed the stage of bilateral negotiations, to enter upon arbitration, such Italian statements and reports or agreements made or reached during the negotiations now have no validity whatsoever;
- (2) The agreement of the Italian negotiators to take the 1908 Convention as the basis for the settlement of the frontier delimitation during the two years of negotiation can be disregarded, inasmuch as the negotiations did not arrive at a definitive settlement of such frontier delimitation;
- (3) The 1908 Convention, however valid and controlling over the frontier under reference, can be given no greater force or validity than the agreements concluded by Italy or Ethiopia with third parties, which, as the Italian draft states, have relevancy for "settling the difference";
- (4) In the settlement of this alleged frontier question, the Tribunal must not be restricted to past treaties, still less to one treaty, such as the 1908 Convention. It should rather examine the general situation, including the interest and welfare of the population and the principles of the United Nations, and should determine the boundary line, taking all these considerations into account, for establishing, as "legislator", a new frontier.
- 7. On the other hand, the Ethiopian delegation in Oslo maintained that:

First, when the former Italian colony of Somaliland was placed under the Trusteeship System, it was specifically provided in the Trusteeship Agreement to which Italy is a party, that the frontiers of that Trust Territory shall be those fixed by international agreement, and that, in so far as they are not already delimited by international agreement, they shall be delimited in accordance with the procedure approved by the General Assembly, namely, that of negotiation provided for in General Assembly resolution 392 (V) establishing that approved procedure.

Secondly, for over fifty years, both Italy and Ethiopia have recognized the 1908 Convention as the only valid international agreement governing the frontier under reference. This recognition of the controlling validity of the 1908 Convention, to the exclusion of any and all other considerations, was repeatedly confirmed not only by the Italian delegations to the 1956-1957 negotiations conducted in conformity with the basic resolution 392 (V) of the General Assembly, but also by the reports of the

^{2/} Convention between Italy and Ethiopia for the settlement of the frontier between the Italian possessions of Somalia and the Provinces of the Ethiopian Empire. Signed at Addis Ababa, 16 May 1908.

^{3/} See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 41, document A/4030, annex VI, appendix, art. III.

Italian Government to the eleventh (A/3463) and twelfth (A/3754 and Add.1) sessions of the General Assembly. Moreover, regardless of the success or failure of the negotiations, the fact remains that, in diplomatic communications both with the Ethiopian Government and with the League of Nations, the Fascist Government of Italy had formally recognized the 1908 Convention as exclusively establishing the frontier and as providing the criteria according to which the delimitation of the same must take place, that the present Government of Italy could scarcely adopt an attitude less favourable to respect for international agreements and that, in fact, since the war, in communications to the United Nations, the present Italian Government has similarly reaffirmed the controlling criteria established by the 1908 Convention.

Thirdly, as the Trusteeship Agreement and General Assembly resolution 392 (V) make completely clear, the problem is one, not of revising frontiers or of creating new frontiers, but of establishing procedures for delimiting frontiers already fixed by international agreement. Indeed, it is a self-evident proposition as well as one fully borne out by the records of the United Nations in adopting the basic resolutions involved, that that body has no competence to establish the frontiers of any sovereign State, but only to recommend procedures to achieve delimitation of such frontiers.

Fourthly, the basic resolution 392 (V) of the General Assembly laying down the procedures for delimiting the frontiers of the Trust Territory of Somaliland, to the extent not already delimited, specifically provided that the differences left unresolved by the bilateral negotiations should be referred to mediation, and if mediation failed, to arbitration. In other words, it was the differences remaining unresolved in the bilateral negotiations and not those resolved in such negotiations which, by the terms of that resolution, were to be referred to mediation or arbitration. Such a provision is, in fact, quite natural, since one does not seek to resolve by arbitration what has already been resolved by agreement. Consequently, the agreements between the two parties on the controlling validity of the 1908 Convention as the exclusive basis for the settlement of the delimitation of the frontier under reference, the inapplicability of third-party treaties and the exclusion of all other extraneous elements or situations, constitute questions resolved within the meaning of resolution 392 (V) and, therefore, not referable to mediation or arbitration. It is, however, an incontestable fact that, while the two parties did agree, in their bilateral negotiations, to exclude third-party treaties, elements, or situations extraneous to the 1908 Convention and to take that Convention as the only basis for the delimitation of the frontier under reference, they failed to resolve differences concerning the interpretation of the said 1908 Convention. It is, consequently, these unresolved differences which must be referred to arbitral settlement.

Fifthly, resolution 392 (V), in laying down the procedures for the delimitation of the frontier, provided for two methods for the settlement of the differences arising out of the bilateral negotiations. These two methods were, first, mediation and second, arbitration. When, however, it was found necessary to move on from bilateral negotiations to the next appropriate

method, the General Assembly, in its resolution 1213 (XII), decided in favour of the procedure of arbitration, although in the order listed in resolution 392 (V), the next procedure, following bilateral negotiation, was mediation. This decision resulted from the fact that the differences which the two parties had failed to resolve in their bilateral negotiations were of a juridical nature, being differences in the interpretation of a treaty, and would, therefore, most appropriately, be settled through juridical methods. Consequently, the Italian position calling for the introduction of certain mediatory and non-juridical elements, such as the interests and welfare of the population and reference to general and vague principles of the United Nations, coupled with rejection of a valid treaty as the basis for the settlement of the frontier delimitation under dispute, would not only appear to constitute an attempt to indulge in frontier revisionism, in fact, in the establishment of a new frontier, but would also be contrary to the basic resolutions 392 (V), 1213 (XII) and 1345 (XIII) of the General Assembly.

Sixthly, by objecting to the inclusion in the <u>compromis</u> of the differences or issues left unresolved in the bilateral negotiations, by insisting on the reference to the Tribunal of what the Italian Government chose to designate as the general frontier question, and by requiring that the Tribunal decide "the question" <u>exacquo et bono</u> as a legislator, the Government of Italy would appear to seek transformation of the arbitral Tribunal into some form of legislative body, and to suppress the concept of arbitration itself, since arbitration without issues to be arbitrated is incomprehensible and is, indeed, a contradiction in terms.

8. From the foregoing, the positions taken by the two delegations in Oslo, can be summarized to be as follows:

Ethiopia maintained that:

- (1) The problem, as defined by the Trusteeship Agreement and the basic General Assembly resolution in the matter, resolution 392 (V), is not that of establishing new frontiers or revising existing frontiers, but solely that of delimiting on the ground the frontiers established by international agreement.
- (2) Before, during and after the bilateral negotiations, Italy had declared, not only to Ethiopia, but also to the League of Nations and the United Nations, that the frontier under reference was established and governed by the 1908 frontier Convention concluded between Ethiopia and Italy.
- (3) Questions resolved in the bilateral negotiations, such as the exclusive validity of the 1908 Convention, inapplicability of third-party treaties and exclusion of all non-conventional elements or situations, cannot be referred to arbitration.
- (4) The differences or issues remaining unresolved in the bilateral negotiations and therefore referable for arbitration are the differences in the interpretation of the 1908 Convention.
- (5) In arbitrating these differences of interpretation of a treaty, the arbitration Tribunal must apply strictly juridical procedures.

Italy claimed on the other hand that:

- (1) It is the general question of the frontier, and not the differences or issues arising out of the bilateral negotiations which must be referred to arbitration.
- (2) In its decision on what the frontier should be, the arbitration Tribunal must take into account all international agreements and deeds, whether or not Ethiopia is a party thereto, as well as the interests and welfare of the population and the principles of the United Nations.
- (3) The arbitration Tribunal, in its decision, should not apply strictly juridical procedures.
- 9. In view of these fundamental differences in the positions of the two parties, the independent person proposed a suspension of the negotiations and resumption in New York late in October or early in November 1959. He explained as the reason for his proposal the necessity of having sufficient time for discussion of the matter with international jurists and for reflection on his part, so as to enable him to prepare a compromis acceptable to the two parties. The parties agreed to the proposal of the independent person and the Oslo negotiations were suspended on 12 August 1959.
- 10. In the period of suspension, the Ethiopian Government took the initiative of inviting the independent person, Mr. Trygve Lie, to come to Addis Ababa to discuss the matter and to explore all possibilities of finding some common ground acceptable to the parties concerned.
- 11. During his stay of three days in Addis Ababa, Mr. Trygve Lie had extensive discussions with the Ethiopian Government, in the course of which he submitted a draft compromis which he had prepared and brought with him from Oslo (A/4325, annex I). Inasmuch as that proposal, in the opinion of the Ethiopian Government, on the one hand, left aside matters of particular importance and, on the other, contained certain provisions that the Ethiopian Government could not agree to without change, its acceptance as a working paper presented problems of particular difficulty for the Ethiopian Government. However, animated by a spirit of conciliation, out of consideration for the great efforts devoted by the independent person towards establishing some basic working document and in the interest of reaching a rapid agreement on the terms of reference, the Ethiopian Government agreed, subject to the right of amendment, to accept Mr. Lie's draft proposal as a working paper and, following discussions in Rome between the independent person and the Italian Government, negotiations on the compromis, with the assistance of the independent person, were resumed in New York on 3 November 1959.
- 12. Having accepted as a working paper the draft compromis prepared by the independent person, the Italian and Ethiopian delegations submitted amendments thereto (A/4325, annexes III and II).
- 13. The Ethiopian Government wishes to testify to the zeal which Mr. Trygve Lie has shown in the difficult task which is his, to assist the two parties in their negotiations, to the great contributions in time and effort and to the objectivity and the constructive approach which he has, at all times, maintained and which are reflected in the draft compromis proposed to the two parties as a working paper.

- 14. His draft is in conformity with the Trusteeship Agreement in recognizing that the task is that of delimiting a frontier already established by international agreement; with the United Nations resolutions as regards competence in such matters; and, to a degree, with the specific agreement of the parties as to what treaty governs the delimitation of the frontier in question, namely, the 1908 frontier Convention. His proposals start from the premise that the problem is one of delimiting on the ground an existing frontier established by international agreement and stipulate in article III that such delimitation on the ground should be effected on the basis of the 1908 Convention.
- 15. Out of appreciation of the efforts of the independent person to assist the parties and sincere desire to reach agreement, the Ethiopian delegation took pains to avoid effecting substantial changes in the draft prepared by Mr. Lie, notwithstanding the existence of the very considerable problems which that proposal raised for the Ethiopian Government. It was, therefore, mainly to a few fundamental points only, such as third-party agreements, reference to undefined principles and the silence of the working paper on the essential differences to be resolved by the Tribunal, that the Ethiopian amendments were directed.
- 16. This general attitude of the Ethiopian delegation is reflected in its amendments to the penultimate paragraph of the preamble and the first part of article III of the independent person's draft, offered for the sole purpose of giving to general principles a somewhat higher degree of precision and to relate them to the provisions of Article 33 of the Charter of the United Nations. Similarly, although the Ethiopian delegation attaches the greatest importance to the specific listing in the terms of reference of the issues to be referred to the Tribunal, it did not insist on the listing in the working paper of unresolved issues, but limited its amendments to the insertion of a phrase to the effect that the Tribunal should not seek to resolve issues already resolved in the bilateral negotiation. A substantive amendment to the draft compromis of the independent person is that related to article IV on evidence. That article, as drafted by the independent person, would admit as evidence third-party treaties to which Ethiopia is not a party, while the Ethiopian amendment would limit evidence from international treaties and agreements to those concluded between the two parties. The rest of the Ethiopian amendments were designed to offer suggestions for clarification and precision through the introduction of some short phrases or clauses, or through changes of some words.
- 17. The Italian amendments, on the other hand, would transform the draft compromis of the independent person, both in substance and in form. In the first place, by deleting the first preambular paragraph recognizing that the frontier had been established by a treaty, and by replacing it by a new paragraph, and, further, by deleting throughout the entire text all references to delimitation on the ground, the Italian amendments would reintroduce the Italian draft compromis submitted in Oslo, according to which the problem was not one of delimiting on the ground an established frontier, but rather, one of establishing a new frontier. Similarly, by changing third-party agreements—for the most part envisaging the par-

titioning of Ethiopia—into agreements binding on Ethiopia, the Italian amendments would transform the very substance of the draft compromis of the independent person.

- 18. These Italian amendments coupled with the rejection of the references to judicial processes and to the differences to be the object of the arbitration, as proposed in the Ethiopian amendments (although in the latter case, only by inference), constituted the principal obstacles to the reduction, during the negotiations resumed in New York, of the differences between the views of the two delegations.
- 19. In all the discussions, including the resumed negotiations, the Italian Government and its delegation have admitted that the 1908 Convention is a valid treaty regulating the frontier in its entirety. However, of late, they have insisted that, in the delimitation of the frontier, other treaties, including third-party treaties, must, at the same time, be assigned the same value as that given to the 1908 Convention.
- 20. In this connexion, the Ethiopian delegation repeatedly asked the Italian delegation to explain how a frontier regulated in its entirety by a valid convention could, at the same time, be regulated by other treaties, unless such convention has been superseded and invalidated by subsequent treaties—which Italy had never claimed to be the case. However, the Italian delegation refused to give the explanation requested. The comments of the Ethiopian delegation in regard to the Italian amendments are attached to this report as annex V.
- 21. It is a matter of regret that, in view of the approaching date for the parties to report to the General Assembly in conformity with resolution 1345 (XIII), the negotiations could not be continued. Under the circumstances, and in order to allow sufficient time to the two Governments to prepare their reports, it has been agreed between the parties as well as between them and the independent person that the negotiations should not, at this stage, be continued.
- 22. However, from an analysis of the foregoing, it can be affirmed that, while there are still fundamental differences separating the parties in the negotiations, there is no doubt that progress has been made towards the establishment of some common ground on the basis of which, given goodwill, the parties can seek to eliminate their remaining differences.
- 23. The acceptance by the parties of Mr. Lie's draft compromis as a working paper to serve as a basis of discussion is, in the view of the Ethiopian Government, in itself, progress. However, many articles in the draft of the independent person have been accepted by both parties without modification. In addition, the parties have accepted certain views as suggested in the amendments by each side. All these circumstances give the Ethiopian Government sufficient reason to hope that, if the negotiations should be continued with the valuable assistance of the independent person, agreement on a compromis could be reached and delimitation of the frontier on the ground between Ethiopia and the Trust Territory of Somaliland would be achieved through the procedure of arbitration in accordance with resolutions 1213 (XII) and 1345 (XIII) of the General Assembly.

ANNEXES

Annex I

ITALIAN DRAFT Compromis PRESENTED ON 7 AUGUST 1959, DURING NEGOTIATIONS CONDUCTED AT OSLO WITH THE ASSISTANCE OF THE INDEPENDENT PERSON

[For the text of this draft compromis, see document A/4324, annex I, below.]

Annex II

DRAFT Compromis PRESENTED BY MR. TRYGVE LIE AS A WORKING PAPER

[For the text of this draft compromis, see document A/4325, annex I, below,]

Annex III

WORKING PAPER PRESENTED BY THE INDEPENDENT PERSON AS AMENDED BY THE ITALIAN DELEGATION

[For the text of this working paper and the Italian amendments, see document A/4325, annexes I and III, below.]

Annex IV

WORKING PAPER PRESENTED BY THE INDEPENDENT PERSON AS AMENDED BY SUGGESTIONS PROPOSED BY THE ETHIOPIAN DELEGATION

[For the text of this working paper and the Ethiopian amendments, see document A/4325, annexes I and II, below.]

Annex V

- OBSERVATIONS OF THE ETHIOPIAN DELEGATION ON THE ITALIAN AMENDMENTS TO THE WORKING PAPER PREPARED BY MR. TRYGVE LIE
- 1. I think it appropriate to place on record certain observations in regard to the situation as it exists today, following the exchanges of views concerning the amendments to Your Excellency's working paper.
- 2. At our meeting on Monday morning, there was presented a paper entitled "Views expressed by the Italian delegation on the Ethiopian amendments to the draft compromis presented by Mr. Trygve Lie" (A/4325, annex IV). When we look at that document, we note that, while retaining, it would appear, all its amendments—and I trust that my colleague, Minister Vinci, will correct me if I am in error in this matter—the Italian delegation rejects the Ethiopian amendments with the exception of two editing and grammatical changes proposed by my delegation, and the Ethiopian amendment to article VII. However, since the Italian delegation has, at the same time, maintained its amendment to that same article, the effect has been to nullify the acceptance of the Ethiopian amendment.
- 3. It is, of course, true that the document in question purports to accept Ethiopian amendments on four other points, but, at the same time, it subjects acceptance to contradictory amendments on the Italian side, thereby again nullifying the effect of those conditional acceptances.
- 4. Consequently, I believe that I am correct in stating that the Italian delegation has accepted nothing in the Ethiopian amendments with the exception of two grammatical and editing proposals. In fact, it has explicitly enunciated the points of its rejections, a listing that I should wish to suggest is highly significant in its implications.
- 5. On the contrary, in the important and substantial matters covered in article IX of the working paper, the Ethiopian delegation has accepted the Italian point of view. Furthermore, in the vital question of reserving matters of national jurisdiction, a reservation occurring in a multitude of international agreements, Ethiopia accepted the Italian amendment on this point.
- 6. I shall not take up each of the various rejections interposed by the Italian delegation. Instead, I shall confine myself to a few illustrative remarks. For example, the Italian delegation has formally rejected the short clause in article IV to the effect that the Tribunal must address itself to the task of interpreting the 1908 Convention, yet it must, surely, have

some task. Without some such clause, sub-paragraph 1 of that article, for example, becomes quite meaningless, if I may say so—anything whatever becomes relevant, even if it has nothing to do with the frontier.

- 7. Also, in the same connexion, the Italian delegation has rejected even the simple, and I should have thought completely obvious, suggestion with respect to that same article, that, while United Nations records might be resorted to, neither Italy nor Ethiopia should be held to admit as evidence such remarks as third States might have made or might wish to make in the Fourth Committee or elsewhere concerning the frontier. We can admit declarations made by Italy and by Ethiopia in the debates on the question of delimitation of the frontier. No one can compel us to admit statements made by third parties at the United Nations, and, indeed, one might well ask what value such statements would have, even in throwing any light on the questions in any respect. Yet, again, Italy rejects even this obvious proposition.
- 8. Coming now to the rejections by Italy of the few words suggested by Ethiopia in respect of article III of the working paper, I would observe that, at our meeting on last Saturday, I had stated that the Ethiopian delegation had limited itself to the insertion of certain short phrases for the most part, and of a few clauses, not for meeting its essential needs, but either for bringing the text into consonance with agreed points, or, simply, to avoid the total exclusion of matters which were of vital significance. It is in this respect that I wish to refer to the Italian rejection of our amendment relating to points disposed of by agreement between the two Parties.
- 9. It would seem obvious that, unless there are differences, there cannot be and indeed would be no justification for arbitration. The very concept of arbitration is based on, and requires the existence and statement in the compromis of, the differences to which the arbitration relates. Now, as I have just said, our amendments were designed, not to meet our needs, but simply to avoid the total exclusion of essential matters. It was with this particularly conciliatory objective in mind that, in our amendments, we refrained from insisting upon the statement of issues, as we had done in our original proposals, although such a statement is absolutely essential in our opinion, but, merely provided for the exclusion of matters already agreed upon between the negotiating

- Parties—a point that would seem obvious in any case. Furthermore, you will all recall that resolution 392 (V) reserves for arbitration those differences left unresolved by these negotiations. Consequently, unless there is a desire to undo what has been accomplished and to delay the solutions of the questions by starting all over again and by ignoring the points of agreement achieved, it would seem that no possible exception could be taken to such an amendment. Yet, the Italian delegation has explicitly rejected even the short clause suggested to this end in article III (c) of the working paper.
- 10. My delegation finds such a rejection completely unreasonable, particularly in view of the extraordinary lengths to which the Ethiopian Government had gone in order to be conciliatory on this fundamental point. Consequently, I must state, on behalf of my delegation and Government that they reaffirm their basic position on this fundamental and ineluctable concept of arbitration.
- 11. The Italian Government, moreover, rejects even the three-word amendment to article III (b) to the effect that the Tribunal must utilize juridical processes, although the Italian delegation said precisely that on 9 December 1957 in the Fourth Committee (735th meeting) in the discussions leading to the General Assembly arbitration resolution 1213 (XII). When this additional rejection is related to the Italian position on issues and points of agreement just referred to it becomes even more compellingly clear that Italy is opposing General Assembly resolutions 1213 (XII) and 1345 (XIII).
- 12. Finally, Italy has specifically rejected the amendment providing for the exclusion of defacto considerations, although, on 3 April 1956, the Italian delegation had stated—and note that this declaration relates not to the negotiations as such, but to the task before the two States—and I quote: "We have to delimit the frontier on the basis of documents and juridical instruments and leave aside everything concerning circumstances or situations defacto." A similar statement appears in the Italian report for that year (A/3463). Be that as it may, I feel compelled to remind my Italian colleague that, by such rejection, the position of his delegation follows that of the Italian Government during the Walwal dispute from which the representatives of present-day Italy have repeatedly claimed to dissociate themselves.

DOCUMENT A /4324

Report of the Italian Government on the measures taken to give effect to General Assembly resolution 1345 (XIII) of 13 December 1958

[Original text: English]
[3 December 1959]

1. By resolution 1213 (XII), unanimously adopted on 14 December 1957, the General Assembly, considering that it was in the common interest of Ethiopia and the Trust Territory of Somalia that there should be a final settlement of the question of the frontier between the two countries before the Territory became an independent sovereign State in 1960, and having regard to the urgency of the matter, expressed the opinion that a final settlement of the problem could be achieved most expeditiously by a procedure of arbitration. To this end, it recommended the parties to establish an Arbitration Tribunal consisting of three jurists, one appointed by Ethiopia, one by Italy and one by agreement between the jurists so appointed. The task of the Tribunal would be to delimit the frontier in accordance with the "terms of reference" to be agreed upon between the two Governments, with the assistance of an independent person to be appointed by agreement between them.

In the course of 1958, as reported by the Italian Government to the General Assembly in a document of 5 December 1958 (A/4030), the parties reached an agreement on the establishment of the Tribunal, but failed to agree on the adoption of the terms of reference and on the appointment of the independent person.

Consequently, the General Assembly, on 13 December 1958, unanimously adopted resolution 1345 (XIII) by which, after reaffirming its resolution 1213 (XII), urged the parties to further intensify their efforts to implement the terms of resolution 1213 (XII). The General Assembly also recommended that the two Governments agree on the choice of an independent person within three months and, failing such agreement, invite His Majesty the King of Norway to nominate such independent person; and, finally, requested the Governments of Ethiopia and of Italy to report to the General Assembly at its fourteenth

session on the measures taken by them to give effect to the resolution.

- 2. In compliance with the foregoing, the Italian Government has now the honour to report to the General Assembly on the steps it has taken to carry out the recommendations contained in resolution 1345 (XIII).
- 3. Within the time limit set by resolution 1345 (XIII). the Ethiopian and Italian Governments exchanged proposals for the appointment of the independent person, but these proposals failed to produce a common choice. Consequently, on 12 March 1958, the Italian Government instructed its Ambassador to Addis Ababa to make arrangements with the Ethiopian Government on the procedure which could be properly followed to contact, jointly or separately, the Norwegian Government in order to ask His Majesty the King of Norway to appoint the independent person. As a result, on 2 April 1958, two notes of the same tenor were presented simultaneously to the Norwegian Ministry of Foreign Affairs by the Ethiopian and the Italian Ambassadors to Oslo. By a note dated 6 May 1959, the Norwegian Ministry of Foreign Affairs informed that His Majesty the King of Norway, acting upon the invitation of the parties, had appointed Mr. Trygve Lie as the independent person entrusted with the task of performing the functions recommended by resolution 1213 (XII) of the General Assembly.
- 4. Mr. Trygve Lie invited delegations of both parties to meet him in Paris on 21 and 22 July 1959. In the course of separate preliminary talks held on this occasion, he proposed that the two delegations convene in Oslo on 3 August to start negotiations on the terms of reference to be submitted to the Arbitration Tribunal. Having accepted Mr. Lie's proposal, the Italian delegation (which included three representatives of the Somali Government) and the Ethiopian delegation met in Oslo from 3 August to 13 August. In meetings held with the assistance of the independent person, the two delegations stated their positions in respect of the terms of reference.
- 5. To clarify the subsequent developments, it may be recalled that in the period of June-July 1958 the Italian and Ethiopian Governments had exchanged their drafts compromis relating to the terms of reference for the Arbitration Tribunal (A/4030, annexes VI and VII), but had failed to reach an agreement for the reasons set forth by each party in its report to the General Assembly (A/4030, A/4031 and Add.1).
- 6. In the course of the negotiations held in Oslo, the Ethiopian delegation took the view that the draft compromis presented in 1958 by its Government should be taken as the basis for the discussions. It reiterated, in so doing, the basic concept underlying its draft, namely, that the task of the Tribunal should be confined to the interpretation of articles I to IV of the Italo-Ethiopian Convention of 1908, thus ruling out all references to other relevant international deeds. Further, the Ethiopian delegation maintained that the question of the frontier should be considered as one of a purely juridical nature. This position, it was maintained, was supported by a number of arguments such as: the wording of General Assembly resolution 392 (V) which recommended the procedures to be followed for the delimitation of the frontier of the Territory of Somalia; the letter of article 1 of the Trusteeship Agreement ("Its boundaries shall be those

- fixed by international agreement"); the fact that resolution 1213 (XII) recommended a procedure of arbitration; and, finally, the fact that the parties themselves have set out the existence of issues and differences which, by the operation of resolutions 392 (V) and 1213 (XII), they have agreed to refer to arbitration by their terms of reference.
- 7. The position taken by the Italian delegation at the Oslo negotiations, on the other hand, was that the terms of reference should not be negotiated solely on the basis of the draft compromis proposed by the Ethiopian Government on 28 July 1958, since the Italian Government had also presented, on 19 June 1958, a draft of its own. Clearly, the Italian draft could not be disregarded as long as the agreed course of the negotiations was to discuss the comparative merits of the two drafts. Otherwise, new proposals should be brought forth. In the view of the Italian delegation, it was not possible, furthermore, to confine the task of the Arbitration Tribunal to the differences that had arisen during the direct bilateral negotiations. In point of fact, these negotiations had come to a close in this preliminary exploratory phase without reaching any practical conclusion, much less a formal agreement, and, looking at the matter from a broader point of view, it seemed clear that the essential goal to reach for all concerned was the attainment of a "final, just, equitable and friendly" solution of the problem of the frontier, as recommended by resolutions 755 (VIII) and 854 (IX) of the General Assembly. In the view of the Italian delegation, the contention that the parties or the Tribunal should confine themselves to the legal interpretation of a document was not substantiated by the very wording of the resolutions. This wording rather seemed to bear witness to the necessity of granting the arbitrators adequate latitude of judgement. This latitude appeared indeed the prerequisite for a final decision that would in all respects achieve the purpose of the General Assembly resolutions. On this particular point, the Italian delegation recalled some pertinent historical precedents relating to the demarcation of boundaries that authoritatively supported its views:
- (1) The Treaty of Lima, entered into by Colombia and Peru in 1904, prescribed that the frontier question pending between the two countries
 - "... shall be resolved taking into account not only the rights and arguments of the law which have been or will be presented, but also the best interests of the High Contracting Parties, reconciling them in such a way that the border line be established in accordance with right and equity".
- (2) The Arbitration Agreement of 1885 between Great Britain and Russia reads as follows:
 - "Il est entendu qu'en traçant cette frontière et en se conformant, autant que possible, à la description de cette ligne dans le présent Protocole, ainsi qu'aux points marqués sur les cartes ci-annexées, lesdits Commissaires tiendront dûment compte des localités et des nécessités et du bien-être des populations locales."
- (3) The Treaty signed in 1938 by Bolivia and Paraguay, to solve the dispute concerning the territory of the Chaco Boreal, granted the arbitrators the power to decide "in their capacity as arbitrators in equity acting ex aequo et bono".

(4) The Treaty of Arbitration concluded in 1908 by Norway and Sweden reads as follows:

"In arriving at their decision, the Commission will take into account ethnographical and historical principles and the state-political interests of each Party (military, strategic, economic and communicational) and the interests of the local population."

In this connexion, the Italian delegation felt that the arbitrators should consider as applicable to the case under examination all resolutions adopted by the General Assembly with regard to the question of the frontier, and not only some of them. As to the expression "by international agreement" appearing in the English texts of resolution 392 (V) and article 1 of the Trusteeship Agreement, the Italian delegation pointed out that the expression had to be interpreted in its general sense and not, as was argued by the Ethiopian delegation, as a mere reference to the 1908 Convention. The fallacy of such an interpretation could easily be proven by comparing the English with the French text, which reads literally par accords internationaux.

In practical reality, however, it could hardly be denied that several references to sections of the frontier still to be delimited could be found in a number of international agreements.

Furthermore, the Italian delegation felt unable to accept the Ethiopian argument according to which the juridical nature of the question was substantiated by General Assembly resolution 1213 (XII) inasmuch as the latter had recommended that the parties avail themselves of the procedure of arbitration, by passing the stage of mediation. The Ethiopian assumption appeared in contradiction with both the official records of the debates on the frontier question in the Fourth Committee during the twelfth and thirteenth sessions and with operative paragraph 1 of resolution 1213 (XII) according to which the General Assembly, considering that the delimitation of the frontier was a matter of urgency, expressed the opinion "that a final settlement can be achieved most expeditiously by a procedure of arbitration".

It is in fact well known that, upon the failure of direct negotiations, the Italian representative, in agreement with the representative of the Somali Government, proposed to the Fourth Committee to move on to the procedure of mediation provided by resolution 392 (V). The proposal, however, was rejected by the Ethiopian representative. It became then necessary for the General Assembly, if it was to overcome the dead-lock brought about by the Ethiopian opposition to the procedure of mediation, to recommend that the parties avail themselves of the arbitration procedure.

Acquiescence to arbitration, prompted solely by the urgency of the matter as stressed by the General Assembly, should, however, not be construed as meaning that the Italian and Somali Governments were agreed that the Tribunal was to be granted only those limited powers which the Ethiopian Government appeared to envisage.

Furthermore, General Assembly resolution 392 (V), by envisaging a possible solution of the problem also through a procedure of mediation, clearly implied that the Tribunal should have recourse to principles

of equity as well, in conformity with normally accepted arbitration procedure.

The Italian delegation finally pointed out that it served little purpose to protract a debate on the two draft <u>compromis</u> presented in 1958, which the parties considered mutually unacceptable.

With a view to overcoming this difficulty, and as evidence of the goodwill of the Italian and Somali Governments, the Italian delegation submitted a second draft compromis (annex I). This new draft, which took into consideration, as far as possible, several points of substance and procedure of the Ethiopian draft compromis of 1958, was fully in keeping with the suggestions made by Mr. Trygve Lie to the two delegations at the beginning of the negotiations. Indeed the new text, which had been agreed upon by the Somali Government, included a specific mention of the Italo-Ethiopian Convention of 1908, a point to which the Ethiopian Government attributed particular importance. Moreover, article XI of the new Italian draft-an essential one in so far as it established the provisions relating to the contents of the awardclosely followed, in its substance and form, article VII of the 1958 Ethiopian draft. Finally, the whole conception of the Italian proposal was based on the general principles and model rules on arbitration adopted by the General Assembly at its thirteenth session.

8. When the Italian draft was considered, the Ethiopian delegation let it be known—at the meeting on 12 August 1959—that it had, after consultations and upon instructions from its Government, to reject it.

Consequently, Mr. Trygve Lie, taking stock of the situation, expressed the view that, the negotiations appearing to have come to a standstill, the two delegations and the independent person could agree to adjourn and resume their proceedings in New York in the second half of October 1959.

Mr. Trygve Lie would devote the intervening period to reappraising all the new elements which had emerged in the course of the negotiations, and possibly to drafting, in his capacity as independent person, a draft compromis of his own. He would then submit it to the attention of the two Governments in order to ascertain whether they would be willing to take it as a basis for future discussions.

9. Mr. Lie then proceeded to elaborate a draft compromis (A/4325, annex I) which he presented to the Ethiopian and Italian Governments on 15 and 22 October 1959, respectively, on the occasion of his visit to Addis Ababa and Rome.

The Italian and Ethiopian Governments accepted the draft <u>compromis</u> proposed by Mr. Trygve Lie as a basis of discussion for the two delegations, whose meetings were scheduled to be resumed in New York on 2 November 1959.

10. Negotiations between the two delegations with the assistance of the independent person were held in New York between 2 and 20 November 1959.

During the plenary sessions and the separate meetings that each delegation had with Mr. Trygve Lie, the parties stated their positions with regard to the draft <u>compromis</u> presented by the independent person, and submitted their amendments thereto.

The Italian delegation submitted ten amendments (A/4325, annex III); in turn, the Ethiopian delegation proposed eighteen amendments (ibid., annex II). Subsequently, the Italian delegation put forward its observations on the amendments proposed by the Ethiopian delegation (ibid., annex IV).

11. The Ethiopian delegation, commenting upon its own amendments, pointed out that, in the course of the conversations held in Oslo, the draft compromis proposed in 1958 by its Government had not been discussed in detail, whereas the second draft presented by the Italian delegation had been the subject of detailed study. This circumstance, according to the Ethiopian delegation, had made it impossible to continue the Oslo negotiations. The Ethiopian delegation, after mentioning the difficulties encountered by its Government in accepting the draft compromis proposed by the independent person, stressed that the Ethiopian amendments did not substantially alter the draft itself, with the only exception of its amendment to sub-paragraph 2 of article IV, which ruled out all reference to third-party treaties.

The Ethiopian delegation stated that it found itself in the necessity of rejecting all but two of the Italian amendments: those concerning article XIII, B and article IX; the latter was, however, declared acceptable with certain reservations. The Ethiopian delegation rejected, in particular, the amendments referring to the use of the term "Somalia" (preamble) and those to article III, to sub-paragraph 2 of article IV, to article VI, A and to article VII, stating that they had been proposed with the intent of establishing a "new frontier".

The Ethiopian delegation declared in conclusion that, in rejecting the Italian amendments, it adhered strictly to the principles laid down in resolutions 392 (V), 1213 (XII) and 1345 (XIII) of the General Assembly.

12. As regards the Italian delegation, in submitting its amendments and in expressing its views on the Ethiopian proposals, it once again reaffirmed its position on the problem of the frontier, namely, that Italy had no direct interest in this issue, it being the exclusive concern of Ethiopia and Somalia, and that it appeared inappropriate and unfounded on the part of Ethiopia to hold Italy responsible for certain acts or initiatives which were solely motivated by its obligations as Administering Power. The Italian delegation also maintained that all resolutions adopted by the General Assembly on this matter had to be taken into consideration and not only those mentioned by the Ethiopian delegation. It was recalled at this point that resolutions 755 (VIII) and 854 (IX) recommended explicitly "a final, just, equitable and friendly settlement of the question of the frontier".

The Italian delegation proceeded then to point out that both the draft presented by it in Oslo and the amendments which it submitted to the draft of the independent person had fully met Ethiopia's fundamental request, namely, that the reference to the 1908 Convention be included in the "terms of reference". The Ethiopian delegation, on its part, by the amendments it proposed to the second paragraph of the preamble, as well as to article III and to subparagraphs 2, 3 and 6 of article IV of Mr. Trygve Lie's draft, stated that it was unable to accept the essential elements of Italy's and Somalia's position (reference

to all relevant international agreements and to "acts of the United Nations"). These elements, however, had been included by the independent person in his draft, as a result of an objective and impartial evaluation of all aspects of the problem. Consequently, the Ethiopian claim that the Italian delegation had aimed at altering the substance of the draft compromis submitted by the independent person appeared clearly unfounded.

These amendments had been drafted with the purpose of placing in a proper perspective the two fundamental points contained in Mr. Lie's draft, and which referred to the main rules applicable by the Tribunal, without altering the substance of the proposal contained therein. In so doing, the Italian delegation was aiming at a rearrangement and at a better balance of those basic provisions, in order to facilitate a satisfactory solution both to Ethiopia and Somalia.

As regards the objection raised by the Ethiopian delegation to the use of the term "Somalia" instead of that of "Trust Territory", the Italian delegation clarified that such a change had been introduced only in response to a specific wish expressed by the Somali Government and that, on the other hand, this expression had already been repeatedly used in a number of official documents of the United Nations.

The Italian delegation then submitted its views with regard to the Ethiopian amendments (A/4325, annex IV), stating that:

It would fully accept the amendments appended to the ninth and tenth preambular paragraphs of the draft of Mr. Trygve Lie, and to article VII;

It would also accept the amendment proposed to the second preambular paragraph, supplementing it with the enumeration of all the resolutions adopted by the General Assembly in the matter;

It would further accept amendments to articles I, III and III (a), provided the Ethiopian delegation accepted the Italian amendment relating to the same articles;

The Italian delegation finally expressed the view that the original text proposed by the independent person should be maintained with respect to articles III (b), III (c), sub-paragraphs 2, 3 and 6 of article IV, VI, B, VIII and XIV of the draft compromis.

Mr. Trygve Lie, after reviewing the new elements that had emerged in the course of the negotiations, expressed the opinion that, although the positions of the two parties had drawn nearer, the progress made did not appear sufficient to lead to an agreement. He stated accordingly that he felt his mission had come to an end and announced his intention to report on the conclusion of the negotiations to His Majesty the King of Norway. The contents of the report would also be brought to the attention of the Secretary-General of the United Nations.

- It remained for the parties, in compliance with resolution 1345 (XIII), to submit a report on the negotiations to the General Assembly.
- 13. The Italian Government regrets that, notwithstanding the assistance of so eminent a personality as Mr. Trygve Lie, an agreement could not be reached between the two delegations.

The Italian Government feels, however, it has done all that was in its power, as Administering Authority, to carry out the procedures recommended by resolution 392 (V).

The Italian Government has always based its efforts on the principle that the spirit of resolution 392 (V), and of all the other resolutions subsequently approved by the General Assembly, was that of laying the foundations for a just and satisfactory solution of the problem of the border between Somalia and Ethiopia and as a fundamental prerequisite for good neighbouring relations and mutual respect between the two countries. It believes it has thus faithfully accomplished the tasks deriving from the Trusteeship Agreement.

The Italian Government, interpreting the hopes of the Somali people, is confident that the General Assembly during its present session—which is the last before the end of the Trusteeship Agreement—will take into careful consideration the vital problem of the frontier of Somalia, so that its people, upon the declaration of their independence, will be endowed with an internationally demarcated territory in which they may devote themselves entirely to the peaceful development of their economy and of their democratic institutions.

ANNEXES

Annex I

DRAFT Compromis PRESENTED BY THE ITALIAN DELE-GATION

The Government of the Italian Republic, as the Power entrusted with the trust administration of Somaliland on the one side, and the Imperial Government of Ethiopia on the other side,

Recalling resolution 392 (V) of the General Assembly of the United Nations of 15 December 1950, and all subsequent resolutions adopted by it concerning the question of the frontier between Ethiopia and the Trust Territory of Somaliland,

<u>Pursuant</u> with resolution 1213 (XII) of 14 December 1957, with which the General Assembly of the United Nations recommended that said Governments should submit to an arbitration tribunal the question concerning the frontier between Ethiopia and the Territory of Somaliland, and that they should agree on the choice of an independent person to assist them in determining the terms of reference for the arbitration,

<u>Pursuant</u> with resolution 1345 (XIII) of 13 December 1958, which, reaffirming resolution 1213 (XII), recommended that the two Governments should invite His Majesty the King of Norway to nominate such an independent person,

Whereas His Majesty the King of Norway, on request of the two Governments, has accepted to make the nomination and, to that effect, has appointed Mr. Trygve Lie,

Whereas the two above-mentioned Governments are desirous of settling the difference in the interest and for the welfare of the local populations in accordance with the principles of the United Nations:

Article I

By the present <u>Compromis</u> said Governments establish an Arbitration Tribunal composed of:

Professor Castrén, President;

Mr. F. Bolla, Member;

Professor Radojković, Member.

Article II

The tasks of the Tribunal shall be:

(a) To award on the question concerning the frontier between the Ethiopian Empire and the Trust Territory of Somaliland under Italian administration;

- (b) Consequently, to determine the boundary line between the Ethiopian Empire and the Territory of Somaliland;
- (c) To deliver its award within six months from the beginning of proceedings;
- (d) To provide directly and with assistance of experts the actual marking, on the ground, of said boundary line.

Article III

For the purposes of delivering its award, the Tribunal shall apply:

- (a) The Convention between Italy and Ethiopia of 16 May 1908 and all relevant international deeds or instruments concluded between the two countries;
- (b) International deeds and instruments concluded by each of the two Parties with third countries, which are relevant for the purpose of settling the difference.

In evaluating said deeds and instruments, the Tribunal may avail itself of officially published international documentation.

The Parties hereto give furthermore to the Tribunal the power to decide <u>ex aequo et bono</u>, as if in the matter in question the Tribunal were legislator.

Article IV

The Tribunal shall give due consideration to any element of evidence produced by each of the two Parties.

The Tribunal shall rule as to admissibility of evidence and as to the probatory value of same.

The Tribunal shall have the power, at any stage of the proceedings, of ordering surveys and appraisals and of ordering, when indispensable, visits to the terrain.

Article V

The two Parties shall appoint to the Tribunal their respective agents who shall act as intermediaries between the Parties and the Tribunal; each Party may provide for its agent the assistance of consultants or experts.

The two Parties, through their respective agents, consultants or experts, may submit to the Tribunal, in writing or verbally, any element they consider useful for the defence of their cause.

Article VI

The proceedings before the Tribunal comprise a written procedure and a discussion.

The written procedure consists of the submission by the agent of each Party to the members of the Tribunal and to the other Party of memoranda and counter memoranda and, if necessary, of rejoinders and counter-rejoinders. Each Party must attach to such papers the documents and pieces of evidence it has mentioned in its favour.

The Tribunal shall fix the terms within which such papers must be submitted.

The discussion consists in the verbal development before the Tribunal of the arguments of the two Parties.

Article VII

The verbal discussion is directed by the President.

After each sitting the minutes relating to it shall be prepared and shall be signed by the President and by the Secretary.

Article VIII

The written procedure having been declared closed by the Tribunal, the Tribunal shall have the power of excluding from the case all acts and documents not yet produced and which either Party may wish to submit without the consent of the other Party. However, the Tribunal shall be free to take into consideration the acts and documents on which the agent, consultants or experts may call the Tribunal's attention, provided they are communicated to the other Party. The latter shall be entitled to ask for an extension of the written

procedure in order to be enabled to submit a memorandum in reply.

The Tribunal may, moreover, ask the Parties to produce any act or document and to ask for any explanation it shall deem necessary. In case of a refusal, the Tribunal shall take formal cognizance of it.

Article IX

After the written and verbal procedures have been declared to be closed, the Tribunal, within the limits provided by Article Π (c) shall deliberate on the question.

The proceedings and minutes of said deliberations shall be secret.

Article X

All the arbitrators must participate in the decision.

The award of the Tribunal shall be adopted by majority.

The award shall mention the names of the arbitrators and shall be signed by the President and by the members of the Tribunal. The arbitrators cannot abstain from voting.

The award shall be considered as delivered as soon as it shall have been read at a public sitting before the agents of the Parties, present or properly convened for this purpose.

The award shall be communicated immediately to the Parties.

Article XI

The award of the Arbitration Tribunal shall contain:

- (a) A detailed evaluation by the Tribunal of all evidence and arguments examined;
- (b) The precise and concrete geographical determination of each geographical point and reference points, together with an exact description of the line which shall be used for delimiting the frontier on the ground;
- (c) The enunciation of the detailed reasons on the basis of which the Tribunal has determined each geographical point and reference;
- (d) The geographical description on the map of the line resulting from the joining of said points and references;
- (e) The description of the modalities according to which the Tribunal, assisted by experts, will proceed to the marking on the ground of the above-mentioned line;
- (f) The names of the experts appointed by the Tribunal for marking on the ground, under the direction of the Tribunal, the above-mentioned line.

Article XII

The Tribunal's award shall constitute the final settlement of the frontier question between Ethiopia and Somaliland.

The award shall be binding for the two Parties from the moment it is delivered; it must be executed immediately in good faith.

Article XIII

The language to be used for the written procedure shall be the English language.

Article XIV

Article XV

The two Parties shall be liable, in equal measure, for the expenses necessary for the functioning of the Tribunal, including allowances and fees due to the arbitrators and experts, which shall be fixed by the Tribunal, after consultation with the two Governments.

Each Party shall pay the fees due to its own agents and technical advisers.

Article XVI

The two Parties entrust to Mr. Trygve Lie the task of bringing officially to the knowledge of the Secretary-General of the United Nations the present Compromis.

Article XVII

The present Compromis shall enter into force on the date on which it shall be signed.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly empowered, have signed the present Agreement.

Annex II

DRAFT Compromis PRESENTED BY MR. TRYGVE LIE [For the text of this draft Compromis, see document A/4325, annex I, below.]

Annex III

ITALIAN AMENDMENTS TO THE DRAFT Compromis PRE-SENTED BY MR. TRYGVE LIE

[For the text of these amendments, see document A/4325, annex III, below.]

Annex IV

ETHIOPIAN AMENDMENTS TO THE DRAFT Compromis PRESENTED BY MR. TRYGVE LIE

[For the text of these amendments, see document A/4325, annex II, below.]

Annex V

VIEWS EXPRESSED BY THE ITALIAN DELEGATION ON THE ETHIOPIAN AMENDMENTS TO THE DRAFT Compromis PRESENTED BY MR. TRYGVE LIE

[For the text of the views expressed by the Italian delegation, see document A/4325, annex IV, below.]

DOCUMENT A /4325

Letter dated 25 November 1959 from Mr. Trygve Lie to the Secretary-General

[Original text: English]
[3 December 1959]

[Note by the Secretary-General. The Secretary-General has the honour to inform the Members of the General Assembly that he has received a letter dated 25 November 1959 addressed to him by Mr. Trygve Lie, nominated by His Majesty the King of Norway in pursuance of operative paragraph 3 of

General Assembly resolution 1345 (XIII) of 13 December 1958.

The text of the letter is circulated to the Members of the General Assembly for their information, together with the four following documents which were enclosed in the letter:

- (a) Draft Compromis presented by Mr. Trygve Lie to the Governments of Ethiopia and Italy;
 - (b) Ethiopian amendments to the draft Compromis;
 - (c) Italian amendments to the draft Compromis;
- (d) Views expressed by the Italian delegation on the Ethiopian amendments to the draft Compromis.]

LETTER DATED 25 NOVEMBER 1959 FROM MR. TRYGVE LIE TO THE SECRETARY-GENERAL

New York, 25 November 1959

I have the honour to transmit the draft <u>compromis</u> which I have presented to the Governments of Ethiopia and Italy together with the amendments presented by the two parties to my proposal. I furthermore enclose a document containing the views of the Italian delegation regarding the Ethiopian amendments.

(Signed) Trygve LIE

ANNEXES

Annex I

DRAFT Compromis PRESENTED BY MR. TRYGVE LIE TO THE GOVERNMENTS OF ETHIOPIA AND ITALY

Whereas the Convention of 16 May 1908 between Ethiopia and Italy established a frontier (hereinafter denominated the "frontier") between Ethiopia and the Territory of Italian Somaliland,, now known as the Trust Territory of Somaliland under Italian administration (hereinafter denominated the "Trust Territory"),

Recalling resolution 392 (V) of the General Assembly of the United Nations of 15 December 1950, and all subsequent resolutions adopted by it concerning the delimitation of the frontier between Ethiopia and the Trust Territory of Somaliland,

Whereas no delimitation on the ground of the frontier has been effected as required by the Convention,

Whereas it has been and is the desire of Ethiopia and of Italy, as the administering Power of the Trust Territory, to establish a delimitation of the frontier on the ground before the Trust Territory shall attain its independence,

Whereas, to this end, Ethiopia and Italy (hereinafter denominated "the High Contracting Parties") had entered into negotiations in order to agree upon a delimitation of the frontier on the ground,

Whereas differences have arisen in the course of such negotiations, which, not having been resolved, have, so far, precluded the successful conclusion of such negotiations,

Whereas the High Contracting Parties are desirous of resolving these differences by a procedure of arbitration,

Whereas, by its resolution 1213 (XII) of 14 December 1957, the General Assembly of the United Nations expressed the opinion that a final settlement can be achieved most expeditiously by a procedure of arbitration, and that the Parties should agree on the choice of an independent person to assist them in determining the terms of reference for the arbitration,

<u>Pursuant</u> with resolution 1345 (XIII) of 13 December 1958, which, reaffirming resolution 1213 (XII), recommended that the two Governments should invite His Majesty the King of Norway to nominate such an independent person,

Whereas His Majesty the King of Norway, on request of the two Governments, has accepted to make the nomination and, to that effect, has appointed Mr. Trygve Lie,

Whereas the two above-mentioned Governments are desirous of settling the difference in accordance with the principles of the United Nations,

Now, therefore, the High Contracting Parties have, to this end, agreed as follows:

Article 1

The High Contracting Parties hereby establish an Arbitration Tribunal (hereinafter denominated the "Tribunal"), consisting of:

Professor Eric Castrén (Finland), President;

Professor Miloš Radojković (Yugoslavia), Member;

Mr. Plinio Bolla (Switzerland), Member.

Article II

The two Parties shall appoint to the Tribunal their respective agents who shall act as intermediaries between the Parties and the Tribunal; each Party may provide for its agent the assistance of consultants or experts.

Article III

The tasks of the Tribunal shall be:

- (a) On the basis of the Convention of 16 May 1908 and in harmony with the principles of the United Nations, to ascertain through interpretation of all the language of the said Convention what, as of 16 May 1908, was the frontier establishing the limits of sovereignty between Ethiopia and the territory now known as the Trust Territory;
- (b) To arrive at and deliver to the High Contracting Parties an award in writing which shall comply with all of the provisions of article V hereof;
- (c) The Tribunal shall undertake or perform no other duties, responsibilities, functions or activities except by written agreement concluded between the High Contracting Parties before the date fixed in article IX hereof.

Article IV

Each High Contracting Party may produce before the Tribunal:

- 1. Evidence of facts or reputed facts which existed or were reputed to exist on or before 16 May 1908;
- 2. International deeds, treaties, agreements or protocols concluded on or before 16 May 1908, which are relevant for the interpretation of articles I to IV of the said Convention of 16 May 1908;
- 3. Evidence of facts which existed subsequent to 16 May 1908, to the extent that they directly clarify or demonstrate the facts which existed or were reputed to exist on or before 16 May 1908;
- 4. Declarations, assertions, statements and representations of or published by the other High Contracting Party, made subsequent to 16 May 1908, purporting to represent the frontier as understood by it;
- 5. Arguments exclusively directed to and concerned with evidence of facts, agreements, declarations, assertions, statements, representations and interpretations produced before or submitted to the Tribunal in accordance with the provisions of this article;
- 6. Resolutions and acts of the United Nations concerning the question of the delimitation of the Somali-Ethiopian frontier.

No evidence or arguments of any nature whatsoever other than those produced before the Tribunal in accordance with the provisions of this article may be produced before or received by the Tribunal, except by written agreement concluded between the High Contracting Parties before the termination of proceedings before the Tribunal.

Article V

- A. The award of the Tribunal shall contain:
- 1. A detailed evaluation of all evidence and arguments produced before or submitted to it;
- 2. A precise and positive geographical determination of each geographical point and reference point, together with an exact description of the line which shall serve for the delimitation of the frontier on the ground set forth in co-ordinates

of latitude and longitude reduced to degrees, minutes and seconds;

- 3. The enunciation of the detailed reasons on the basis of which the Tribunal has determined each geographical point and reference;
- 4. The geographical description on the map of the line resulting from the joining of said points and references;
- 5. The description of the modalities according to which the Tribunal, assisted by experts, will proceed to the marking on the ground of the above-mentioned line;
- 6. The names of the experts appointed by the Tribunal for marking on the ground, under the direction of the Tribunal, the above-mentioned line.
- B. Any member of the Tribunal who disagrees in whole or in part with the line provided for in paragraph A 4 of this article may prepare a dissenting opinion setting forth in detail the reasons for his disagreement with respect to said line, and the Tribunal shall communicate any such dissenting opinion to the High Contracting Parties in the manner specified in paragraph C of this article.
- C. The Tribunal shall complete and communicate immediately its award to each of the High Contracting Parties in four copies each, simultaneously.

Article VI

- A. For the purposes of this arbitration, the Amharic, Italian and English texts of the Convention, appended to this <u>Compromis</u>, shall be utilized by the Tribunal. The High Contracting Parties agree that the Amharic and Italian texts of the Convention shall be of equal force and validity before the Tribunal which shall, however, have the right to take also into consideration the English version appended to this <u>Compromis</u>.
- B. For the purposes of articles III through VII of this <u>Compromis</u>, only the maps appended to this <u>Compromis</u> shall be utilized by the Tribunal.

Article VII

The Tribunal shall sit at

Article VIII

- A. The presence of all three members of the Tribunal shall be required for the conduct of proceedings before it and for all of its deliberations.
- B. The proceedings before the Tribunal shall be oral and may be conducted in either the English or French language. The Tribunal shall cause to be prepared authenticated translations into the other language of all evidence produced before it in one of the two languages. A verbatim record shall be maintained of all proceedings before the Tribunal, and authenticated copies shall be established of such verbatim records and of all documents produced as evidence before the Tribunal in accordance with the provisions of article IV hereof.
- C. All proceedings before the Tribunal shall be public, except that each High Contracting Party may require that such proceedings be held confidential and be behind closed doors for a total not to exceed (10) hours for each such High Contracting Party. Each High Contracting Party may require that the confidential character of any evidence or arguments produced or submitted by it before the Tribunal shall be respected by the latter and shall be excluded from publication in the award or in any dissenting opinion.
- D. Each High Contracting Party and each of the three members of the Tribunal may:
- 1. Obtain during each day of proceedings one ten-minute suspension of session;
- 2. Obtain a total of not to exceed ten days of suspension of proceedings.

Article IX

Article X

- A. The deliberation of the three members of the Tribunal amongst themselves shall be secret pending the delivery of the award to the High Contracting Parties.
- B. Decisions on all matters of substance and procedure shall be taken by majority vote of the three members of the Tribunal provided, however, that in the absence of a majority vote for the award of the Tribunal, the decision of the President, together with the line proposed by him to serve as the line required by paragraph A 4 of article V hereof, shall pro tanto prevail.

Article XI

- A. Defore receiving the respective statements, evidence or arguments of the High Contracting Parties, the Tribunal shall draw up rules of procedure consistent with the requirements and provisions of this Compromis.
- B. The rules of procedure to be drawn up by the Tribunal pursuant to paragraph A of this article shall provide that both High Contracting Parties shall, on the same day, set forth before the Tribunal an initial statement of their case, which shall contain a full indication of all evidence invoked or intended to be invoked by them. The representative of Italy shall first present such initial statement. Such initial statement shall be made to the Tribunal not later than

Article XII

The Tribunal shall be supplied with such secretarial and other services as, in the opinion of the Tribunal, shall be requisite. The honoraria and all expenses of the arbitration shall be shared equally between the High Contracting Parties. The High Contracting Parties shall agree on the honoraria of the members of the Tribunal. All other expenses shall be certified by the President.

Article XIII

A. Each High Contracting Party and each member of the Tribunal may enter objections to the production of or to any evidence on the ground that it is inconsistent with the requirements set out in articles III and IV hereof, or with the rules of procedure established by the Tribunal pursuant to article XI hereof, or with the rules governing proceedings before the Tribunal as set forth herein. In the event that any objections shall be made alleging as basis the provisions of this paragraph A of this article, the proceedings of the Tribunal shall be suspended until a decision shall have been reached by the Tribunal with respect to such objection.

B. Anything in this Compromis to the contrary notwithstanding, all differences which arise involving the interpretation of this Compromis, whether between the High Contracting Parties, between the Tribunal and one or both of the High Contracting Parties, or between any two or more members of the Tribunal, shall be settled by the High Contracting Parties. Each High Contracting Party may enter objections, and each member of the Tribunal may manifest opposition to the taking by the Tribunal of action or to the exercise by it of functions exceeding its jurisdiction, functions or competence as established and determined by this Compromis, or to the admission by the Tribunal of evidence or arguments relating to matters which, according to either of the High Contracting Parties, are within its national jurisdiction as understood by that Party. If any objection is so made or any opposition so manifested, or if any other difference as described in the first sentence of this paragraph or otherwise shall arise involving the interpretation of this Compromis, the Tribunal shall promptly suspend all proceedings and deliberations pending a decision reached in regard thereto by agreement between the High Contracting Parties.

Article XIV

The Tribunal's award shall constitute the final settlement of the frontier question between Ethiopia and Somaliland.

The award shall be binding for the two Parties from the moment it is delivered; it must be executed immediately in good faith.

Article XV

The present Compromis shall enter into force on the date on which it shall be signed.

Article XVI

Annex II

ETHIOPIAN AMENDMENTS TO THE DRAFT Compromis

Second preambular paragraph:

Replace the words "all subsequent" with "the consequent". Replace the word "concerning" with "for".

Sixth preambular paragraph:

Include the words "of interpretation of the Convention" between "differences" and "have arisen".

Ninth preambular paragraph:

Replace the words "Pursuant with" with the words "Pursuant to".

Tenth preambular paragraph:

Replace the word "on" request of ... with the words "at the" request of ...

Add to the paragraph the words "as independent person to assist the Parties in the negotiation of the terms of reference for arbitration as provided in General Assembly resolutions 1213 (XII) and 1345 (XIII),".

Article I:

Include the following words at the beginning of the article: *For the purpose of delivering the award as provided in this Compromis, * the High Contracting Parties hereby ...

Article III:

Include the following words at the beginning of the article: "In harmony with the principles of the Charter and the abovementioned resolutions of the General Assembly,".

Sub-paragraph (a):

Replace the words "On the basis of" with the words "in conformity with".

Sub-paragraph (b):

Include the following words at the beginning of the subparagraph: "By juridical processes".

Replace the words "article V hereof" with "this Compromis;". Sub-paragraph (c):

Add to the sub-paragraph the words "nor shall it seek to resolve differences resolved during the negotiations.".

Article IV:

Add to the first sentence the words "for the interpretation of the Convention, relevant; ".

Sub-paragraph 2:

Include the words "between the High Contracting Parties" between "protocols concluded" and "on or before 16 May 1908;".

Sub-paragraph 3:

Add to the sub-paragraph the words "provided, however, that neither of the High Contracting Parties, northe Tribunal may draw therefrom other than purely factual conclusions in terms of the facts which existed on or before 16 May 1908;".

Sub-paragraph 6:

Delete this sub-paragraph and replace it with the words "Each High Contracting Party may also produce before the Tribunal negotiations between the High Contracting Parties, their declarations at the United Nations and resolutions of the United Nations for the delimitation of the Somali-Ethiopian frontier."

In the last sentence of this article, include the words "de facto" after the words "No evidence or arguments".

Article VI, paragraph B:

Replace the words "articles III through VII" with "article V".

Article VII:

Add the following sentence to the article: "Upon prior agreement between the two Parties, it may sit elsewhere."

Article VIII:

Add as paragraph E the following:

"E. Only the persons referred to in article II of this Compromis may appear before or be heard by the Tribunal."

Article XIV:

Replace in the second sentence the words "the two Parties" with "erga omnes".

Annex III

ITALIAN AMENDMENTS TO THE DRAFT Compromis

Replace the words "Trust Territory" with "Somalia".

First preambular paragraph:

Replace this preambular paragraph with the following:

"The Government of the Italian Republic, as the Power entrusted with the trust administration of the territory formerly known as Italian Somaliland (hereinafter denominated "Somalia") on the one side, and the Imperial Ethiopian Government on the other side,".

Third preambular paragraph:

Replace this preambular paragraph with the following:

"Whereas no delimitation of the frontier has been so far effected by international agreement and in the interest of the relations of good neighbourhood and mutual respect between Ethiopia and Somalia,".

Fifth preambular paragraph:

Delete the words "on the ground".

Article III:

Replace sub-paragraph (a) with the following:

"(a) To delimit the frontier, in harmony with the principles of the United Nations, on the basis of treaties, agreements, including the Italo-Ethiopian Convention of 16 May 1908 and its additional deed and of all other international deeds and protocols which are relevant for the purpose of such delimitation; ".

Article IV, sub-paragraph 2:

Delete the words "concluded on or before 16 May 1908", and replace the words "the interpretation of articles I to IV of the said Convention of 16 May 1908" with the words "the delimitation of the frontier;".

Article VI, paragraph A:

Replace the words "and English texts of the Convention, appended to this Compromis," with the words "English and French texts of relevant international agreements", and delete the words "The High Contracting Parties agree that the Amharic and Italian texts of the Convention shall be of equal force and validity before the Tribunal which shall, however, have the right to take also into consideration the English version appended to this Compromis."

Article VII:

Add the words "Geneva and, before delivering its award, shall make a survey of the area concerned."

Article IX:

Add the words "four months" and replace the words "months from the beginning of proceedings" with the words "from the date of its first meeting which shall take place within one month from the signature of the present Compromis."

Article XIII, paragraph B:

Delete the words "as understood by that Party" at the end of the second sentence.

Annex (V

VIEWS EXPRESSED BY THE ITALIAN DELEGATION ON THE ETHIOPIAN AMENDMENTS TO THE DRAFT Compromis

Second preambular paragraph:

Amendment accepted, with the understanding that the following further additions are introduced. The proposed text would read as follows:

"... and the consequent resolutions adopted by it for the delimitation of the frontier between Ethiopia and the Trust

Territory of Somaliland, that is: resolutions 755 (VII), 854 (IX), 947 (X), 1068 (XI), 1213 (XII) and 1345 (XIII), .

Sixth preambular paragraph:

The text proposed by the independent person is maintained. Amendment not accepted.

Ninth preambular paragraph:

Amendment accepted.

Tenth preambular paragraph:

Amendment accepted.

Article I:

Amendment accepted on condition that the words "and fulfilling the tasks provided for" are included between the words "award" and the words "in this <u>Compromis</u>", in the Ethiopian draft amendment, partially modifying it.

Article III:

Amendment accepted on the understanding that the text proposed for the second preambular paragraph is adopted. Sub-paragraph (a):

Amendment accepted on condition that the amendment proposed by the Italian delegation on the same paragraph is adopted.

Sub-paragraph (b):

The text proposed by the independent person is maintained. Amendment not accepted.

Sub-paragraph (c):

The text proposed by the independent person is maintained. Amendment not accepted.

Article IV:

The text proposed by the independent person is maintained. Amendment not accepted.

Sub-paragraph 2:

The text proposed by the independent person is maintained. Amendment not accepted.

Sub-paragraph 3:

The text proposed by the independent person is maintained. Amendment not accepted.

Sub-paragraph 6:

The text proposed by the independent person is maintained. Amendment not accepted.

Article VI, paragraph B:

The text proposed by the independent person is maintained. Amendment not accepted.

Article VII:

Amendment accepted.

Article VIII:

The text proposed by the independent person is maintained. Amendment not accepted.

Article XIV:

Some clarification of the proposed amendment would be greatly appreciated. Would the Contracting Parties impose recognition of the award on all other States?

DOCUMENT A /4350

Report of the Fourth Committee

[Original text: English] [11 December 1959]

- 1. By its resolution 1345 (XIII) of 13 December 1958on the question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia, the General Assembly noted with satisfaction that an arbitration tribunal had been set up to delimit the frontier, but noted with regret that the Governments of Ethiopia and Italy had not so far reached agreement on the terms for the arbitration or on the appointment of an independent person to assist them in formulating the terms of reference. The General Assembly accordingly urged the parties once again to intensify their efforts to find a solution to the question and recommended that the two Governments should agree on the choice of an independent person within three months and, failing such agreement, should invite His Majesty the King of Norway to nominate such a person. Finally, the General Assembly requested the two Governments to report to it at the fourteenth session on the measures taken by them to give effect to the resolution.
- 2. In accordance with the above-mentioned resolution, the General Assembly included the following item in the agenda of its fourteenth session:

"Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy."

At its 803rd plenary meeting on 22 September 1959, the General Assembly allocated that item to the Fourth Committee

3. When the Fourth Committee began consideration

of this question, it had before it not only the reports of the Governments of Ethiopia (A/4323) and Italy (A/4324), but also a letter and accompanying documents (A/4325) which the Secretary-General had received from Mr. Trygve Lie, who had been appointed by His Majesty the King of Norway as the independent person, in pursuance of General Assembly resolution 1345 (XIII). From these reports it emerged that, despite the acceptance by both Governments of a draft compromis prepared by the independent person as a basis for discussion, they had presented certain amendments to it, which were mutually unacceptable. Agreement had not therefore been reached on the terms of reference of the arbitration tribunal.

- 4. At the 986th and 990th meetings of the Fourth Committee on 4 and 7 December, opening statements on this question were made by the representatives of Ethiopia and of Italy and by the Minister of Industry and Commerce of the Government of Somalia. At the 991st meeting on 7 December, Mr. Mohamed Hussen Hamud (Great Somalia League) and Mr. Abubacar Hamoud Socoro (Somali National Union), to whom the Committee had decided at the previous meeting by 19 votes to 7, with 26 abstentions, to grant a hearing, appeared as petitioners.
- 5. The general debate on this item took place from the 997th to the 1001st meetings on 10 and 11 December 1959.
- 6. In the absence of any proposal, the Fourth Committee regrets to inform the General Assembly that it has no draft resolution to recommend.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 40 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3463	Report of the Italian Government on the progress of direct negotiations between the Governments of Ethiopia and of Italy concerning the delimitation of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia	Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 40
A/3754 and Add.1	Report of the Italian Government on the progress of direct negotiations between the Governments of Ethiopia and of Italy concerning the delimitation of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia	Ibid., Twelfth Session, Annexes, agenda item 39
A/3859 and Corr.1	Report of the International Law Commission covering the work of its tenth session (28 April-4 July 1958)	Ibid., Thirteenth Session, Supplement No. 9
A/4030	Report of the Italian Government on the measures taken to give effect to General Assembly resolution 1213 (XII) of 14 December 1957	Ibid:, Thirteenth Session, An- nexes, agenda item 41
A/4031 and Add.1	Report of the Ethiopian Government on the steps taken to establish an arbitration tribunal and the terms of reference thereof as recommended in General Assembly resolution 1213 (XII) of 14 December 1957	<u>Ibid.</u>
T/484	Letter, dated 1 March 1950, received by the President of the Trusteeship Council from the Permanent United Kingdom Representative on the Council	Official Records of the Trustee- ship Council, Sixth Session, Annex, Vol. I, agenda item 18
T/947 and Corr.1	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Somaliland under Italian administration	Ibid., Eleventh Session, Supplement No. 4
T/1372	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration covering the period from 1 April 1957 to 31 March 1958	Ibid., Twenty-second Session, Annexes, agenda item 17
T/PV.625	Verbatim record of the 625th meeting of the Trusteeship Council	Mimeographed

GENERAL ASSEMBLY



Agenda item 41*

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 41: The future of the Trust Territory of the Cameroons under United Kingdom administration:**

- (a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting;
- (b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council

CONTENTS

Document No.	Title	Page
A/C.4/412	Memorandum by the Secretary-General	2
(a) Organization of the plebiscite	in the southern part of the Territory: question of the two alternatives to be put to the people and	
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^{*}Agenda item 41, addendum, is printed as a separate fascicle and contains only the report of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration on the organization, conduct and results of the plebiscite in the northern part of the Territory, document A/4314 and Add.1.

^{**}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 885th to 894th, 896th to 899th, 901st to 904th, 908th, 987th to 996th meetings; ibid., Fifth Committee, 722nd meeting; and ibid., Plenary meetings. 829th and 857th meetings.

DOCUMENT A/C.4/412

Memorandum by the Secretary-General

[Original text: English] [24 September 1959]

- 1. The Secretary-General wishes to bring to the attention of the members of the Fourth Committee 120 communications concerning the future of the Trust Territory of the Cameroons under United Kingdom administration which raise specific matters relating to the plebiscites to be held in the northern and southern parts of the Territory, including the electoral register for the plebiscite in the northern part and the question of the alternatives to be put to the people and the qualifications for voting for the plebiscite in the southern part.
- 2. These communications have been received since the adoption by the General Assembly of resolution

1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration, and have been circulated in the following documents:

T/PET.4/L.16 (two communications), 17 (four communications), 18, 19, 20 (ten communications), 21 - 28;

T/COM.4/L.38, 42, 43;

T/PET.4 and 5/L.51 (87 communications), 52, 53; T/COM.4 and 5/L.5, 6.

(a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting

DOCUMENT A/C.4/414

Agreed statement by Mr. J. N. Foncha, Premier of the Southern Cameroons, and Mr. E. M. L. Endeley, Leader of the Opposition in the Southern Cameroons House of Assembly

[Original text: English] [30 September 1959]

Coming back to the United Nations after six months, we, the elected leaders of the Government and political parties in the Southern Cameroons House of Assembly, have been greatly encouraged, as we were at the thirteenth sesion, by the friendly interest of delegations and their concern for the welfare of our people. We for our part are anxious, by reaching agreement among ourselves as to the next step to be taken, to help the work of the Fourth Committee and still more important to promote the future well-being of our people.

We have had the advantage of discussions with the representatives of African Member States in the United Nations, whose sympathy and help we greatly appreciate, and with our colleagues in the United Kingdom delegation, who share with us the task of interpreting to the Unid Nations the wishes and aspirations of the people of the Southern Cameroons.

We are both of us of course anxious that the Southern Cameroons should attain independence as early as circumstances permit in the form most suited to its circumstances and the wishes of the people. But, since the parties represented in the House of Assembly were not able to agree during recent discussion in the Southern Cameroons on the arrangements for a plebiscite in 1960, we think that it would be wiser to defer consultation with the people for the time being.

Subject therefore to the agreement of the General Assembly, we are agreed as follows:

- (1) There should be no plebiscite in the Southern Cameroons in 1960.
- (2) Pending settlement of its future the Southern Cameroons should continue to be administered under

the present Trusteeship Agreement, but separately from Nigeria. We understand that the United Kingdom Government would be prepared to continue to administer it on this basis.

- (3) The separation of the administration of the Southern Cameroons from that of the Federation of Nigeria should be completed not later than the date on which the Federation of Nigeria becomes independent.
- (4) The Administering Authority, in consultation with the Government and Legislature of the Government and Legislature of the Southern Cameroons, should take steps to complete the separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960, the date on which the Federation of Nigeria becomes independent.
- (5) The Administering Authority, in co-operation with the Government and people of the Southern Cameroons, should work towards the achievement of the objectives of the Trusteeship System in accordance with Article 76 b of the United Nations Charter.
- (6) In the light of the above we suggest that the General Assembly should decide to consider this question not later that its sixteenth session with a view to ascertaining the wishes of the people of the Territory in 1962 as to their future.
- (7) We would be agreeable if the General Assembly should recommend that, in agreement with the Administering Authority, the Trusteeship Agreement should be terminated not later than 26 October 1962, in accordance with Article 76 of the United Nations Charter.

DOCUMENT A/C.4/L.591 AND ADD.11/

Cuba, Ghana, Guinea, Liberia, Libya, Mexico, Morocco, Panama, Sudan, Tunisia, United Arab Republic and United States of America: draft resolution

[Original text: English]
[7 October 1959]

The General Assembly,

Recalling its resolution 1350 (XIII) of 13 March 1959, which expressed the hope that all concerned in the Territory would endeavour to reach agreement before the opening of the fourteenth session of the General Assembly on the alternatives to be put in the plebiscite in the Southern Cameroons and the qualifications for voting in it,

Noting the statements made by the representative of the Administering Authority, by de Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly to the effect that no agreement was reache before the fourteenth session of the General Assembly as to the alternatives to be put in the plebiscite, and the qualifications for voting in it,

 $\underline{\text{Noting}}$ the opinions expressed during the debate on this question at the fourteenth session of the General Assembly,

Noting the statements made by the Premier of the Southern Cameroons and by de Leader of the Opposition in the Southern Cameroons House of Assembly at the 898th meeting of the Fourth Committee, on 7 October 1959,

- 1. <u>Decides</u> that the arrangements for the plebiscite referred to in General Assembly resolution 1350 (XIII) shall begin on 30 September 1960, and that the plebiscite shall be concluded not later than March 1961;
- 2. Recommends that the two questions to be put at the plebiscite should be:
 - "(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?
 - "(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?";
- 3. <u>Recommends</u> that only persons born in the Southern Cameroons or one of whose parents was born in the Southern Cameroons should vote in the plebiscite;
- 4. Recommends that the Administering Authority, in consultation with the Government of the Southern Cameroons, take steps to implement the separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960.

DOCUMENT A/C.5/789

Financial implications of the draft resolution submitted by the Fourth Committee in document A/4240 Note by the Secretary-General

[Original text: English] [15 October 1959]

- 1. According to the draft resolution adopted by the Fourth Committee at its 903rd meeting (A/4240, para. 12) the arrangements for the plebiscite for the Southern Cameroons referred to in resolution 1350 (XIII) should begin on 30 September 1960, and the plebiscite should be concluded not later than March 1961.
- 2. The General Assembly, in its resolution 1350 (XIII) of 13 March 1959, recommended that in the northern part of the Territory the plebiscite should take place about the middle of November 1959 and that in the southern part of the Territory the plebiscite should

be conducted between the beginning of December 1959 and the end of April 1960. On the basis of this resolution the Secretary-General requested \$110,000 for $1959\frac{2}{}$ and \$59,500 for $1960\frac{3}{}$.

3. The financial implications of the draft resolution adopted by the Fourth Committee may be tabulated as follows:

 $[\]frac{3}{}$ See A/4110.

	1959 (Northern part)	1960 (Southe:	1961 rn part)	Total 1959, 1960, 1961
	Uni	ted States d	ollars	
Salaries and wages	18,000	29,000	28,200	75,200
Travel and subsistence	43,000 700	55,900 900	17,800 700	116,700 2,300
Local transportation	9,400	12,300	10,800	32,500
Communications	1,000 8,000	1,700 1,500	1,500 1,500	4,200 11,000
Miscellaneous supplies and services	6,200	5,100	900	12,200
Hospitality	400	300	300	1,000
TOTAL	86,700	106,700	61,700	255,100

 $[\]frac{1}{2}$ Document A/C.4/L.591/Add.1, dated 8 October 1959, indicated the addition of Cuba and Panama to the list of sponsors of the draft resolution.

^{2/} See A/4198.

- 4. In the estimate for salaries, provision is made for the Plebiscite Commissioner at Under-Secretary level (\$62,300); replacement at Headquarters of staff sent to the field (\$9,200); and local interpreters, clerks, typists and messengers (\$3,700).
- 5. The travel account provides for round-trip travel to the Cameroons in 1959 and again in 1960 for the entire staff of twenty-two (\$71,600) and subsistence (\$45,100).
- 6. The estimate for local transportation comprises drivers' salaries, maintenance and operations costs for nineteen jeeps and two station wagons (\$27,100); and local air transportation (\$5,400).
- 7. The item concerning miscellaneous supplies and services provides for a clothing allowance of \$150 for each staff member (\$6,600); medical supplies (\$2,100); tropical equipment (\$2,100) and stationery (\$1,400). The freight estimate includes the cost of shipping jeeps and camping equipment from the surplus stock of the United Nations Observer Group in Lebanon (\$7 000).
- 8. In the event of the adoption of the draft resolution by the General Assembly the Secretary-General would expect to realize a saving of \$23,300 in the estimates of \$110,000 submitted for 1959; incur and additional expenditure of \$47,200 over the \$59,500 already

included in the budget estimates for 1960; and incur a further expenditure of \$61,700 during 1961.

9. Income from staff assessment is estimated at \$19,300.

ANNEX

Manning-table for the plebiscites for the Cameroons under United Kingdom administration

(The same manning-table will apply for the plebiscites in the northern and southern parts)

Title	No. of staff
Plebiscite Commissioner 2/	1
Principal Secretary	1
Political Affairs Officer	1
Legal Affairs Officer	1
Information Officer	1
Administrative Officer	1
Finance Assistant	1
Secretaries	2
Field Service	3
Observers	<u>10</u>
TOTAL STAFF	22

^{2/}Internationally recruited: all other staff to be detailed from the regular establishment.

DOCUMENT A /4240

Report of the Fourth Committee

[Original text: English]
[14 October 1959]

- 1. By its resolution 1350 (XIII) of 13 March 1959 on the future of the Cameroons under United Kingdom administration, the General Assembly recommended that separate plebiscites be held in the northern and southern parts of that Territory in order to ascertain the wishes of the inhabitants of the Territory concerning their future. After making recommendations concerning the holding of the plebiscite in the northern part in November 1959, the General Assembly further recommended that the plebiscite in the southern part should be conducted between the beginning of December 1959 and the end of April 1960 and decided that the two alternatives to be put to the people and the qualifications for voting in the plebiscite there should be considered by the General Assembly at its fourteenth session.
- 2. In accordance with the above-mentioned resolution, the GENERAL Assembly included the following item in the agenda of its fourteenth session:
 - "41. The future of the Trust Territory of the Cameroons under United Kingdom administration:
 - "(a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting;
 - "(b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council."

At its 803rd plenary meeting, the General Assembly allocated that agenda item to the Fourth Committee.

- 3. At its 883rd meeting, the Fourth Committee decided to consider the organization of the plebiscite in the southern part of the Territory as the first item of its agenda. At the same meeting it decided without objection to grant requests for hearings before the Committee in connexion with this question submitted by Mr. Namaso N. Mbile on behalf of the Kamerun people's Party and by Mr. Ndeh Ntumazah on behalf of One Kamarun (A/C.4/408, sect. 2 and 3).
- 4. At its 885th meeting, the Committee heard statements by the representative of the United Kingdom, by Mr. J. N. Foncha, Premier of the Southern Cameroons and by Mr. E. M. L. Endeley, Leader of the Opposition in the Southern Cameroons House of Assembly, speaking as member of the United Kingdom delegation. From these statements it emerged that the parties concerned had not, as had been hoped by the General Assembly in its resolution 1350 (XIII), been able to reach agreement on the alternatives to be put in the plebiscite and on the qualifications for voting. Mr. Foncha, on behalf of the Kamerun National Democratic Party, expressed the view that the Territory should be separated from Nigeria with a period of continued trusteeship; he therefore considered that that course should be the alternative in the plebiscite to integration with an independent Nigeria; moreover, only persons born in the Southern Cameroons should take part in the plebiscite. Mr. Endeley, on behalf of the Kamerun National Congress, which was in favour of the Southern Cameroons continuing as an autonomous self-governing region in an independent Federation of Nigeria,

considered that the alternative to that course should be secession from Nigeria in order to effect reunification with the Cameroons Republic; he also considered that the existing voting qualifications, which included Nigerian and French Cameroonian inhabitants, should be maintained.

- 5. Mr. Mbile (Kamerun People's Party) and Mr. Ntumazah (One Kamerun), appearing as petitioners, made statements at the 885th and 889th meetings respectively. From the 885th to 890th meetings, members of the Committee put questions to the United Kingdom delegation and to the petitioners with a view to clarifying the position of the Cameroonians who had made statements to it.
- 6. At the 890th meeting, Mr. Foncha and Mr. Endeley presented to the Committee a joint written statement (A/C.4/414), in which they stated that they agreed, subject to the agreement of the General Assembly, that there should be no plebiscite in the Southern Cameroons in 1960, and that pending settlement of its future the Southern Cameroons should be administered under the present Trusteeship Agreement, but should be separated from Nigeria not later than 1 October 1960; that the wishes of the people should be ascertained in 1962 and that the Trusteeship Agreement should be terminated not later than 26 October 1962. A procedural discussion arising out of the implications of this statement tool place at the 890th and 891st meetings.
- 7. The general debate on this item took place from the 892nd to the 899th and from the 901st to the 903rd meetings.
- 8. During the 898th meeting, Ghana, Guinea, Liberia, Libya, Mexico, Morocco, the Sudan, Tunisia, the United Arab Republic and the United States of America submitted a draft resolution (A/C.4/L.591) whereby the General Assembly would: (1) decide that the arrangements for the plebiscite referred to in resolution 1350 (XIII) should begin on 30 September 1960, and that the plebiscite should be concluded not later than March 1961; (2) recommend that the two questions to be put at the plebiscite should be: "(a) Do you wish to achieve independence by joining the independent Federation of Nigeria? (b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?"; (3) recommend that only persons born in the Southern Cameroons or one of whose parents was born in the Southern Cameroons should vote in the plebiscite; (4) recommend that the Administering Authority, in consultation with the Government of the Southern Cameroons, take steps to implement the separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960.
- 9. Mr. Foncha and Mr. Endeley made further statements in which they accepted this proposal as a compromise.
- 10. Subsequently, Cuba, Iran and Panama associated themselves with the other sponsors of the draft resolution, the preamble of which was revised (A/C.4/L.591/Rev.1).
- 11. The revised draft resolution was put to the vote by parts at the 903rd meeting with the following results:

The preamble was adopted unanimously.

Operative paragraph 1 was adopted by a roll-call vote of 73 to none, with 3 abstentions. The voting was as follows:

Infavour: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Laos, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen, Yugoslavia.

Against: None.

Abstaining: Brazil, Iraq, Venezuela.

Operative paragraph 2 was adopted by a roll-call vote of 75 to 1. The voting was as follows:

In favor: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Afghanistan.

Operative paragraph 3 was adopted by a roll-call vote of 64 to none, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Australia, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Czechoslovakia, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Yugoslavia.

Against: None.

Abstaining: Argentina, Belgium, Denmark, Finland, France, Greece, Netherlands, New Zealand, Norway, Sweden, Uruguay, Venezuela.

Operative paragraph 4 was adopted by a roll-call vote of 71 to none, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Cevlon, Chile, China, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Guatemala, Guinea, Haiti, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics. United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Brazil, Greece, India, Iraq, Nepal.

The revised draft resolution as a whole was adopted by a roll-call vote of 74 to none, with 2 abstentions. The voting was as follows:

In favour: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Czechoslovakia, Denmark,

Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Recommendation of the Fourth Committee,

Against: None.

Abstaining: Afghanistan, Iraq.

12. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

THE FUTURE OF THE TRUST TERRITORY OF THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION: ORGANIZATION OF THE PLEBISCITE IN THE SOUTHERN PART OF THE TERRITORY

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", p. 22, below.]

DOCUMENT A /4242

Financial implications of the draft resolution submitted by the Fourth Committee in document A/4240

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [15 October 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement of financial implications (A/C.5/789) which the Secretary-General has submitted in respect of the draft resolution proposed by the Fourth Committee (A/4240, para. 12) regarding the organization of the plebiscite in the southern part of the Trust Territory of the Cameroons under United Kingdom administration.
- 2. On the basis of the provisions of General Assembly resolution 1350 (XIII) of 13 March 1959, a total amount of \$169,500 was included in section 4 of the 1959 supplementary estimates (A/4198) and in section 4 of the initial estimates for 1960 (A/4110) in respect of the two plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration. Expenditures during 1959 were estimated at \$110,000, with the balance of \$59,500 arising in 1960.
- 3. In the light of the proposed postponement of the plebiscite in the southern part of the Territory, the

Secretary-General has estimated the total cost of both plebiscites at some \$255,100, representing an increase of \$85,600 over the estimates previously envisaged. Of this increase, \$50,000 relates to salaries and wages, \$20,600 relates to travel and subsistence expenditures, and the balance of \$15,000 to miscellaneous supplies and services.

4. The Advisory Committee will give detailed consideration to the actual revisions to be made in the 1960 estimates, when such formal revisions are submitted by the Secretary-General after the General Assembly has taken action on the proposal of the Fourth Committee. Meanwhile, the Advisory Committee recommends that the Fifth Committee should advise the General Assembly that the adoption of the draft resolution proposed by the Fourth Committee would result in the expenditure on the two plebiscites, which was previously estimated at \$169,500, being increased to an amount not exceeding \$255,100.

DOCUMENT A /4243

Financial implications of the draft resolution submitted by the Fourth Committee in document A/4240

Report of the Fifth Committee

[Original text: English] [16 October 1959]

- 1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee considered, at its 722nd meeting, held on 16 October 1959, the financial implications of the draft resolution submitted by the Fourth Committed (A/4240, para. 12) concerning the organization of the plebiscite in the southern part of the Trust Territory of the Cameroons under United Kingdom administration.
- 2. The following documents were before the Fifth Committee:
- (a) A statement (A/C.5/789) in which the Secretary-General estimated at \$255,100 the financial implications of the draft resolution of the Fourth Committee, this sum being distributed as follows: 1959: \$86,700; 1960: \$106,700; 1961: \$61,700;
- (b) A related report (A/4242) in which the Advisory Committee on Administrative and Budgetary Questions recommended that the Fifth Committee should advise

- the General Assembly that the adoption of the draft resolution would have the effect of increasing the expenditure for the two plebiscites (northern and southern parts of the Trust Territory) from the previous estimate of \$169,500 (based on the provisions of General Assembly resolution 1350 (XIII) of 13 March 1959) to an amount not exceeding \$255,100.
- 3. The Advisory Committee added (A/4242, para. 4) that it would give detailed consideration to the revisions to be made in the 1960 estimates as soon as the General Assembly had taken action on the recommendation of the Fourth Committee and formal budget revisions had been submitted by the Secretary-General.
- 4. The Fifth Committee decided to inform the General Assembly that the adoption of the draft resolution proposed by the Fourth Committee would result in the expenditure on the two plebiscites, previously estimated at \$169,500, being increased to an amount not exceeding \$255,100.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 929th plenary meeting, on 16 October 1959, the General Assembly adopted the draft resolution submitted by the Fourth Committee (A/4240, para. 12). For the final text, see resolution 1352 (XIV), below.

Resolutions adopted by the General Assembly

1352 (XIV). THE FUTURE OF THE TRUST TERRITORY OF THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION: ORGANIZATION OF THE PLEBISCITE IN THE SOUTHERN PART OF THE TERRITORY

The General Assembly,

Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration, which expressed the hope that all concerned in the Territory would endeavour to reach agreement before the opening of the fourteenth session of the General Assembly on the alternatives to be put in the plebiscite in the Southern Cameroons and the qualifications for voting in it,

Noting the statements made by the representative of the Administering Authority, by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly to the effect that no agreement was reached before the fourteenth session of the General Assembly as to the alternatives to be put in the plebiscite and the qualifications for voting in it, and that a postponement of the plebiscite in the Southern Cameroons to a later date would help to establish more favourable conditions for ascertaining the freely expressed wishes of the population,

Noting the opinions expressed during the debate on this question at the fourteenth session of the General Assembly. 4/

Noting the statements made by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly at the 898th meeting of the Fourth Committee, on 7 October 1959,

- 1. <u>Decides</u> that the arrangements for the plebiscite referred to in General Assembly resolution 1350 (XIII) shall begin on 30 September 1960, and that the plebiscite shall be concluded not later than March 1961;
- 2. Recommends that the two questions to be put at the plebiscite should be:
- "(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?
- "(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?";
- 3. Recommends that only persons born in the Southern Cameroons or one of whose parents was born in the Southern Cameroons should vote in the plebiscite;

^{4/} Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 885th to 899th and 901st to 903rd meetings.

4. Recommends that the Administering Authority, in consultation with the Government of the Southern Cameroons, take steps to implement the separation of the administration of the Southern Cameroons from

that of the Federation of Nigeria not later than 1 October 1960.

829th plenary meeting, 16 October 1959.

(b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council

DOCUMENT A/4313

Special report of the Trusteeship Council

[Original text: English] [2 December 1959]

- 1. By resolution 1350 (XIII) of 13 March 1959, the General Assembly recommended that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future. With regard to the plebiscite to be held in the northern part of the Territory, the General Assembly further recommended that it should take place about the middle of November 1959 and should be conducted on the basis of the electoral register then being compiled for the elections to the Federal House of Representatives, and that the people should be asked:
 - "(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent?

"Or

- "(b) Are you in favour of deciding the future of the Northern Cameroons at a later date?"
- 2. In the same resolution, the General Assembly decided to appoint a United Nations Plebiscite Commissioner who should exercise, on behalf of the Assembly, all the necessary powers and functions of supervision and who should be assisted by observers and staffs to be appointed by the Secretary-General in consultation with him. It requested the Commissioner to submit to the Trusteeship Council a report in two parts on the organization, conduct and results of the plebiscites, the first part of the report, which should deal with the northern part of the Territory, to be submitted in time for transmission to the General Assembly for consideration before the end of the fourteenth session. Finally, the General Assembly requested the Trusteeship Council to transmit to it the report of the Commissioner, together with any recommendations and observations it considered necessary. On 13 March 1959, the General Assembly elected Mr. Djalal Aboh (Iran) United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration.
- 3. In pursuance of the above resolution, the United Nations Plebiscite Commissioner submitted to the Trusteeship Council, on 27 November 1959, a report concerning the organization, conduct and results of the plebiscite in the northern part of the Cameroons under United Kingdom administration (T/1491 and Corr.1).

- 4. The report was considered by the Trusteeship Council at its 1042nd meeting, held during its tenth special session. After the Council had heard statements by the Commissioner and by the representative of the Administering Authority, a draft resolution was submitted by India, Italy, New Zealand, and the United Arab Republic (T/L.954). Following a discussion, the draft resolution was orally revised by the sponsors and, in its revised form, was unanimously adopted by the Council.
- 5. The text of the resolution appears in annex I to the present report and that of the statement made by the Commissioner before the Council in annex II.

ANNEX I

Trusteeship Council resolution 2007 (S-X) of 2 December 1959

THE FUTURE OF THE TRUST TERRITORY OF THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION: REPORT OF THE UNITED NATIONS PLEBISCITE COMMISSIONER ON THE PLEBISCITE IN THE NORTHERN PART OF THE TERRITORY

[For the text of this resolution, see Official Records of the Trusteeship Council, Tenth Special Session, Supplement No. 1.]

ANNEX II

Statement made by the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom administration at the 1042nd meeting of the Trusteeship Council, on 2 December 1959

It is an honour for me to come before the Trusteeship Council today to introduce the first part of the report called for in resolution 1350 (XIII) of the General Assembly, dealing with the organization, conduct and results of the plebiscite in the northern part of the Cameroons under United Kingdom administration. The report is contained in document T/1491, dated 25 November 1959.

I have endeavoured to present a faithful and objective account of the various stages of the plebiscite, bearing in mind that it was my duty to present all relevant information to the Trusteeship Council and the General Assembly in a manner as brief and concise as possible. For this reason and also because of the pressure of time, the report includes only the essential facts concerning the plebiscite and the United Nations participation in it, but in a way which I think will give to the Members of the United Nations all the essential data. The annexes containing the full text of the plebiscite legislation and regulations, statutory forms, administrative instructions, both from the Administering Authority and the United Nations, extracts from the Nigerian Press regarding the activities of political parties, and the full text of petitions so far received

after polling day, will be issued in a separate document as T/1491/Add.1.

In accordance with the aforementioned resolution of the General Assembly, the Administering Authority was to take steps, in consultation with the United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, the plebiscite in the Northern Cameroons. Shortly after I was appointed Plebiscite Commissioner by the General Assembly, consultations began with the United Kingdom Government on the arrangements for the organization of the plebiscite. These consultations were successively held in London with the Colonial Office, in New York with members of the United Kingdom Mission to the United Nations, in Lagos with the Governor-General of Nigeria, as representative of the Administering Authority responsible for the plebiscite, in Kaduna with the Governor of the Northern Region, who had been delegated responsibilities in this regard, and in the Territory with the Plebiscite Administrator. They are described in the appropriate sections of the report.

It should be recalled that the General Assembly recommended, in operative paragraph 2 of resolution 1350 (XIII), that the plebiscite should be conducted on the basis of the electoral register then being compiled for the elections to the Federal House of Representatives. This placed a considerable limitation on the role of the United Nations, and restricted our participation to the other phases of the plebiscite. I felt, however, that in the interest of all parties concerned, I ought to inquire from the Administering Authority how the registration was conducted and thus be in a position to inform the Trusteeship Council and the General Assembly on this very important aspect of the plebiscite.

I asked the Administering Authority for a full report on the conduct and results of the registration, and the information given to me will be found in the section of the report dealing with the organization of the plebiscite by the Administering Authority. While, on the basis of this information, I was satisfied that the registration was conducted in a satisfactory manner, it is my view, none the less, that being so vital a phase of any plebiscite, registration should be carried out under the supervision of the United Nations whenever the participation of the Organization is called for in view of its special responsibilities towards the Territories under the Trusteeship System. Only in this way can the United Nations exercise its supervision of all stages of such consultations, contribute fully to enhance the objectivity and proper fulfilment of each and all steps involved, and report with full and firsthand knowledge on all procedures followed and the results obtained.

Mr. President, I hope you will allow me to make reference in this introduction to certain points contained in the report which, in my view, have a special significance in the over-all consideration of the problem involved in the plebiscite.

In the first place, let me explain that chapter II of the report entitled "The Land, the People and the Government" is intended to facilitate the evaluation of the plebiscite and its results by recalling the main features of the Territory, its population and the system of government. It seems advisable to keep these features in mind because of the special characteristics of the Territory and also because of the fact that, having been administered for so many years as an integral part of the Northern Region of Nigeria, the Northern Cameroons has had until now very little reality as a separate administrative entity. It has been administered in three segments which form part, respectively, of the three large adjoining provinces of Nigeria, Bornu in the north, Adamawa in the centre and Benue in the south, and this explains why these parts of the Territory are called locally for general purposes, Bornu Trust Territory, Adamawa Trust Territory, and Benue Trust Territory. Boundaries with the Northern Region of Nigeria have little significance, if any at all, and groups extend from the Northern Region provinces into the Trust Territory and even beyond, to the Cameroons under French administration. However, there are other tribes which live totally within the Trust Territory and they are for the most part those commonly referred to as "hill pagans", a name which I hesitate to use, except in quotations, and which represent a majority of the population in those sections of the Northern Cameroons administered as part of Adamawa Province.

In the second place, I should like to recall that communications in the Northern Cameroons are poor. The existence of very few all-weather roads within the Territory caused very serious problems for the organization of the plebiscite and also for the supervision exercised by the United Nations team. As the dry season progressed and polling day approached, some of the side roads became passable. Polling stations located in the hills, however, could only be reached on foot. I wish to commend here the efforts of the authorities concerned, and in particular the activity and interest displayed by certain communities in repairing roads which had been rendered impassable by the rains. I had occasion to visit all the districts with the exception of Mambila plateau, which at the time of our stay in the Territory required a trek of no less than five days each way. The United Nations plebiscite staff also travelled extensively, both during the period preceding and on polling day. We were thus able to meet the people and their leaders and see for ourselves the organization of the plebiscite by the Plebiscite Administrator and his staff.

As a third point, I should like to explain that, owing to the close association of the Northern Cameroons with Nigeria, and in particular with the Northern Region, I had to make in the report, inevitably, references to the organization of the Federal and Regional Governments. Information had to be given, also, on political activity which is not restricted to the Northern Cameroons, but which played a significant part in the campaign for the plebiscite.

Fourthly, I should like to reiterate here that polling was conducted throughout the Northern Cameroons in a very peaceful and orderly way. The turn-out of voters was heavy, perhaps much heavier than was generally anticipated. The headquarters staff, the observers and I visited as many polling stations as was possible. Counting of the votes commenced on the evening of 7 November at the headquarters of the various returning officers in the presence of United Nations observers and counting agents appointed by the political parties. I had occasion to observe the counting at Mubi on the evening of 7 November and the morning of 8 November and flew afterwards to headquarters in Yola where returns from all districts were coming in.

The results of the plebiscite are well known. Of the 113,859 votes cast, 70,546 favoured the second alternative and 42,788 favoured the first alternative; 525 votes were rejected. As I had occasion to state in the conclusions of the report now before you, approximately 80 per cent of the estimated number of potential electors and close to 88 per cent of the registered voters participated in the balloting. This means that the greater part of the eligible population took part in the consultation and freely expressed their wishes in respect to the alternatives offered in the plebiscite. I have felt it my duty to inform the Council and the General Assembly of the view, which seemed to be prevalent amongst those who voted for the second alternative, that the plebiscite offered the people an opportunity to register what was in effect a protest against the system of local administration. The introduction of reforms in the system of local government of the Northern Cameroons seems to be long overdue. The last Visiting Mission called attention to this point in paragraph 164 of its report, document T/1426 and Add.1. A greater democratization of the Native Authority, the wider participation in its councils of people who do not belong to the traditional ruling tribes, and the general development of the Northern Cameroons, seem to constitute an ever-growing demand of the people. This is the reason why I did not hesitate to say in the conclusions of my report that one of the reasons why the majority voted in favour of the second alternative was to express the will for a speedy introduction of these reforms.

On the basis of my observations and those of the United Nations plebiscite staff, I was able to state shortly before my departure from the Territory, after the plebiscite, that the operation had been carried out by the Administering Authority with efficiency and impartiality and that the population had expressed their wishes in freedom.

It gives me a great deal of pleasure to inform the Trustee-ship Council of the able and objective manner in which Sir John Dring, the Plebiscite Administrator, and his staff organized and conducted the plebiscite, and of the excellent cooperation that prevailed between his team and ours. Representations that I made personally or through the observers were promptly considered by the Plebiscite Administrator and corrective action followed without delay.

Mr. President, in discharging the responsibilities which the General Assembly entrusted to me I endeavoured to follow the high example set by Ambassador Eduardo Espinosa y Prieto, United Nations Plebiscite Commissioner for Togoland under British Administration, and yourself as United Nations Commissioner for the Supervision of the Elections in Togoland under French Administration. It is my earnest hope that the report which I have the honour to submit to this Council today, will help this body and the General Assembly to evaluate the plebiscite and to take such decisions as may be deemed appropriate. I will, of course, be at your disposal and at the disposal of the members of the Council, should they desire any clarification that I may be in a position to provide.

Finally, may I thank you and the Council for the opportunity that I have been given to present my report.

DOCUMENTS A/C.4/440 AND ADD.1 AND 2

Memoranaum by the Secretary-General

Document A/C.4/440

[Original text: English] [7 December 1959]

- 1. The Secretary-General wishes to bring to the attention of the members of the Fourth Committee three communications concerning the future of the Trust Territory of the Cameroons under United Kingdom administration which raise specific matters relating to the plebiscite held in the northern part of the Territory and the further action to be taken in the light thereof.
- 2. These communications have been received since the conclusion of the plebiscite in the northern part of the Territory and have been, or are being, circulated in documents T/PET.4/L.71 73.

Document A/C.4/440/Add.1

[Original text: English] [8 December 1959]

The Secretary-General wishes to bring to the attention of the members of the Fourth Committee a further

communication concerning the future of the Trust Territory of the Cameroons under United Kingdom administration which raises specific matters relating to the plebiscite held in the northern part of the Territory and the further action to be taken in the light thereof. This communication is being circulated in document T/PET.4/L.74.

Document A/C.4/440/Add.2

[Original text: English]
[9 December 1959]

The Secretary-General wishes to bring to the attention of the members of the Fourth Committee a further communication concerning the future of the Trust Territory of the Cameroons under United Kingdom administration which raises specific matters relating to the plebiscite held in the northern part of the Territory and the further action to be taken in the light thereof. This communication is being circulated in document T/PET.4/L.75.

DOCUMENT A /4348

Report of the Fourth Committee

[Original text: English] [10 December 1959]

1. By its resolution 1350 (XIII) of 13 March 1959 on the future of the Cameroons under United Kingdom administration, the General Assembly recommended that separate plebiscites should be held in the northern and sourthern parts of that Territory in order to ascertain the wishes of the inhabitants of the Territory concerning their future. While deciding that arrangements for the plebiscite in the southern part and, in particular, the alternatives to be put to the people and the qualifications for voting in the plebiscite should be considered by it at its fourteenth session, the General Assembly recommended that in the northern part of the Territory the plebiscite should take place about

the middle of November 1959, that the people of the northern part of the Territory should be asked:

"(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent?

"Or

"(b) Are you in favour of deciding the future of the Northern Cameroons at a later date?"

The Assembly also recommended that the plebiscite should be conducted on the basis of the electoral register being compiled for the elections to the Federal House of Representatives. The General Assembly further decided to appoint a United Nations Plebiscite Commissioner to exercise on its behalf all the necessary powers and functions of supervision with the assistance of observers and staff to be appointed by the Secretary-General in consultation with him. The Commissioner was requested to submit to the Trusteeship Council the part of the report dealing with the organization, conduct and results of the plebiscite in the northern part of the Territory in time for transmission to the General Assembly for consideration before the end of its fourteenth session. On 13 March 1959, Mr. Djalal Abdoh (Iran) was elected United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration.

- 2. In accordance with the above-mentioned resolution, the General Assembly including the following item in the agenda of its fourteenth session:
 - "41. The future of the Trust Territory of the Cameroons under United Kingdom administration:
 - "(a) Organization of the plebiscite in the southern part of the Territory: question of the two alternatives to be put to the people and the qualifications for voting;
 - "(b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and the report of the Trusteeship Council."

At its 803rd plenary meeting, the General Assembly allocated that agenda item to the Fourth Committee. The Committee has already submitted a report (A/4240) to the General Assembly on the organization of the plebiscite in the southern part of the Territory.

- 3. The part of the report of the United Nations Plebiscite Commissioner on the organization, conduct and results of the plebiscite in the northern part of the Territory 5/ was submitted in the first instance to the Trusteeship Council, which considered it at its tenth special session and decided by its resolution 2007 (S-X) of 2 December 1959 to forward it to the General Assembly for its consideration. Annexed to the report of the Trusteeship Council on this item (A/4313) are the texts of that resolution and of a statement by the United Nations Plebiscite Commissioner.
- 4. In the conclusions of his report, the Commissioner stated that the plebiscite in the northern part of the Cameroons had taken place on 7 November 1959. Almost 88 per cent of the registered voters had cast votes of which 70,546 had favoured the second alternative, 42,788 had favoured the first alternative and 525 had been rejected. Thus, almost 62 per cent of the total votes had been cast in favour of the second alternative. The Commissioner stated that he was satisfied that the plebiscite had been organized and conducted by the Administering Authority with efficiency and impartiality in accordance with the laws and regulations promulgated for the purpose and had been held in an atmosphere of freedom. The Commissioner stated that it would appear that the majority of the voters had made use of the opportunity afforded by the plebiscite to register what was in effect a protest vote against the system of local administration prevailing

- in the Northern Cameroons and that the people desired the introduction of reforms into that system.
- 5. The following requests for hearing were granted by the Committee without objection:
- (a) Request from Mr. Muhammadu Iya Uba on behalf of the Norther Kamerun Democratic Party (A/C.4/408, sect. 1), granted at the 883rd meeting;
- (b) Request from Mr. Bernard-Milord Jazet on behalf of the Comité des réfugiés du Cameroun (A/c.4/408/Add.1), granted at the 894th meeting;
- (c) Request from the Northern People's Congress, Dikwa Division (A/C.4/408/Add.2), granted at the 961st meeting;
- (d) Request from Mr. Ndeh Ntumazah, on behalf of One Kamerun (no document), granted at the 977th meeting.
- Mr. Ntumazah, the only petitioner to appear, made a statement and answered questions put by members of the Committee at the 987th and 988th meetings.
- 6. The United Nations Plebiscite Commissioner made a statement introducing his report and replied to questions put to him by members of the Committee at the 987th, 988th, 989th and 992nd meetings. The representative of the United Kingdom also made statements and replied to questions at the 988th and 989th meetings.
- 7. The general debate was opened at the 988th meeting and continued at the 992nd, 994th and 995th meetings.
- 8. At the 994th meeting, Canada, Denmark, New Zealand and Sweden submitted a draft resolution (A/C.4/L.636), the text of which read as follows:

"The General Assembly,

"Recalling its resolution 1350 (XIII) of 13 March 1959, concerning the future of the Trust Territory of the Cameroons under United Kingdom administration, which recommended that a plebiscite should take place in the Northern Cameroons in November 1959 and requested the United Nations Plebiscite Commissioner to submit a report on the organization, conduct and results of this plebiscite to the Trusteeship Council in time for consideration by the General Assembly at its fourteenth session,

"Having examined, in consultation with the Administering Authority, the report of the United Nations Plebiscite Commissioner (A/4314 and Add.1) and the report of the Trusteeship Council thereon (A/4313),

"Noting from the report of the United Nations Plebiscite Commissioner that the people of the Northern Cameroons have decided by a substantial majority that they are in favour of deciding their future at a later date,

"Noting further that the United Nations Plebiscite Commissioner is satisfied that the plebiscite was conducted in a fair and impartial manner,

"Noting the statement of the representative of the Administering Authority at the 988th meeting of the Fourth Committee, on 5 December 1959, to the effect that urgent action is being taken to introduce reforms in the system of local administration in the Northern Cameroons,

^{5/} T/1491 and Corr.1 and Add.1, subsequently circulated to members of the General Assembly as document A/4314 and Add.1.

[&]quot;Having heard the petitioner,

- "1. Expresses its high appreciation of the work of the United Nations Plebiscite Commissioner and the United Nations staff under his direction;
- "2. Recommends that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations, and in consultation with the United Nations Plebiscite Commissioner, organize under United Nations supervision a further plebiscite in the Northern Cameroons, the arrangements for which shall begin on 30 September 1960, and that the plebiscite be concluded not later than March 1961;
- "3. <u>Decides</u> that the two questions to be put at this plebiscite should be:
- "(a) Do you wish to achieve independence by joining the independent Republic of the Cameroons?
- "(b) Do you wish to achieve independence by joining the independent Federation of Nigeria?;
- "4. Recommends that the plebiscite be conducted on the basis of universal adult suffrage;
- "5. Requests the United Nations Plebiscite Commissioner to report to the Trusteeship Council on the organization, conduct and results of this plebiscite in order that the Trusteeship Council may transmit its report to the General Assembly together with any recommendations and observations it considers necessary;
- "6. Recommends that the necessary measures be taken without delay for the further democratization of the system of local government in the northern part of the Trust Territory;
- "7. Recommends that the Administering Authority should initiate without delay the separation of the administration of the Northern Cameroons from that of Nigeria and that this process should be completed by 1 October 1960;
- "8. Requests the Administering Authority to report on the process of separation to the Trusteeship Council at its twenty-sixth session and the Trusteeship Council to submit a report on this matter to the General Assembly at its fifteenth session."
- 9. Iran, Liberia and Tunisia submitted the following amendments (A/C.4/L.637) to the draft resolution:
- "1. Delete from the second preambular paragraph the words 'in consultation with the Administering Authority'.
 - "2. Add the following after operative paragraph 8:
- "'9. Declares that the participation of the Northern Cameroons in the elections in the Federal Legislative Assembly should in no way interfere with or influence the free choice of the people of the Northern Cameroons in deciding their future in the forthcoming plebiscite.'"

- 10. Haiti also submitted an amendment (A/C.4/L.638) to the draft resolution to the effect that the words "the first step being non-participation by the Northern Cameroons in the federal elections of 12 December 1959," should be inserted in operative paragraph 7, following the word "Nigeria".
- 11. At the 995th meeting, the representative of Venezuela submitted an oral amendment whereby the word "further", in operative paragraph 6, would be replaced by the word "effective".
- 12. The representative of Iran submitted oral amendments which provided for:
- (a) The insertion of a final preambular paragraph reading:
 - "Considering that the extremely close date of the elections to the Legislative Assembly of the Federation of Nigeria makes it impossible for the General Assembly to take any decision with regard to the participation or the non-participation of the peoples of the Northern Cameroons in these elections";
- (b) The Addition at the end of operative paragraph 4 of the following phrase:
 - "all those over the age of twenty-one and ordinarily resident in the Northern Cameroons being qualified to vote".
- 13. The representative of India also submitted an oral amendment to the effect that after the words "without delay for" in operative paragraph 6 the words "the further decentralization of governmental functions and" should be inserted in operative paragraph 6, after the words "without delay for".
- 14. At the same meeting, the sponsors of the draft resolution accepted all the oral amendments, as well as the written amendments proposed by Iran, Liberia and Tunisia (A/C.4/L.637) and accordingly submitted a revised text of their proposal, of which Iran and Japan became co-sponsors (A/C.4/L.636/Rev.1). Haiti withdrew its amendment to the original draft resolution (A/C.4/L.638).
- 15. The revised draft resolution was thereupon unanimously adopted by the Committee.

Recommendation of the Fourth Committee

- 16. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:
- THE FUTURE OF THE TRUST TERRITORY OF THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION: ORGANIZATION OF A FURTHER PLEBISCITE IN THE NORTHERN PART OF THE TERRITORY

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly", p. 43, below.]

DOCUMENT A/4349

Financial implications of the draft resolution submitted by the Fourth Committee in document A/4348

Note by the Secretary-General

[Original text: English] [10 December 1959]

1. This statement of the financial implications of the draft resolution submitted by the Fourth Committee (A/4348, para. 16) is submitted by the Secretary-

General in accordance with rule 154 of the rules of procedure of the General Assembly.

- 2. The draft resolution recommends that the Administering Authority, in consultation with the United Nations Plebiscite Commissioner, organize under United Nations supervision a further plebiscite in the Northern Cameroons, the arrangements for which shall begin on 30 September 1960, and that the plebiscite be concluded not later than March 1961.
- 3. The Secretary-General has not yet had an opportunity to study fully the arrangements required for this plebiscite to be conducted on the basis of universal adult suffrage. However, a preliminary appraisal indicates a total expenditure of the order of \$64,000, of which \$47,000 would be obligated in 1960 and \$17,000 in 1961. This estimate is based on the assumption

that, as in the past, the observer strength is recruited from the Secretariat and that, to the extent possible, local facilities including transportation are available on the spot.

4. When detailed plans for the plebiscite called for by the draft resolution are developed, the Secretary-General will submit estimates of these requirements to the Advisory Committee on Administrative and Budgetary Questions for its concurrence, prior to incurring expenditures. The 1960 requirements will be included in the supplementary estimates for that year; the 1961 requirements will be considered by the General Assembly at its fifteenth session and provided for in the budget for 1961.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 857th plenary meeting, on 12 December 1959, the General Assembly adopted the draft resolution submitted by the Fourth Committee (A/4348, para. 16). For the final text, see resolution 1473 (XIV) below.

Resolution adopted by the General Assembly

1473 (XIV). THE FUTURE OF THE TRUST TERRITORY OF THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION: ORGANIZATION OF A FURTHER PLEBISCITE IN THE NORTHERN PART OF THE TERRITORY

The General Assembly,

Recalling its resolution 1350 (XIII) of 13 March 1959, concerning the future of the Trust Territory of the Cameroons under United Kingdom administration, which recommended that a plebiscite should take place in the Northern Cameroons in November 1959 and requested the United Nations Plebiscite Commissioner to submit to the Trusteeship Council in time for consideration by the General Assembly at its fourteenth session a report on the organization, conduct and results of this plebiscite,

Having examined the report of the United Nations Plebiscite Commissioner (A/4314 and Add.1) and the report of the Trusteeship Council thereon (A/4313);

Noting from the report of the United Nations Plebiscite Commissioner that the people of the Northern Cameroons have decided by a substantial majority that they are in favour of deciding their future at a later date.

<u>Noting further</u> that the United Nations Plebiscite Commissioner is satisfied that the plebiscite was conducted in a fair and impartial manner,

Noting the statement made by the representative of the Administering Authority at the 988th meeting of the Fourth Committee, on 5 December 1959, to the effect that urgent action is being taken to introduce reforms in the system of local administration in the Northern Cameroons,

Having heard the petitioner,

Considering that the extremely close date of the elections to the Legislative Assembly of the Federation of Nigeria makes it impossible for the General Assembly to take a decision with regard to the participation

or non-participation of the people of the Northern Cameroons in these elections,

- 1. Expresses its high appreciation of the work of the United Nations Plebiscite Commissioner and the United Nations staff under his direction;
- 2. Recommends that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations and in consultation with the United Nations Plebiscite Commissioner, organize under United Nations supervision a further plebiscite in the Northern Cameroons, the arrangements for which shall begin on 30 September 1960, and that the plebiscite be concluded not later than March 1961;
- 3. <u>Decides</u> that the two questions to be put at this plebiscite should be:
 - "(a) Do you wish to achieve independence by joining the independent Republic of the Cameroons?
 - "(b) Do you wish to achieve independence by joining the independent Federation of Nigeria?";
- 4. Recommends that the plebiscite be conducted on the basis of universal adult suffrage, all those over the age of twenty-one and ordinarily resident in the Northern Cameroons being qualified to vote;
- 5. Requests the United Nations Plebiscite Commissioner to report to the Trusteeship Council on the organization, conduct and results of this plebiscite, in order that the Council may transmit its report to the General Assembly together with any recommendations and observations it considers necessary;
- 6. Recommends that the necessary measures should be taken without delay for the further decentralization of governmental functions and the effective democratization of the system of local government in the northern part of the Trust Territory;
- 7. Recommends that the Administering Authority should initiate without delay the separation of the administration of the Northern Cameroons from that of Nigeria and that this process should be completed by 1 October 1960;

8. Requests the Administering Authority to report on the process of separation to the Trusteeship Council at its twenty-sixth session, and requests the Council to submit a report on this matter to the General Assembly at its fifteenth session;

Assembly should in no way interfere with, or influence, the free choice of the people of the Northern Cameroons in deciding their future in the forthcoming plebiscite.

9. <u>Declares</u> that the participation of the Northern Cameroons in the elections to the Federal Legislative

857th plenary meeting, 12 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 41 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4110	Budget estimates for the financial year 1960 and information annexes	Official Records of the General Assembly, Fourteenth Session, Supplement No. 5
A/4138	Letter dated 13 July 1959 from the representative of France on the Trusteeship Council addressed to the Secretary-General	Ibid., Fourteenth Session, Annexes, agenda items 13 and 39
A/4198	Supplementary estimates for the financial year 1959: report of the Secretary-General	Ibid., agenda item 43
A/4314 and Add.1	Report of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration—Part I: Organization, conduct and results of the plebiscite in the northern part of the Territory	<u>Ibid.</u> , agenda item 41, addendum
A/C.4/408 and Add.1 and 2	Requests for hearings	Mimeographed
A/C.4/415	Statement made by the representative of the United Kingdom of Great Britain and Northern Ireland at the 892nd meeting of the Fourth Committee	Mimeographed; for summary, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 892nd meeting, paras. 11-23
A/C.4/416	Statements made by the Legal Counsel at the 892nd meeting of the Fourth Committee	<u>Idem</u> , paras. 27-31, 38 and 39
A/C.4/417	Statements made by the representative of India at the 892nd meeting of the Fourth Committee	Idem, paras. 32-37 and 42-44
A/C.4/418	Memorandum by the Secretary-General: summary of the questions raised in 198 petitions concerning the future of the Trust Territory of the Cameroons under United Kingdom administration	Mimeographed
A/C.4/419	Statement made by Mr. J. N. Foncha, Premier of the Southern Cameroons, at the 898th meeting of the Fourth Committee	Mimeographed; for summary, see Official Records of the General Assembly, Fourteenth Session, Fourth Committee, 898th meeting, para.51
A/C.4/420	Statement made by Mr.E.M.L. Endeley, Leader of the Opposition in the Southern Cameroons House of Assembly, at the 898th meeting of the Fourth Committee	Idem, para, 52
A/C.4/437	Statement made by the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration at the 987th meeting of the Fourth Committee	Idem, 987th meeting, paras. 29-34
A/C.4/438	Statement made by the representative of the United Kingdom of Great Britain and Northern Ireland at the 988th meeting of the Fourth Com- mittee	$\frac{\text{Idem.}}{57}$, 988th meeting, para. 45–
A/C.4/439	Statement made by the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration at the 989th meeting of the Fourth Committee	Idem, 989th meeting, paras. 9-38
A/C.4/L.589	Guinea, Liberia, Libya, Morocco and United Arab Republic: amendment to document A/C.4/L.582/Rev.1	See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 13, document A/4095, para. 32
A/C.4/L.591/ Rev.1	Cuba, Ghana, Guinea, Iran, Liberia, Libya, Mexico, Morocco, Panama, Sudan, Tunisia, United Arab Republic and United States of America: revised draft resolution	Adopted without change. See A/4240, para. 12

Document No.	Title	Observations and references
A/C.4/L.592	Draft report of the Fourth Committee	Same text as A/4240
A/C.4/L.636	Canada, Denmark, New Zealand and Sweden: draft resolution	See A-4348, para. 8
A/C.4/L.636/ Rev.1	Canada, Denmark, Iran, Japan, New Zealand and Sweden: revised draft resolution	Adopted without change. See A/4348, para. 16
A/C.4/L.637	Iran, Liberia and Tunisia: amendments to document A/C.4/L.636	See A/4348, para. 9
A/C.4/L.638	Haiti: amendment to document A/C.4/L.636	Ibid., para. 10
T/1226	Report on the Cameroons under British administration submitted by the United Nations Visiting Mission to the Trust Territories of the Cameroons under British Administration and the Cameroons under French Administration, 1955	See Official Records of the Trusteeship Council, Seventeenth Session, Supplement No. 3
T/1393	Letter dated 27 June 1958 from the representative of the United Kingdom of Great Britain and Northern Ireland on the Trusteeship Council addressed to the Secretariat	<u>Ibid., Twenty-second Session,</u> <u>Annexes, agenda item 6</u>
T/1426 and Add.1	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, on the Cameroons under United Kingdom administration	<u>Ibid., Twenty-third Session,</u> Supplement No. 2
T/1427 and T/1434	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, on the Cameroons under French administration	Ibid., Supplement No. 3
T/L.954	India, Italy, New Zealand and United Arab Republic: draft resolution	<u>Ibid.</u> , <u>Tenth Special Session</u> , <u>Annexes</u> , agenda item 2

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 41: The future of the Trust Territory of the Cameroons under United Kingdom administration:

(b) Report of the United Nations Plebiscite Commissioner on the plebiscite in the northern part of the Territory and report of the Trusteeship Council

DOCUMENT A/4314*

Report of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration

PART I

Organization, conduct and results of the plebiscite in the northern part of the Territory

[Original text: English] [2 December 1959]

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^{*}The report contained in this document was originally issued as document T/1491 and Corr.1. Annexes Ito XI to the report, which were issued as document A/4314/Add.1 (originally T/1491/Add.1) are not reproduced here but are available in mimeographed form in the United Nations Library for consultation.

LETTER DATED 27 NOVEMBER 1959 FROM THE UNITED NATIONS PLEBISCITE COMMISSIONER FOR THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION TO THE SECRETARY-GENERAL

New York, 27 November 1959

I have the honour to forward herewith part I of the report called for under resolution 1350 (XIII), adopted by the General Assembly on 13 March 1959. This part of my report deals with the organization, conduct and results of the plebiscite which was held in the northern part of the Trust Territory of the Cameroons under United Kingdom administration on 7 November 1959, and I shall be grateful if you would submit it to the Trusteeship Council for its consideration and transmission to the General Assembly.

(Signed) Djalal ABDOH

Chapter I

INTRODUCTION

- 1. On 13 March 1959, the General Assembly of the United Nations adopted resolution 1350 (XIII) (see annex I) in which it recommended that the United Kingdom, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future.
- 2. The General Assembly also decided, in the same resolution, to appoint a United Nations Plebiscite Commissioner who would exercise on its behalf all the necessary powers and functions of supervision and who would be assisted by observers and staff to be appointed by the Secretary-General in consultation with him.
- 3. At the 794th plenary meeting of the General Assembly, held on 13 March 1959, I had the honour to be elected United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration. In accepting the appointment, I made the following statement at the same meeting:
 - "I should like to express my profound gratitude for the honour which the General Assembly has just bestowed upon my country and upon me, by appointing me to the post of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom administration. I feel this is above all an acknowledgement of the traditional attitude of the Iranian delegation in the work of this Organization and, in particular, its deep interest in the operation of the International Trusteeship System.

"In the resolution concerning the future of the Cameroons under United Kingdom administration which has just been adopted, the General Assembly has made a number of recommendations concerning the organization of the plebiscites. Thus, it has recommended that the plebiscite in the Northern Cameroons should take place about the middle of November 1959, and the plebiscite in the Southern Cameroons during the next dry season between the beginning of December 1959 and the end of April 1960. It has also made precise recommendations on the nature of the questions to put to the voters

and the voting qualifications in the plebiscite in the Northern Cameroons. No recommendations on similar matters have been made for the Southern Cameroons, but the resolution provides that these matters will be considered at the fourteenth session of the General Assembly.

"In exercising the powers and functions of supervision on behalf of the General Assembly, I shall constantly be guided by the recommendations made by the Assembly as well as any additional decisions it may take at its fourteenth session. I shall endeavour to co-operate with the Administering Authority and the Cameroons authorities in the fullest manner and in a spirit of utmost impartiality.

"In accepting the great honour which has just been bestowed upon me, I am deeply and humbly aware of the heavy responsibilities which accompany it. The future of a million and a half persons will depend on the coming plebiscites. Also at stake will be the prestige of the United Nations. I shall endeavour to the best of my abilities to justify the confidence which the General Assembly has placed in me. In this, I shall be guided by the example of my two illustrious predecessors, Mr. Espinosa y Prieto of Mexico and Mr. Dorsinville of Haiti, who have so ably performed similar functions, the first in the 1956 plebiscite in Togoland under United Kingdom administration, and the second in the 1958 elections in Togoland under French administration." 1/

4. The General Assembly requested the United Nations Plebiscite Commissioner to submit to the Trusteeship Council a report in two parts on the organization, conduct and results of the plebiscites, the first part of the report, which would deal with the northern part of the Territory, to be submitted in time for transmission to the General Assembly for consideration before the end of its fourteenth session. The present report, constituting the first part of the report called for by the General Assembly, deals with the organization, conduct and results of the plebiscite which was held on 7 November 1959 in the northern part of the Cameroons under United Kingdom administration.

^{1/} Official Records of the General Assembly, Thirteenth Session, Plenary Meetings, 794th meeting, paras. 162-165.

COMMISSIONER'S ITINERARY

Date	Sector	Transportation	Overnight stop
10-11 Oct	New York-London	Scheduled flight	London
12-13 Oct	London-Lagos	Scheduled flight	
13-15 Oct	Lagos	· ·	
15 Oct	Lagos-Kaduna	Charter flight	
15 Oct	Kaduna	_	
16 Oct	Kaduna-Zaria-Kaduna	Car	
16-19 Oct	Kaduna		
19 Oct	Kaduna-Yola	Scheduled flight	
19-22 Oct	Yola	J	
22 Oct	Yola-Jada-Yola	Car	
22-24 Oct	Yola	•	
24 Oct	Yola-Mubi	Car	Mubi
25 Oct	Mubi-Michika-Gwoza-Bama	Car	Bama
26 Oct	Bama-Dikwa-Ngala-Dikwa	Car	Dikwa
27 Oct	Dikwa-Maiduguri	Car	Maiduguri
28 Oct	Maiduguri-Yola	Scheduled flight	Ū
28-30 Oct	Yola	J	
30 Oct	Yola-Baissa	Charter flight	
30 Oct	Baissa-Serti	Car	Serti
31 Oct	Serti-Yola	Car	
31 Oct5 Nov	Yola		
5 Nov	Yola-Mubi	Charter flight	Mubi
6 Nov	Mubi-Michika-Gwoza	Car	
	(Visit to Sukur polling station)	On foot	
	Gwoza-Mubi	Car	
	Mubi-Maiduguri	Charter flight	Maiduguri
7 Nov	Maiduguri-Bama-Gwoza-Michika-	J	J
	Mubi		Mubi
	(Attended counting of votes in eve-		
	ning and next morning)		
8 Nov	Mubi-Yola	Charter flight	
8-11 Nov	Yola-Buea	Charter flight	Buea
12 Nov	Buea-Kaduna-Kano	Charter flight	
12-13 Nov	Kano-Rome	Scheduled flight	Rome
13-16 Nov	Rome		
16 Nov	Rome-New York		

Chapter II

THE LAND, THE PEOPLE AND THE GOVERNMENT

5. In order to facilitate the evaluation of the plebiscite and its results, I have felt that it was necessary to incorporate at the outset of this report, a brief chapter describing the main features of the land, the people and the system of government of the Northern Cameroons. I realize, of course, that conditions in the Territory are well known to members of the Trusteeship Council and the General Assembly and therefore have endeavoured to present, in a summarized form, only those facts concerning the Territory that have a particular significance for the purposes of this report.

TOPOGRAPHY

6. That portion of the Trust Territory of the Cameroons under United Kingdom administration known as the Northern Cameroons, with a total area of 17,500 square miles and a total population of approximately 759,000, is physically divided into two parts, consisting of narrow, triangular strips of land wedged in between the eastern border of the Northern Region of Nigeria and the western border of the Trust Territory of the Cameroons under French administration, with a strip of Nigerian territory some 45 miles wide between them. It

stretches for a distance of approximately 500 miles from the border of Lake Chad in the north to the Bamenda highlands in the south on the border of the Southern Cameroons, the remainder of the Trust Territory under United Kingdom administration. With a breadth nowhere exceeding 100 miles, the two portions are widest at the northern and southern ends of the Territory, but taper considerably towards the centre and eventually are separated by a gap through which the Benue river system pursues its meandering course from the French Cameroons into Nigeria. The northern portion, comprising the Dikwa Division and the Northern Adamawa Districts, is some 6,900 square miles in area with a total population of some 570,000, while the southern part, comprising the Tigon-Ndoro-Kentsu Districts and the Southern Adamawa Districts, is some 10,600 square miles in area with a total population of approximately 189,000.2/The total area of the Northern Cameroons is slightly greater than that of the Southern Cameroons and the population slightly smaller.

^{2/} Population figures given above are mid-1957 estimates based on the 1952 census. In other chapters of this report, where no break-down estimates were available for 1957, figures of the 1952 census had to be used.

- 7. Much of the Northern Cameroons is mountainous. The Bamenda highlands of the Southern Cameroons continue into the Mambila Plateau at an average height of some 5,000 feet at the south-western corner of Southern Adamawa, with an escarpment descending abruptly to 1,200 feet in the adjacent Gashaka District and with peaks to the north on the Plateau rising to over 7,000 feet. Thereafter mountainous outcrops and short ranges attaining heights of 3,000 feet or more occur throughout the rolling lands of the districts south of the Benue. This type of broken topography continues in the districts north of the Benue, particularly along the eastern border in the Mubi-Michika-Gwoza area. Immediately north of Gwoza, however, an abrupt transformation occurs: the mountainous terrain gives way to a flat, unbroken plain extending at low altitude through the remainder of the Dikwa Division to the southern shores of Lake Chad and merging into the great expanse of flat land in the countries on either side in Nigeria and the French Cameroons.
- 8. For administrative purposes, the northern and southern parts of the Northern Cameroons are grouped into districts forming part of the adjacent provinces of the Northern Region of Nigeria as follows (from south to north):

The Tigon-Ndoro-Kentu Districts: 1,386 square miles with a population of 12,800. These form part of the Wukari Division of the Benue Province, the major part of which, including its capital Makurdi, lies outside Trust Territory.

The Adamawa Districts: 10,965 square miles with a population of 409,100. These are divided into the Southern Adamawa Districts: Verre, Nassarawo, Yelwa, Sugu, Toungo, Gashaka and Mambila, situated south of the Benue River; and the Northern Adamawa Districts: Belel, Zummo, Maiha, Mubi, Uba, Cubunawa and Madagali, located north of the Benue River. Both the Southern and Northern Adamawa Districts make up part of the Adamawa Division (Emirate) of the Adamawa Province of the Northern Region of Nigeria. The divisional headquarters is situated at the provincial capital, Yola, located on the Benue River in Nigerian territory, approximately midway between the northern and southern portions of the Northern Cameroons.

The Dikwa Division: 5,149 square miles with a population of approximately 265,000.3/The districts of this division are Gwoza, Bama, Wologe, Gulumba, Gumsu, Kalabalge and Ngala. This division lies wholly within Trust Territory; its headquarters is at Bama on the border between Trust Territory and Nigeria. It is part of the Bornu Province of the Northern Region of Nigeria with the provincial capital located at Maiduguri, some 45 miles west of Bama.

COMMUNICATIONS

Postal communications

9. Postal communications are poor. There is only a once-weekly mail service between Yola in Nigeria and the postal agencies at Mubi and Jada. Post offices have been constructed at Mubi and Bama but had not yet come into full operation during the plebiscite period. There are postal agencies at Gembu, Gwoza, Jada and Madagali.

Telephonic and telegraphic communications

10. There are no public telephonic or telegraphic services in the Northern Cameroons.

Air services

11. There is no regular air service operating in the Northern Cameroons. The nearest airports are at Yola and Maiduguri in Nigerian territory, through which operates a bi-weekly scheduled service of Nigerian Airways giving access to the central and northern parts of the Territory. There are airstrips at Mubi in the Mubi district of the northern section and at Baissa in the Ndoro district of the southern section of the Territory which may be used by light planes on charter flights, but these lack night-landing and other airport facilities. There is also an airstrip at Beli in Nigerian territory fairly close to and connected by a good road with Jamtari, Karamti and Serti in the Gashaka district of the southern section, as well as one at Takum giving access to Bissaula in the Kentu district at the extreme south-west of the Territory.

Roads

- 12. The Northern Cameroons is not a well-roaded territory. Roads are classified as all-season, these being mainly either trunk (federal) or regional roads, and dry-season, these being Native Authority roads. Because of the difficult terrain there are few allweather roads within the Territory. In the extreme north, where the mountains give way to the wide expanse of land of low relief between Lake Chad and Bama, the heavy clay soils become water-logged in the rainy season and vehicular traffic converts such roads as there are into quagmires of sticky mud, thus quickly rendering them impassable. The only allseason road in this part of the Territory is trunk road A21, which originates at Maiduguri in Nigeria and enters the Trust Territory at Dikwa and then proceeds northward along the western border on an embankment to Ngala just south of Lake Chad and thence into the French Cameroons. Another all-weather trunk road originating in Maiduguri, A4, runs to Bama, thus providing a link with Dikwa. The distance from Bama to Dikwa by these two all-weather roads, which form two sides of a triangle with the apex at Maiduguri, is, however, about 110 miles as compared with the straight line distance—the base of the triangle—of only about 45 miles.
- 13. From Bama, trunk road A4 continues southward to Zara and Kiva, some 10 miles north of Gwoza, but the surface of this stretch of some 40 miles is not up to all-weather standard. From Kiva the surface is again all-weather through Gwoza, Madagali, Gulak, Michika and Uba to Mubi, a distance of about 110 miles. The other roads in the northern section of the Territory are all Native Authority dry-season roads, with the exception of regional road B505 running from Mubi to Burha in the French Cameroons, a distance of about 20 miles.
- 14. Mubi is connected with Jada in the southern section of the Territory by trunk road A4, which runs in through Yola. A ferry service over the Benue at Yola enables crossing of this river. The distance by this road from Mubi to Yola is 124 miles and from Yola to Jada 67 miles or a total distance of 191 miles from Mubi to Jada. This is the only all-weather road

^{3/} Figures from the 1952 census.

link between the northern and southern sections of the Trust Territory.

- 15. In the southern section it is projected that A4 will continue from Jada, through Sugu, Jamtari and Serti to Mayo Selbe at the foot of the Mambila escarpment, up the escarpment to Gembu and thence into the Southern Cameroons. So far, however, only the short length between Jamtari and Serti (some 30 miles) has been completed. The remainder of the existing road along this route, approximately 166 miles, is strictly dry-season.
- 16. Just north of Jada, another trunk road, A14, branches off A4 and continues southward in Nigerian territory to Beli almost on the border of the Trust Territory. The distance from Jada to Beli is about 135 miles. From Beli, regional road B504 turns east into Trust Territory to Jamtari, a distance of 30 miles. Thus, there is an all-weather link between Jada and Jamtari of about 165 miles, most of which runs through Nigerian territory. This link continues to Serti.
- 17. Trunk road A14 continues southward from Beli to Takum, a small town in Nigerian territory about 20 miles from the boundary between Northern and Southern Cameroons. The distance from Beli to Takum is about 90 miles. At about 60 miles on this road from Beli, regional road B553 crosses it going into Trust Territory through Baissa to Abong on the Southern Cameroons border, and so establishing an all-weather link between Beli and Baissa.
- 18. A trunk road (A22) is being constructed from Takum through Bissaula to Komine in the Southern Cameroons. This road will complete the all-weather links between Jada and all the important centres of the southern section of the Territory. There are no other trunk or regional all-season roads in the Territory.
- 19. Because of the axial mountain ranges running along the eastern border of the Northern Cameroons and the numerous lateral spurs, particularly in the southern section, Native Authority dry-season roads, to maintain north-south communications, must frequently cross valley bottoms and ford streams and rivulets or run through low-lying lands. In the wet season, when every stream or rivulet becomes a torrent and the low-lying lands are extensively flooded, these roads become impassable and the great majority of the villages served by them are cut off from communication with the larger centres served by all-season roads, even those within relatively short distances of these centres. This state of affairs continues throughout the rainy season and for some time thereafter until the cessation of the rains allows the streams and rivulets to shrink and the flooded areas to dry off, thus permitting bridges and damaged roads to be repaired and communications to be re-established. It is reported that of the total of 827 miles of Native Authority roads in the Northern Cameroons about three-quarters or 614 miles are dry-season roads and only 213 miles are all-season.

THE PEOPLE

20. The ethnic composition of the population of the Northern Cameroons is highly complex. Up-to-date and complete statistics of the ethnic composition are not available, but the figures given in respect of the 1952 census are as follows:

Trust Territory Districts				
Tribe	Bornu	Adamawa	Benue	Tota1
Kanuri	118,100	4,800	-	122,900
Shuwa Arabs	52,300		-	52,300
Fulani	6,300	55,800	100	62,200
Hausa	700	7,500	_	8,200
Other Northern.	78.500	334,400	12,600	425,500
Nigerians	3,500	6,000	100	9,600
Not specified	5,800	600	-	6,400
TOTAL	265,200	409,100	12,800	687,100

- 21. The "Other Northern" group consists largely of semi-Bantu speaking tribes living mainly in mountain villages and commonly referred to as "hill pagans". They constitute a majority in the Adamawa and Benue districts and a substantial proportion of the population in the Bornu districts. They include, in the Northern Adamawa districts, tribes, such as the Beta, Fali, Bude, Higi, Marghi, Njai and Sulcur, while in the Southern Adamawa districts they include the Chamba, Jibu, Koma and Mambila. In the Benue districts they include the Tigon, Ndoro and Kentu. Little or nothing is known of the origin of these tribes. They presumably moved into the hills to escape the slave raids from the Hausa, Kanuri and Fulani States on the plains. Their original culture is characterized by initiation rites, exogamy, the absence of secular chieftainship, the absence of circumcision and a complete lack of clothing or its restriction to leaves or a leather covering or brass and iron ornaments worn over the pubis. Their religion combines belief in the Supreme Being with forms of animism and ancestor worship.
- 22. Although they exhibit a striking similarity of language, customs, social organization and religious belief, each clan asserts that it is separate and independent, and that each group has no connexion with any other. The kindred groups in the area acknowledge a common cult of their founder, to whom annual celebrations are made by the members of the whole group, and at which the chief of the senior kindred group takes precedence as the religious head. As ancestor worship and fetishism are inseparable from their temporal life, this religious head is ipso facto temporal clan chief, even though in practice he cannot exercise much power over the peoples of other kindred groups owing to their inherently independent character and their limited allegiance to him. Their customs do not appear to recognize any political organization wider than the exogamous kindred, and councils and courts, where representatives of different tribes meet and work together with their District Head, are new conceptions to them.
- 23. As education spreads among them and peace gives greater opportunities of visiting and learning from other peoples, their outlook is broadening and more and more individuals are seeking and making openings for themselves outside the narrow confines of their hills. Under the impact of other cultures, particularly of Moslem and to a lesser extent of Christian influence, a profound social and political transformation is taking place. Clothing is being increasingly worn and much interest is being displayed in political organization.
- 24. The Kanuri, who constitute the largest tribal element in the Dikwa Division of the Bornu Province, came originally from Kanem in the Central Sudan. They are of Negro origin, modified by a Tuareg Berber immigration from A.D. 500-800. They entered Bornu

about the thirteenth century, conquered the country and intermarried with the Negro population of Bornu. They are still the ruling race in Dikwa. The present Emirate of Dikwa is a small portion of the ancient Kanuri Empire of Bornu. The nineteenth century was a period of intermittent trouble there. In 1808, the Fulani, having conquered the Hausa States of Northern Nigeria, invaded Bornu and had to be repelled and then, after a lull, rivalries among the ruling families led to civil war, with the present El Kanemi dynasty becoming established. Finally, in 1893, the country was overrun by an invader from the Sudan, one Rabeh. He was overthrown in 1900 by the French, who restored the El Kanemi dynasty, which remained in power under the German administration. In 1922, on the assumption of the British mandate for the Cameroons, Dikwa became a separate division of the Bornu Province of Nigeria and a member of the El Kanemi dynasty was installed as Shehu of Dikwa. In 1937, he became Shehu of Bornu and his brother was selected to rule over Dikwa with the title of Emir, leaving the title of Shehu to the head of the family. The present Emir of Dikwa is a member of this dynasty.

- 25. The Shuwa Arabs, representing an important part of the present population of the Dikwa Division, came into Bornu from the east. Originally nomadic, they are now mostly settled. They still retain, under the Emir of Dikwa and his district heads, the framework of their internal clan government as a survival from the days when they were semi-nomadic herdsmen.
- 26. The Fulani, a pastoral people, possibly of Semitic origin, came into the Territory from Mellevia Bornu. They became Moslems of the Sunni sect. Their customs are in general regulated by Islamic law and tradition, with a considerable substratum of pagan custom and observances, particularly among the nomadic clans, some of which have not embraced Islam. They have intermarried with the various tribes among which they have settled. Their language, Fulfulde, is spoken throughout the Western and Central Sudan, and is the lingua franca of Adamawa.
- 27. The first half of the nineteenth century saw the rise and consolidation of Fulani power in the Adamawa and Benue areas under Modibo Adawa. He dominated an area of some 20,000 square miles and established his capital at Yola. The Conventions of 1902 and 1907 which determined the British and German spheres of influence in this area led to the loss of the greater part of the territory to the Lamido (Emir) of Adamawa and caused continued trouble. Some of this was restored under the British mandate, but more than half of the original Emirate now lies within the French Cameroons.

EDUCATION

28. The precise extent of illiteracy in the Northern Cameroons, that is the inability to read or write any language, is unknown, but was estimated to be between 80 and 90 per cent in 1957. Efforts have been made to extend the scope and efficiency of the adult literacy campaigns. In 1957, there were 446 adult classes, with an enrolment of 10,647 adults. A total of 2,162 literacy certificates was issued during the year, in addition to 6,000 issued in 1955 and 2,562 in 1956. The rapid growth of adult literacy classes has outstripped the supervision available and the Government's policy in 1957 was one of consolidation and improvement of standards, rather than of expansion.

- 29. There is no compulsory education except that in Adamawa and Dikwa, under a Native Authority Order, a parent or guardian may be prosecuted if a child enrolled in a school fails to attend. Native Authority schools do not charge fees; in some cases, mission schools charge a nominal fee. In the Northern Cameroons in 1957, there were 5,167 children in sixty-five primary schools, twenty-five of which were run by voluntary agencies. School texts were in the Hausa, Fulani and Kanuri languages. There were none in the languages of the hill tribes.
- 30. In the Dikwa Emirate, where hill tribes still appear to display a lack of interest in education, the short-term policy is to increase the number of primary schools as fast as the supply of certificated teachers permits, and to provide increased facilities for senior primary education in Bama. In the Adamawa Division, where there is a real and growing demand for boys' education, the first aim is to staff every school properly and then to expand primary education by opening schools where the need is indicated by local education committees and where teachers can be made available. There are only two schools in the Tigon-Ndoro-Kentu districts, one being a Native Authority school and the other a Mission school.
- 31. In Dikwa, the proportion of girls to boys is almost 50 per cent, but in Adamawa and Benue, there is still considerable opposition to girls' education. Women education officers are gradually breaking down the prejudice against the education of girls. Much encouragement has been given to the education of girls by the establishment of girls' schools in Maiduguri and Yola, both outside the Trust Territory. However, they accept girls from the Trust Territory.
- 32. The Northern Cameroons suffers from a lack of trained teachers, a diversity of languages and an acute transport problem, which makes adequate supervision of schools difficult; in future, finance also may be a problem. The Territory has a teacher-training college in Mubi of Grade 3 status, which gives a three-year course to ex-senior primary VI boys. After graduation, these teachers are permitted to teach English. The quality and number of vernacular-trained teachers is improving with each new output from the Mubi Vernacular Teacher-Training Centre. The Roman Catholic Mission also runs a Teacher-Training College in Bazza, Adamawa.
- 33. The Territory is served by three Native Authority senior primary schools in Bama, Jada and Michika. There are no secondary schools in the Territory, but boys from it have access, by competitive examination, to secondary schools in Nigeria. In 1957, there were thirty-three boys from the Trust Territory, both North and South, in these schools.

PRESS AND BROADCASTING

Press

34. No newspapers are published in the Northern Cameroons, but a number of Nigerian papers have limited circulation in the Territory, including the Daily Times, Sunday Times, the West African Pilot and the Daily Service.

Broadcasting

35. The only broadcasting facilities are those of the Nigerian Broadcasting Corporation, which operates

inter alia three regional programmes and a national programme. The North Regional Programme broadcast from Kaduna is received in the Northern Cameroons. The bulk of these programmes are broadcast in Hausa, the <u>lingua franca</u> of the Northern Region, but both Kanuri and Fulfulde, the languages most widely spoken in the Northern Cameroons, are also used for news broadcasts. The National Programme, which is heard throughout the Territory, is broadcast in English, though the news is also broadcast in Hausa.

TERRITORIAL GOVERNMENT

- 36. Article 5 of the Trusteeship Agreement for the Territory of the Cameroons under British administration, 4/approved by the General Assembly on 13 December 1946, provides, inter alia that the Administering Authority:
 - "(a) Shall have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with the Authority's own laws as an integral part of its territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this Agreement;
 - "(b) Shall be entitled to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this Agreement."
- 37. The Trust Territory has been and is administered as an integral part of the Federation of Nigeria and the structure of government in its legislative, administrative and judicial aspects is determined by the Constitution of Nigeria. The Federation consists of the Northern Region, including the northern section of the Trust Territory of the Cameroons under United Kingdom administration, the Eastern Region, the Western Region, the Southern Cameroons and the Federal Territory of Lagos. The Federal Legislature consists of the Governor-General and a House of Representatives almost wholly elected by popular vote in elections separate from those for the Legislative Houses of each of the regions and the Southern Cameroons. Each of the regional governments is administered by a Governor and Executive Council and for each region is a legislature, including a House of Assembly wholly-and in the Northern Region, almost wholly-elected by popular vote. The respective spheres of competence of federal and regional governments are determined by legislative lists. Residual legislative powers are vested in the Regional Legislatures. There is a High Court for the Northern Region and appeals lie to the Federal Supreme Court.
- 38. The Council of Ministers is the principal instrument of policy for Nigeria in matters to which the executive authority of the Federation extends. It consists of the Governor-General, who is President, and not less than eleven members styled ministers, of whom one is styled the Prime Minister. The Governor-General is required to appoint as Prime Minister the member of the House of Representatives

who appears to him to be best able to command a majority in that House. The other ministers are appointed from among the members of the House of Representatives on the recommendation of the Prime Minister. Four members of the House of Representatives are elected from Northern Cameroons constituencies, namely North Dikwa, South Dikwa, Northern Adamawa and Southern Adamawa and from a constituency partly in Trust Territory, namely Wukari. The present members representing the Northern Cameroons all belong to the Northern Peoples' Congress (NPC), the majority party in the Northern Region.

- 39. The Northern Regional Executive Council consists of the Governor, who is Resident, one ex-officio member (the Attorney-General of the region) and twenty members appointed by the Northern House of Chiefs and the Northern House of Assembly; one of these is styled Premier and the remainder are appointed by the Governor on the recommendation of the Premier. The Northern Cameroons is now represented on the Executive Council by two members: Malan Abba Habib, Minister of Trade and Industry who was born in Dikwa Emirate and was the first Minister for Northern Cameroons Affairs, and Alhaji Abdullahi Dan Buram Jada, who was born in Adamawa Trust Territory and is now Minister for Northern Cameroons Affairs and for Animal Health and Forestry.
- 40. The Legislature of the Northern Region of Nigeria consists of the Governor of the region and two Legislative Houses, namely the Northern House of Chiefs and the Northern House of Assembly. The Northern House of Chiefs is composed of the Governor, all first-class chiefs, thirty-seven other chiefs, those members of the Executive Council who are members of the House of Assembly, and an adviser on Moslem law. The members of the Northern House of Assembly are one official member (the Attorney-General), 131 elected members and not more than five special members appointed by the Governor to represent interests not otherwise adequately represented.
- 41. One member of the Northern House of Chiefs—the Emir of Dikwa—comes from the Northern Cameroons and the Emirate of another—the Lamido of Adamawa—lies partly in Trust Territory. Five members of the Northern House of Assembly are elected by Northern Cameroonian constituencies, namely, Dikwa North, Dikwa South, Adamawa Northeast, Adamawa South, 5/2 and one from a constituency partly in Trust Territory, namely, the Wukari Division of Benue-Province. 5/2 The present members all belong to the NPC, the majority party in the House of Assembly.
- 42. In addition to the above legislative and executive bodies there was created in 1955 a Consultative Committee for the Northern Cameroons to advise the Executive Council of the Northern Region on the particular needs of the Northern Cameroons and to make recommendations to the Council. It has the duty of keeping the Government informed of Northern Cameroons opinion on regional legislation and through its chairman makes known to the Executive Council its views on proposed legislation or draws attention to the need for new legislation. The Consultative Committee

^{4/} United Nations publication, Sales No.: 1947. VI.A.6.

^{5/} These are the names of the constituencies as given in the Establishment of Electoral Districts Proclamation, 1958 - L.N. 115 of 1958.

has been constituted a formal Committee of the Executive Council of the Northern Region. Its membership totals sixteen, consisting of the Minister for Northern Cameroons Affairs and for Animal Health and Forestry as chairman, the two members of the House of Chiefs (the Emir of Dikwa and the Lamido of Adamawa), the four Northern Cameroonian members of the House of Representatives, four Northern Cameroonian members of the House of Assembly (the other member resigned on being appointed a Minister), and five special members, including two as representatives of the Ndoro, Kentu and Tigon areas, one Fulani member and one Mambila member to represent the Mambila District.

LOCAL GOVERNMENT

- 43. Local government in the Northern Cameroons is the responsibility of Native Authorities, who receive guidance and advice from administrative and departmental officers of the Northern Region Government. The Administering Authority has stated that, generally speaking, where there is a strong tribal consciousness or a long tradition of political organization, the Native Authorities are the traditional executive authority, but where there is no traditional authority possessing executive power over a wider area than the village, the Native Authority system is a new construction rather than an adaptation of native machinery. It is to be emphasized that administrative officers do not govern; their role is to advise and supervise the native administrators at all levels.
- 44. In the Northern Cameroons, the local government institutions are regulated by the Northern Region Native Authority Law 1954 (no. 4 of 1954) and, under section 6 of that law, the Governor, acting within his absolute discretion, may appoint as a Native Authority any chief or other person, any chief associated with a council, any council or any group of persons. The Native Authorities so appointed are as follows:
- (1) Bornu Province, Bama (Dikwa) Division: The Emir of Dikwa in Council;
- (2) Adamawa Province, Adamawa Districts: The Lamido of Adamawa in Council;
- (3) Benue Province, Wukari Division, Tigon-Ndoro-Kentu areas: Tigon District Council, Ndoro Tribal Council and Kentu District Council, forming the United Hills Subordinate Native Authority.
- 45. The Administering Authority has stated that the existing Native Authorities were built up after careful inquiry in each case into the basis of traditional authority. Where chiefs, or chiefs and councils, formed the recognized authority, they became the Native Authority. Where the hereditary principle did not operate, the representatives of the extended families or groups were formed into councils as Native Authorities in such manner as the people desired and given statutory powers. Native Authorities and Native Courts take cognizance of local law and custom, but do not interfere with them except in so far as law and custom are repugnant to natural justice, morality, and humanity, or conflict with the provisions of any ordinance.
- 46. Administrative officers do not interfere in the selection of representatives on the Native Authority Councils. Existing forms of local government range from the hierarchic, which is commonest in the north,

- to the conciliar. The Northern Region Native Authority Law sets out the functions and prescribes the duties of these bodies and thus defines their relationship with the regional government and the legislature. The qualifications required of members are that they should be acceptable to the people over whom the Native Authority has jurisdiction, but power to remove a member exists and this power is exercised in cases of misconduct or ineptitude. Since local government is founded on traditional institutions, the jurisdiction of local government bodies usually conforms to tribal or similar divisions. Amalgamation occurs where it is the wish of the people concerned and is calculated to promote efficiency.
- 47. Powers of Native Authorities in the Northern Cameroons cover a wide range, including the maintenance of law and order.
- 48. The Native Authority for the Adamawa Emirate, of which the Trust Territory within the Adamawa Province (i.e., the Northern and Southern Adamawa districts) forms a part, consists of the Lamido-in-Council; the Council is composed of three traditional Fulani Councillors, three non-Fulani title-holders and District Heads (two of these, Macha and Suju, come from the Trust Territory), six administrative Councillors nominated by the Native Authority, responsible for one or more Native Authority departments, and six Councillors elected by the Adamawa Native Authority Outer Council from among themselves to represent the northern, central and southern areas of the Emirate (three of these come from the Trust Territory) and two members representing special interests. The Native Authority is a policy-making body and it functions through a system of such committees. Day-to-day affairs are dealt with by an executive committee resident at Yola. The full Council meets for a week in each month. Matters are dealt with either in committee, with final approval by the Council, or in full Council.
- 49. The financial powers of the Native Authority are wide and it has almost complete control over its own affairs.
- 50. The Outer Council of the Native Authority, which is an advisory body consisting of thirty-one District Headmen and forty-three representatives elected on a population basis, meets twice a year. Its comments and advice on Emirate affairs are considered by the Native Authority Council.
- 51. At a lower level, local government rests in the hands of twenty-eight district administrations. A District Headman is responsible for each district; he may be an hereditary territorial chief or a career administrator appointed by the Native Authority. He is a full-time, paid administrative official. Each District Headman is responsible to the Native Authority for the administration of his district. He has as assistants subordinate members of various departments and a District Council to advise him. Affairs affecting particular districts are being referred increasingly to the Councils by the Native Authority and the financial powers of some have been increased by granting them authority to retain locally collected fees if they wish to do so for providing certain services, e.g. water supplies, grazing grounds, reading rooms, etc. All District Councils have been formally established under the Native Authority Law 1954, with electoral rules

which provide for an elected majority by a system of direct elections.

- 52. The Native Authority of the Dikwa Emirate, which lies wholly within the Trust Territory and comprises the Dikwa Division of Bornu Province with Head-quarters at Bama, is the Emir of Dikwa-in-Council. The Council consists of the District Heads of Bama and Gwozu, the local government secretary, the head veterinary assistant, the manager of the Native Authority schools, the senior dispensary assistant, a legal adviser and one administrative Councillor. Malam Abba Habib, the Minister of Trade and Industry in the Northern Region Government, is also a member.
- 53. The Outer Council has as its chairman one member of the Native Authority. It consists of eight District Heads, twenty-six members of the District Councils, two members of the Bama Town Council and six members nominated by the Native Authority to represent special interests.
- 54. District Councils consist of the Village Heads from districts, members elected by the Village Councils in a proportion of one to every 2,000 people, and three members elected by the Council to represent special interests. District Councils elect the members of the Outer Council, assess taxpayers, approve expenditure of not more than £20 from district funds, but forward proposals for district development. The Feroya District Council has been formally established under the Native Authority Law 1954, with gazetted electoral rules and an elected majority.
- 55. Village Councils are presided over by Village Heads and consist of members elected in a proportion of one to every 300 people. They recommend to the Native Authority, through the District Councils, who should be appointed Village Heads and are generally responsible for assessing taxpayers. They submit proposals to the District Councils for village improvement and are responsible for seeing that Native Authority orders and rules are carried out at village level. The Bama Town Council is presided over by the District Head of Bama and controls limited funds; otherwise, its functions are similar to those of Village Councils.
- 56. That part of the Trust Territory which lies within the Wukari Division of Benue Province, the Tigon-Ndoro-Kentu area, has three small native administrations, the Tigon District Council, the Ndoro Tribal Council and the Kentu District Council, which form part of the Wukari Federated Native Authority. The three Councils have federated to form the United Hills Native Authority, subordinate to the Wukari Federated Native Authority. The United Hills Native Authority consists of sixteen recognized chiefs and twenty-two members elected by secret ballot and together with the other three subordinate Native Authorities (these lie outside Trust Territory) shares the Native Treasury of the Wukari Federation.

A NOTE ON THE NORTHERN SYSTEM

57. In September 1957, a Commission was appointed in Nigeria to inquire into the fears of minorities and the means of allaying them. The Commission's findings are contained in a report by submitted to the United

Kingdom Secretary of State for the Colonies on 30 July 1958, which includes a description of the Northern System of administration. Taking into account that the Northern Cameroons has been administered as part of the Northern Region and therefore has shared in the system of government generally referred to as the "Northern System", it seems useful to summarize some of the Committee's observations.

- 58. The Northern Region and, in particular, the northern part of the Northern Region, is part of the area known to historians and geographers as the Western Sudan; this is an area into which, from the beginning of what in Europe would be the Middle Ages until recently, there has been a constantly renewed infiltration of people from the north-east, and it is important that there had arisen among them the idea of a City State-a city with organized control over the population of a territory which might vary considerably in size, but which produced a ruling class and a system of administration even before the coming of Islam. The society resulting from the superimposition of Islam on this civilization was later on influenced and modified, but at the same time preserved and entrenched, by British rule.
- 59. In the Northern Region today, this society has its home in the great Emirates of the northern part of the Region and extends in varying degrees towards the south and east. There is the faith and the law of Islam; there is a tribal grouping, the combination of the Fulani, the Hausa, the Nupe and the Kanuri, all formerly ruling tribes, most of whom have long been adherents of Islam; there is the Hausa language, widely used as a lingua franca; there is a system of administration based on the Emir and a feudal pyramid below him—all these elements fusing to make what may for convenience be called the Northern System.
- 60. There are, however, sections of the population which the Northern System has touched little, round which rather than over which it has flowed, and which have never been absorbed into the System but merely enclosed within it. There are sections of the country where the inhabitants are still "pagan", where the Hausa language is little used and where Islamic law is hardly understood; these areas occur more and more frequently as one moves southward and eastward.
- 61. There is one more aspect of the Northern System to be borne in mind. By the time that British influence, and eventually sovereignty, became established in the country, the doctrine of Indirect Rule was in the process of development; the British Colonial Administrator Lugard, more than any one man—except perhaps Goldie—was responsible for the establishment of that sovereignty and Lugard was the high priest of Indirect Rule. And the Northern System appeared to provide the perfect vehicle for Indirect Rule. When the Protectorate was proclaimed, the Emirs were assured that their religion and customs would not be interfered with; the assurance has been observed with scrupulous fidelity and the whole Northern System until recently has been sheltered from outside influence.
- 62. When the Protectorate was proclaimed, there were areas into which the administration of the Emirs had never been able to penetrate successfully, because of the inaccessible nature of the country or the stubbornness of the inhabitants; there were others in which existing leaders had come to terms and secured

^{6/} Nigeria. Report of the Commission appointed to enquire into the fears of Minorities and the means of allaying them, presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty (London, Her Majesty's Stationery Office, July 1958), Commd. 505.

comparative immunity from raids by the regular payment of tribute, usually in slaves; there was a third type of area in which no serious attempt had been made to convert the people or to establish a permanent jurisdiction, but which had been regarded as convenient raiding grounds. In the great Emirates themselves, Lugard found established systems of administration with a judicial body of Alkalai and a fiscal system of some complexity. With these administered areas, as well as with the tracts and fragments which had remained outside the Northern System, Lugard had to come to an arrangement, and he adopted different means in each of these kinds of territory.

63. When there was an Emir with centralized authority, it was easy to apply the theory of Indirect Rule; the Emir was given a letter of appointment and it was thus made clear that he was a dependent ruler, subject to the law and to the supreme authority of the Crown; at the same time, British officials were instructed that they must not take the place of the Emirs, but guide and control them in the early years. In such areas, the Emir ruled through District Heads, who were appointed by him and were officials.

64. A mainly pagan area which formed part of an Emirate (as in southern Zaria and southern Illorin), was usually knitted into the System by the appointment of District Heads, usually Fulani or Hausa but sometimes a local traditional chief, and not much change was needed here. This method, however, was scarcely applicable to large areas where there had been no Fulani or Hausa administration, as for example among the Tivs or Jukuns. Here it took sometime to find out where authority had resided, and various experiments were made which were not wholly successful. As in the Eastern Region, authority of the wrong kind was sometimes conferred on the wrong people; but sometimes, as in Igala, it became possible to find a chief with centralized authority over subordinate hereditary chiefs who were heads of clans and who, with the help of traditional or hereditary councils, could operate in the same kind or way as the District Heads of the Fulani territories. There is no uniformity in the methods by which these local difficulties were met; in fact, in the Northern Region, there is an extreme variety and complexity of arrangements for local government. In the Northern Region, for most of the people "government" means "local government", the division of powers between the Regional Government and the local authorities is such that the Emirate constitutes a state within a state.

65. The British officers who succeeded the first administrators under Lugard were scrupulous to observe his promises and the Northern Region has remained behind the protective wall of the Colonial Government as a society singularly unaffected by change in the rest of the world.

66. However, in the last five years, there have been changes which, ten years ago, would have seemed revolutionary. Since 1951, a beginning has been made with elections to a parliamentary system; elections, however, are usually indirect and inthe primary stage often by show of hands. The Emir has become the Emir-in-Council and in most Emirates an elected element has been added to his Council. In some Emirates there is an Advisory Council, which meets to discuss matters referred to it and give an opinion; sometimes the Advisory Council elects members to

the Native Authority, that is to say the Emir-in-Council. At the time when the Commission's report was written, twenty-eight out of sixty-four Native Authorities had elected majorities, but in all except Illorin, where it is by secret ballot, election is by indirect voting and show of hands.

EVENTS LEADING TO PLEBISCITE

67. The recent events leading to the decision to hold a plebiscite in the Territory are well known to the members of the Trusteeship Council and the General Assembly. I shall, therefore, only recapitulate them briefly in order to complete the background information needed for a consideration of the plebiscite results.

68. As stated by the United Nations Visiting Mission to Trust Territories in West Africa, 1958, in paragraph 3 of its report on the Cameroons under United Kingdom administration, the need for ascertaining the wishes of the peoples of the Cameroons under United Kingdom administration had arisen not so much because of their own progress towards the objectives of the International Trusteeship System as because of the imminent attainment of independence by both of their much larger neighbours: the Federation of Nigeria on the one side and the Trust Territory of the Cameroons under French administration on the other. Each of these emergent States had indicated its willingness to have the Cameroons under United Kingdom administration join it if the peoples of the Trust Territory should so desire.

69. After a series of separate discussions with the Southern Cameroons delegates at the Nigeria Constitutional Conference held in London in May-June 1957, the United Kingdom Secretary of State for the Colonies made the following statement, of which the Conference later took note, about the future of the Trust Territory when Nigeria became independent:

"Her Majesty's Government fully recognize their obligations to the Cameroons under the Trusteeship Agreement.

"One of these obligations has been and is to administer the Territory as an integral part of Nigeria. This has, of course, been on the assumption that Nigeria was a dependent territory. When Nigeria becomes an independent country, this arrangement will no longer be possible so the Trusteeship Agreement will in any case have to be reviewed at that stage.

"When Nigeria becomes independent, one possibility would be that the Cameroons should remain part of it. This would involve the termination of the Trusteeship Agreement and would require consultation with the United Nations. I can state quite categorically that there can be no question of obliging the Cameroons to remain part of an independent Nigeria contrary to her own wishes.

"Before Nigeria becomes independent, the people of the north and south sectors of the Cameroons would have to say freely what their wishes were as to their own future. Among the options open to them would be to continue under the Trust administration of the United Kingdom. I must in fairness add the warning that you would not thereby be given the golden key of

^{7/} Official Records of the Trusteeship Council, Twenty-third Session, Supplement No. 2.

the Bank of England! But many of the best friends of the Cameroons do not foresee a destiny more likely to promote her happiness and prosperity than in continued association with Nigeria.

"Her Majesty's Government will, of course, pay the very greatest regard to their views, whatever form they may take."

70. In a memorandum submitted by the representative of the United Kingdom to the Trusteeship Council at its twenty-second session on 30 June 1958, ⁸/it was stated that it was necessary to consider what arrangements should be made for the administration of the Trust Territory when Nigeria became independent. These arrangements must involve either the modification or the termination of the present Trusteeship Agreement and it was assumed that the United Nations, as the other principal party to the Trusteeship Agreement, would wish to ascertain, by appropriate means, the facts of the situation and in particular the views of the inhabitants of the Trust Territory.

71. It was stated in that memorandum that the Trust Territory fell naturally into two sections, the North and the South. The northern section had always been administered together with the adjacent provinces of the Northern Region of Nigeria. Its inhabitants were closely connected ethnically with the people of that region. The people of the Southern Cameroons, on the other hand, had no natural connexion, ethnic or otherwise, with those of the North and, in recent years, this section had had a status approximating that of a separate region within the Federation. Both parts of the Trust Territory had shared, in different ways and in accordance with the wishes of their inhabitants, in the political advances made as a result of the 1957 Nigeria Constitutional Conference and neither had fallen behind the Federation in its advance towards self-government and, ultimately, independence.

72. In these circumstances, it was stated, the United Kingdom Government had promised that the inhabitants of both the northern and southern sections of the Trust Territory would be given an opportunity freely to express their own wishes about their future. Attention was drawn to the above-quoted statement of the Secretary of State. The United Kingdom, the memorandum continued, attached great importance to the consultation of the peoples of the northern and southern sections of the Cameroons about their future and therefore proposed that the 1958 United Nations Visiting Mission to the Trust Territories in West Africa should include in its report its views on the method of consultation which should be adopted when the time came for the peoples to express their wishes concerning their future.

73. The Trusteeship Council accordingly, in its resolution 1907 (XXII) of 28 July 1958, defining the terms of reference of the 1958 West African Visiting Mission, requested the Mission to include in its report on the Cameroons under United Kingdom administration its views on the method of consultation which should be adopted when the time came for the peoples of the Territory to express their wishes concerning their future.

74. In reporting the results of the resumed Nigeria Constitutional Conference held in London in September-October 1958 on the subject of Nigerian independence, the representative of the United Kingdom informed the General Assembly at its thirteenth session in November 1958 that the official report 9/ issued at the conclusion of the Conference referred to a statement made by the Secretary of State on behalf of the United Kingdom Government to the effect that, if a resolution was passed by the new Federal Parliament of Nigeria early in 1960 asking for independence, the United Kingdom Government would agree to that request and would introduce a bill into the United Kingdom Parliament to enable Nigeria to become a fully independent country on 1 October 1960. The Federal Prime Minister of Nigeria and the Premiers of the Nigerian Regions had accepted that statement.

75. The decision, the United Kingdom representative stated, vitally affected the Cameroons under United Kingdom administration for, under the terms of the Trusteeship Agreement, the Trust Territory was administered as an integral part of Nigeria. In so far as the Northern Cameroons was concerned, the report of the 1957 Nigeria Constitutional Conference 10/had stated that the delegate from the Northern Cameroons wished to reaffirm the decision taken by the Northern Cameroons in 1953 to remain part of the Northern Region of Nigeria. That region had, by its own wish, not attained self-government as early as the other regions, but had since expressed a desire for selfgovernment early in 1959. The 1958 resumed Conference had recommended that constitutional provision should be made for the Northern Region to become self-governing on 15 March 1959. The Governor of the Northern Region, however, would continue to retain general reserve powers in relation to the Northern Cameroons in order to enable the United Kingdom Government to carry out its responsibilities under the Trusteeship Agreement.

76. The United Kingdom representative considered that it was essential that any action which had to be taken in the United Nations regarding the Trusteeship Agreement should be taken before Nigeria became independent and in co-operation between the United Nations and the Administering Authority. If the Trust Territory obtained independence, under whatever arrangements, and the Trusteeship Agreement was to continue for a short time, it would have to be modified, since his Government could not continue to administer the Territory as an integral part of Nigeria once the United Kingdom had ceased to exercise any powers in Nigeria. In addition to reporting on the method of consultation of the inhabitants when the time came, he hoped the 1958 Visiting Mission would also report on the choice to be put before the voters, on residential qualifications and similar matters. The organization of the consultation was a matter for the

^{8/} Ibid., Twenty-second Session, Annexes, agenda item 6, document T/1393.

^{9/} Report by the resumed Nigeria Constitutional Conference held in London in September and October 1958, presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty (London, Her Majesty's Stationery Office, November 1958), Cmnd. 569.

^{10/} Report by the Nigeria Constitutional Conference held in London in May and June 1957, presented by the Secretary of State for the Colonies to Parliament by Command of Her Majesty (London, Her Majesty's Stationery Office, July 1957), Comnd. 207.

Mission to advise upon and for the Trusteeship Council to consider, but his Government felt that it should take the form of a plebiscite supervised by the United Nations as in the case of Togoland under British administration.

77. The 1958 Visiting Mission in its report stated that it felt bound to proceed from the assumption that some form of independence by association with an independent neighbouring country could appropriately constitute the basis for the termination of the Trusteeship Agreement. That assumption, it said, was shared by the political leaders in the Trust Territory itself. It had found little support for the view expressed to the previous visiting missions concerning the union of the northern and southern sections of the Territory as a step towards the eventual evolution of an independent State. The continuation of trusteeship was regarded, even by the one political party for which it had some attraction, only as a transitional step towards the objective of unification and independence.

78. The Mission also felt obliged to take account of another important effect of the circumstances which were peculiar to the Trust Territory. It considered that, in view of its existing situation, any consideration of the future of the Territory must be in terms not of the Territory as a whole but of its northern and southern sections separately. The Cameroons under United Kingdom administration had never been administered as a separate Territory but always as an integral part of Nigeria and, within that framework, it had never been administered as a single part of Nigeria, but always as two. The nature of the various parts and the various peoples of the Cameroons was such that approximately one half of them were administered as part of the "Southern System" and the other half as part of the "Northern System". In the northern half, the political and social authority of the ruling tribes remained predominant; in the southern half, against weaker traditional influences and with longer and closer contact with European administrators, missionaries, traders and planters, newer forms of political, economic and social progress had made greater headway.

79. The Mission felt that in the north-within the context of the "Northern System" and its reliance on the Emirates as a means of local administrationbringing the Northern Cameroons into the fold of Northern Nigeria meant restoring, to a large degree, links of Fulani authority which had been broken by the establishment of the German Kamerun. These relationships had remained strong throughout the years, although they had been increasingly modified by the gradual modernization of the traditional forms of authority through institutional reforms and the development of political party activity. The Mission noted, however, that an important part of the population—the vigorous but less advanced semi-Bantu pagan tribes who had isolated themselves in the hills-had not yet fully made its mark on the political situation in the Northern Cameroons, even though it represented a majority in those parts of the Adamawa Emirate which were under trusteeship.

80. The Mission reported that it found the great majority of the northern governmental and traditional leaders, political party spokesmen, representatives of District Councils, and other persons with views on the matter resigned to the virtual imposition of a plebiscite rather than to a positive acceptance of it. This was not because they had any fear of the result; on the contrary, they had no doubt of a practically unanimous vote in favour of the Northern Cameroons becoming part of Nigeria. The Mission was assured everywhere that the future of the Northern Cameroons as an integral part of Northern Nigeria was in no sense an issue on which public opinion was divided. The representatives of the opposition parties-the United Middle Belt Congress (UMBC) and the Northern Elements Progressive Union (NEPU)-had left no doubt in the Mission's mind that they also supported the conception that the only practical destiny for the northern section of the Territory was to be part of the Northern Region of Nigeria. The principal differences between the UMBC and the Government party-the Northern Peoples' Congress (NPC)—were concerned with matters of internal administration which, the Mission felt, could not affect the status of the Northern Cameroons.

81. The Mission accordingly reported that it had come to the conclusion, on the basis of the facts and opinions known to it—which included the consideration of historical and political development-that there was no difference of opinion on the princ pal question of the future of the Northern Cameroons which would require or justify the holding of a formal consultation on the subject. It stated that it believed it to be manifestly the opinion of the northern population as a whole, as far as it could be expressed at present and in the foreseeable future, that they should become permanently a part of the Northern Region when the Federation of Nigeria attained independence. It therefore recommended that, if the General Assembly would accept such a union as the basis for the termination of the Trusteeship Agreement, no further consultation would need to be held.

82. The question of the future of the Cameroons under United Kingdom administration was further considered at the resumed thirteenth session of the General Assembly in February-March 1959 in the light of the Visiting Mission's report. During the general debate, there appeared to be general concurrence with the views of the Visiting Mission that the situation in the two parts of the Territory were different and the two parts should therefore be dealt with separately. In regard to the Northern Cameroons, it appeared to be generally felt, however, that a matter of such importance as the future of the Territory should only be decided on the basis of popular consultation under United Nations supervision. Accordingly, the General Assembly adopted on 13 March 1959 resolution 1350 (XIII) (see annex I), whereby it recommended that separate plebiscites be organized by the Administering Authority in consultation with a United Nations Plebiscite Commissioner in the Northern and Southern Cameroons under United Nations supervision in order to ascertain the wishes of the inhabitants of the Territory concerning their future.

Chapter III

ORGANIZATION OF PLEBISCITE BY THE ADMINISTERING AUTHORITY

GENERAL.

- 83. In order to give effect to the recommendations in respect of the Northern Cameroons contained in General Assembly resolution 1350 (XIII), an Order in Council entitled the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, was published in the United Kingdom as Statutory Instrument No. 1304, to come into operation on 5 August 1959. This Order in Council was republished in a supplement to the Nigeria Official Gazette No. 50, vol. 46, 13 August 1959—part B, as L.N. 175 of 1959 (see annex II).
- 84. Article 3 (1) of the Order in Council made provision for the holding of a plebiscite in the Northern Cameroons, i.e., those parts of the Trust Territory that are comprised in the Northern Region of Nigeria, for the purpose of ascertaining which of the following alternatives would be preferred by the people of the Northern Cameroons upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Colony and Protectorate of Nigeria, namely:
- (a) That the Northern Cameroons should be part of the Northern Region of Nigeria; or
- (b) That the future of the Northern Cameroons should be decided at a later date.
- 85. The General Assembly recommended, interalia, in operative paragraph 2 of its resolution 1350 (XIII) of 13 March 1959 that the people of the northern part of the Territory should be asked:
 - "(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent?

"or

- "(b) Are you in favour of deciding the future of the Northern Cameroons at a later date?"
- 86. It will be observed that the wording of the plebiscite questions in the Order in Council departed somewhat from that used in the General Assembly's resolution. In reply to my question about this, I was informed by the then Acting Governor-General, Sir Ralph Grey, in Lagos that the wording of article 3 (1) of the Order in Council had been decided by the legal advisers of the Colonial Office after discussion with the United Kingdom Permanent Mission to the United Nations in New York in order that there should be legal Authority in precise terms for a choice limited to two alternatives. The Governor-General had been advised at the time that there was no obligation on those concerned to put the questions in the plebiscite in the precise language used in the Order in Council. It would be the duty of those concerned to put the alternatives in what they considered the most intelligible terms (and not necessarily in the English language). The Governor-General had been further advised that there seemed on that account to be no reason why the actual text of the questions to be asked should not follow the words of the resolution.
- 87. Although these variations in the wording of the alternatives to be put to the people from that of the resolution did not alter the sense of the questions and the wording on the posters and other publicity material

followed substantially that of the resolution, I considered, nevertheless, that it would have been preferable to adhere literally to the wording used in General Assembly resolution 1350 (XIII).

REGISTRATION

- 88. In order to give effect to the recommendation in operative paragraph 2 of General Assembly resolution 1350 (XIII) that the plebiscite should be conducted on the basis of the Nigerian federal electoral register then being compiled for the elections to the Federal House of Representatives, article 6 (1) of the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, provided that "Every person whose name is included in a register of voters prepared under regulations made under section 5 of the Nigeria (Electoral Provisions) Order in Council, 1958, in respect of any area that constitutes a District and who is entitled under such regulations to vote for the purpose of returning a member to the House of Representatives of the Federation of Nigeria shall, subject to the provisions of this Article, be entitled, in that part of the area in which he is registered as being entitled to vote, to cast a vote in favour of one or other of the alternatives specified in paragraph (1) of Article 3 of this Order". A district, in this sense, meant any district established by article 4 of the
- 89. Article 4 of the Order in Council, 1959, provided that for the purposes of the plebiscite the Northern Cameroons should be divided into districts corresponding to the areas in the Northern Cameroons proclaimed to be electoral districts under section 4 of the Nigeria (Electoral Provisions) Order in Council, 1958 (a). These districts were based on the recommendations of the Delimitation Commission. The Plebiscite Order in Council further provided that the electoral district described in the Establishment of Electoral Districts Proclamation, 1958, of the Federation of Nigeria as "Constituency No. 40, Wukari" should be deemed to consist only of the Tigon, Ndoro and Kentu Districts of the Administrative Division of Wukarii.e., only of the districts falling within the Trust Territory—and not of the whole of that Administrative Division.
- 90. The recommendation of the General Assembly that the plebiscite should be conducted on the basis of the electoral register left little room for United Nations participation in this important aspect of the plebiscite. Nevertheless, in the course of discussions in New York with the representatives of the Administering Authority, at the end of May 1959, I suggested that provision should be made for a period directly before the plebiscite took place in which anyone who had failed to register himself previously could do so. Hearings held for this purpose could then be supervised by the United Nations observers who would by then be at their stations in the Territory.
- 91. The representatives of the Administering Authority informed me on 24 June 1959 that they had certain objections to this proposal. In the first place, it was felt that there could be "tremendous practical difficulties reopening the registration system in a large and generally sparsely populated territory with ina-

dequate communications". Secondly, it was considered by the Administering Authority's representatives that the resolution of the General Assembly to have the plebiscite "conducted on the basis of the electoral register at present being compiled for the elections to the Federal House of Representatives" implied finality. They felt that there were insuperable legal obstacles to my proposal, since the electoral register for the federal elections must be compiled according to the law and the law did not provide for any reopening of registration after final lists had been settled. I was further informed that the new register would be posted for public inspection for the statutory period of thirty days from 15 June 1959 and during that period claims and objections might be filed. These would be heard and decided before the end of July, and final lists would be prepared and printed. Even if the law were amended to permit further changes in the register thereafter, the representatives of the Administering Authority considered that there would have to be a repetition of the registration procedure and of the procedure for claims and objections. Moreover, they felt that the United Nations observers would have time to sense before the plebiscite whether there was any dissatisfaction over the registration. However, they suggested that, if I considered some close connexion with registration was needed, one or two observers could be sent out to the Territory to observe the settlement of claims and objections in the main centres. This latter suggestion did not prove practicable.

92. On my arrival in Lagos, Sir Ralph Grey, the Acting Governor-General, was good enough, upon my request, to arrange for me a discussion with the Chairman of the Federal Electoral Commission, Mr. R. E. Wraith, O.B.E., who gave me a full account of the conduct of the registration. I was also furnished a copy of the report on the conduct of the procedure at the hearing of claims and objections. I summarize below the information so obtained.

93. The Nigeria Constitutional Conference held in London in May-June 1957, recommended, in regard to electoral arrangements, that an ad hoc delimitation commission should be appointed by the Governor-General to make recommendations for the division of the Federation of Nigeria into 320 single-member electoral districts of approximately equal population. The commission should not be required to adhere strictly to equality of numbers, but should have regard to physical features, transport facilities, existing local government or Native Authority areas and natural community of interest; it should ensure that no administrative division which was separately represented should lose such representation and that no electoral district should be partly in one region and partly in another.

94. The Delimitation Commission reported that, in arranging constituencies for the Adamawa, Dikwa and Wukari divisions as a whole, it had to consider the unusual situation that two separate parts of Adamawa, the whole of Dikwa and a small portion of the Wukari division were included in the Trust Territory. It allotted eight seats to the whole Adamawa division, and since approximately half the population lived in districts within the Trust Territory, it considered that these districts should be given four seats. These four constituencies lie wholly within the Trust Territory, for while the Commission believed that so far as

community of interest was concerned the trusteeship boundary was almost irrelevant and not much noticed by the people who live nearby, it was satisfied that, taking a long view and bearing in mind the interest of the United Nations, it was desirable chiefly for external reasons to have constituencies which did not cross the Trust Territory boundary. In the Wukari division, however, the Commission found it almost impossible to do likewise, since only about 13,000 out of a total of 136,700 people in the division lived in the Trust Territory and there was little or no communication over the mountains with the remainder of the Trust Territory. The Commission saw no alternative but to group these people with the remainder of the Wukari division. No difficulty arose with regard to Dikwa division, because it, unlike the other two, lay wholly within the Trust Territory; Dikwa was allotted three seats, bringing the number of exclusively Trust Territory constituencies to seven.

95. Registration was conducted in the Northern Region over a period of six weeks: from 2 March to 11 April 1959 between the hours of 8.00 a.m. and 2.00 p.m. A senior federal electoral officer was appointed in each province to be responsible for the co-ordination of all activities in his province under the chief federal electoral officer at Kaduna. Under the senior federal electoral officers were a number of registration and senior assistant registration officers, each of the latter being responsible for one constituency and answerable to the registration officer concerned for that constituency. A number of supervisory assistant registration officers and assistant registration officers were also appointed. The latter were responsible for the actual field work. It was necessary to recruit most of the subordinates from amongst the ranks of Native Authority officials. Registration officers were requested to issue a general warning to the junior staff that their personal political opinions must not, in any circumstances, be expressed during the period of registration and that they were not to ask any question designed to elicit the vote or opinion of any person seeking registration.

96. For the purpose of the registration, each constituency was divided into a number of registration areas, each area being so designed as to contain not more than 2,000 potential voters, and so that no person needed to walk more than twelve miles to register. Each area was in turn divided in sub-areas and identified by a registration letter, A, B, C, D, etc., and as electors registered, they were given a registration letter corresponding to the identification letter of the sub-area in which they resided and a number based on the order of application for registration and these were entered on the appropriate registration cards. The names and limits of the registration areas and the addresses of the registration offices were published in the constituency in public places. Notices were also published at each registration office giving the name and limits of the registration area served by the office, the date fixed by the Electoral Commission as the qualifying date for inclusion in the list (1 January 1959), the date for making application and the date by which the preliminary list must be published, together with the times and dates on which the office would be open and the places at which application forms were available.

97. Representatives of each candidate were permitted to be present during registration, should they so

desire. For this purpose, parties were requested to submit the names of their agents and indicate the area in which they would operate.

98. Article 4 of the Elections (House of Representatives) Regulations, 1958, provided that every person, subject to certain provisions, should be entitled to be registered as an elector and if so registered to vote at an election, who on the qualifying date was ordinarily resident in Nigeria and was a British subject or a British-protected person of the age of twenty-one years or upwards, and, if ordinarily resident in Northern Nigeria, was a male. No person under allegiance to a foreign Power or State, sentenced to death or imprisonment exceeding six months, and awaiting punishment, adjudged to be a lunatic or disqualified because of corrupt election practices should be entitled to be registered or to vote.

99. Article 19 of the Regulations provided that a person entitled to register should be registered in a constituency in which he was ordinarily resident at the qualifying date and not elsewhere. A person's ordinary residence should be determined by reference to all facts of the case, including the place where he usually

lived or which had always or generally been his home or which was the place to which he intended to return. When a person usually slept in one place and had his meals or was employed in another, his place of ordinary residence would be the place where he slept.

100. The Chairman of the Electoral Commission stated that so far as the Commission was concerned its main role was to insist that the "voluntary" principle of registration was observed as embodied in the Electoral Regulations. The Commission insisted that every individual presented himself at an "office" set up in a public place and that the assistant registration officer did not register people in their houses or in any other private place. In practice, in his experience, the Village or Hamlet Head usually came in with voters from his village on a particular day and, to this extent, the registration was organized. This, however, was a purely local arrangement and was not done at the insistence of the Electoral Commission or any of its officers.

101. Actual registration in the Trust Territory by electoral districts was as follows:

Name of constituency	Number of persons registered	Estimated potential electors	Percentage
Trust Territory administered as part of Bornu Province: Dikwa Central Dikwa North Gwoza	. 51,964	61,000	85
Trust Territory administered as part of Adamawa Province Cubunawa-Madagali Adamawa North-East Chamba Adamawa South		78,000	94
Trust Territory administered as part of Benue Province included in Wukari		3,400	99
GRAND TOTAL for all Northern Cameroons	129,549	142,400	91

102. The Chairman of the Electoral Commission informed me that the procedure worked smoothly and with few serious errors. The main point of controversy about registration concerned publicity. In a country like Nigeria, the success of the "voluntary" principle depends greatly on the publicity given to the arrangements. Many people felt that the Commission should have done more than it did. The Commission felt that its publicity should be restrained and limited to the normal channels of press, radio, etc. and that there should be no official attempt to urge or persuade people to register. It believed that the responsibility for urging or persuading people to register lay with the political parties. In the result it probably did not make much difference in the Northern Region, the Chairman said, since local organization under District, Village and Hamlet Heads was good and the percentage of registration was very high.

103. Article 32 of the Elections (House of Representatives) Regulations, 1958, provides for the hearing of claims and objections by revising officers within thirty days of the publication of the preliminary list. Any person qualified to register whose name or address was omitted or inaccurately stated had the right to claim by notice in writing in the prescribed form to have his name and address inserted or

corrected. Any person qualified to vote whose name appeared in the preliminary list had the right to object by notice in writing in the prescribed form to the inclusion of any other name in the list for the same registration area.

104. The report on the conduct of the procedure at the hearing of claims and objections in respect of the Northern Cameroons stated that the total number of claims lodged was twenty-six. Of these, twenty-three of the twenty-four in Dikwa North district and the two in Adamawa North-East district were claims for the correction of the list, while one in Dikwa North was a claim for inclusion in the list. All claims were allowed. There were no objections. It was reported that the widest publicity had been given to the opportunity for the lodging of claims and objections: by poster in the vernacular published in public places down to village and hamlet level, and by press and radio.

DATE OF PLEBISCITE

105. The date of the plebiscite was fixed by the Governor-General in accordance with article 3 (2) of the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, which provided that "The plebiscite shall be held on a day or days to be fixed by the Governor-General by notice published in the Official

Gazette of the Federation of Nigeria and in the Official Gazette of the Northern Region of Nigeria, not being within the period of twenty-eight days after the publication of the notice, and voting for the purpose of the plebiscite shall take place during such hours as may be specified in the notice. By Northern Regional Notice No. 901 of 28 September 1959, published in the Northern Region Gazette No. 50, vol. 8, 1 October 1959, the Governor-General appointed 7 November 1959 as the day for the holding of the plebiscite and specified that voting for this purpose shall take place between the hours of 8.00 a.m. and 5.00 p.m. on that day.

106. The date of the plebiscite was the subject of some discussion with the United Kingdom authorities on the basis of two considerations, namely, (a) the end of the rainy season in the Territory; and (b) the latest date for reporting the results to the General Assembly for discussion during its fourteenth session in order that a decision might be taken by the Assembly well before Nigeria becomes independent on 2 October 1960. Communications were difficult if not impossible in the Territory during the rainy season. At a meeting held in New York on 28 May 1959, it was agreed that the plebiscite had to take place as soon as possible after the rainy season was over, i.e. some time early in November, taking into consideration that the probable closing date of the fourteenth session would be 4 December 1959. I suggested at that meeting that, in view of the limited and difficult communications in the Territory, voting could perhaps be staggered to take place over three to four days and be conducted area by area.

107. I was later informed that Sir John Dring, after touring the Northern Cameroons in May 1959, had concluded that polling could not take place later than 7 November if the results were to be debated by the General Assembly before 4 December 1959.

108. I was informed at a meeting with the United Kingdom Mission in New York on 25 June 1959 that the Governor-General of the Federation of Nigeria had decided to fix 7 November as polling day and his comments in this connexion were conveyed to me in a memorandum from the Mission dated 24 June 1959. The Governor-General informed me that the advice given to him by the Deputy Governor of Northern Nigeria was that "if we have a late rainy season it may be a very uncomfortable plebiscite" if voting is to finish early in November. The Governor-General thought that this comment was amply justified but, because of the undesirability of having to seek an alteration in the programme to which the General Assembly of the United Nations was now committed, he had decided that they must plan for voting to end by 7 November. He was advised that this was the very earliest date by which it would be practicable to complete the voting. If voting was finished by 7 November, all results would be available by 12 November. The need to have the voting finished by 7 November would make it quite impossible to follow my suggestion that the voting should take place over three or four days and should be conducted area by area. For climatic reasons, it would be most unwise to plan for voting to start even earlier than 7 November. Communications, which would be difficult enough in any event, would be more difficult then, and the range of supervision for the observers would be correspondingly reduced. There would be great problems in the preliminary work of publicity and instruction. The people are very unsophisticated and uneducated and could not be expected to comprehend a time-table, although they might understand one general plan for voting that was applicable to all. There are several linguistic groups involved and the difficulty of devising clear and precise instructions intelligible to unsophisticated voters would be increased by the need to translate them into several vernaculars. The Governor-General also thought that the observers would be able to decide on their best line of supervision when they knew the location of the polling booths, and members of the Headquarters staff could be used as supervisors in areas that would otherwise not be visited. He finally informed me that Sir John Dring had recommended that the number of observers be increased from eight to ten. In the light of the reasons given by the Governor-General, I did not press my views as expressed above and accepted the date proposed by the Governor-General.

PRELIMINARY ARRANGEMENTS FOR PLEBISCITE

109. Inasmuch as that part of the Trust Territory known as the Northern Cameroons was being administered as an integral part of the Northern Region of the Federation of Nigeria, the arrangements made by the Administering Authority were necessarily complicated. Ultimate responsibility for holding the plebiscite lay, of course, with the Government of the Administering Authority. More specifically, the Secretary of State for the Colonies was the member of the Government on whom this responsibility fell and through him to the Colonial Office, the department of the Civil Service for which he had responsibility. As soon as practicable, therefore, after my appointment as United Nations Plebiscite Commissioner, I established contact with the appropriate Colonial Office officials through the intermediary of the United Kingdom Mission in New York. I also took the opportunity, while in transit through London on 17 July 1959, to have a discussion with a representative of the Colonial Office and with Sir John Dring who had been appointed Plebiscite Administrator and who had earlier visited the Trust Territory concerning the practical details and arrangements for the plebiscite. Finally, I travelled to the Trust Territory via London and held further discussions with Colonial Office officials on 12 October 1959 in connexion with plebiscite matters. The results of these discussions are mentioned under the relevant subject-headings.

Role of Governor-General of Nigeria

110. Over-all direct responsibility for the plebiscite lay with the Governor-General of the Federation, as the representative of the Administering Authority with final on-the-spot responsibility for the administration the The Governor-General was Territory. of empowered by article 5 (1) of the Order in Council to make regulations for the conduct of the plebiscite, all matters incidental and ancillary thereto. In particular, regulations were to be made to make provision for (a) the plebiscite procedure, including the manner in which the votes were to be cast; (b) ascertaining and publishing the result of the voting in each district; (c) the lodging of petitions relating to any dispute concerning the voting and for the time and manner in which such petitions would be heard and determined; (d) giving effect to any directions given by article 9 of

the Order in Council; (e) the definition and trial of offences relating to the plebiscite and the imposition of penalties therefor. In accordance with this provision, The Northern Cameroons Plebiscite Regulations, 1959 -L.N. 206 of 1959-and The Northern Cameroons Plebiscite (Voting Petitions) Regulations, 1959 -L.N. 207 of 1959-were promulgated by the Governor-General on 17 September 1959. These regulations were of federal-wide application. The first provided for the procedure to be followed at the plebiscite; termination of the plebiscite, counting of the votes, etc.; and plebiscite offences. The second provided for petitioning of the Court, constituted under article 8 of the Order in Council in connexion with complaints of irregularity in the voting procedure; the trial and determination of petitions; the powers of the Court; and offences. The full text of these regulations is appended to this report as annex III.

111. The Governor-General was also empowered under article 7 of the Order-in-Council to appoint the Plebiscite Administrator and to constitute such other offices as he might consider necessary for the purposes of the plebiscite and appoint persons to these offices, exercise disciplinary control over them and dismiss them.

112. Article 11 of the Order in Council required the Governor-General to afford the United Nations Plebiscite Commissioner and his staff facilities to observe the plebiscite on behalf of the United Nations and provided that representations concerning the conduct of the plebiscite might be made by the United Nations Plebiscite Commissioner and his staff in a manner to be agreed upon between the Governor-General and the United Nations Plebiscite Commissioner.

113. Moreover, article 12 (1) of the Order in Council provided that all expenses properly incurred in respect of the conduct of the plebiscite or otherwise for the purposes of the Order or any regulation made thereunder, including expenses incurred on behalf of the Crown in any legal proceedings arising in connexion with the plebiscite, were to be a charge upon the Consolidated Revenue Fund of the Federation of Nigeria as statutory expenditure.

114. Contact with the Governor-General was also established through the United Kingdom Mission in New York and the discussion of certain matters initiated with him prior to my departure for the Trust Territory. On arrival in West Africa, I paid a special visit to Lagos for further discussions with the Acting Governor-General regarding these and other matters. The results of these discussions are mentioned under the relevant subject-headings.

Role of Governor and Ministries of Northern Nigeria

115. Early in the course of my preliminary discussions with the United Kingdom Mission in New York it became clear that I would have to discuss certain aspects of the practical arrangements for the plebiscite with the Governor and the Ministry for Northern Cameroons Affairs of the Northern Region. I was subsequently informed by the Acting Governor-General at Lagos that the Governor General had formally delegated to the Governor of the Northern Region the practical preparation for the plebiscite while retaining personal responsibility for policy. I therefore paid a special visit to Kaduna (capital of the Northern Region)

on my way to the Trust Territory for further discussions with the Governor concerning the practical arrangements for the plebiscite and in order to be briefed regarding the arrangements already made.

116. A directive (P.M.23/312/132) issued from the Office of the Premier of the Northern Region on 3 August 1959, addressed to the Permanent Secretaries of the Ministries of the Northern Region, with copies to the Residents of Adamawa, Benue and Bornu Provinces, stated that most of the staff required for the plebiscite would have to be found from among Government and Native Authority officials of the Region. They would operate under the direction and control of Sir John Dring, the Plebiscite Administrator, and the three assistant administrators who would be provided by the Federal Government.

117. The directive pointed out that polling would take place on 7 November 1959, but that much remained to be done before that date. Accommodation would have to be provided, it said, for the United Nations Plebiscite Commissioner and his staff as well as for the Plebiscite Administrator and his three assistants. Transport with drivers for sixty-nine returning officers and assistant returning officers would also have to be found and dry-season tracks would have to be made motorable as quickly as possible at the end of the rains. Polling stations would have to be set up, often in very remote places, all materials for the poll transported there, and polling staff trained in their duties. In addition, there was the formidable task of enlightening the public about the plebiscite by the distribution of leaflets and posters, by cinema shows, and by word of mouth. The ministries chiefly concerned with all these operations, the circular said, were the Ministry for Northern Cameroons Affairs, the Ministry of Internal Affairs (Information Division), the Ministry of Education (Adult Education Division), the Ministry of Works, and, because of the help required from Native Authorities, the Ministry for Local Government.

118. The Office of the Premier, the directive continued, asked for the fullest co-operation of all ministries and Native Authorities in releasing for this task such of their headquarters and field staffs as might be required for its successful execution. The great majority would be drawn from field staffs, and the three Residents had been instructed to recruit as they thought best within their provinces. Most of this staff would be required from mid-October-returning officers rather earlier-until about 10 November and the fact must be faced that much normal routine work would have to take second place during that period in order to ensure that the plebiscite be successfully carried out. It was appreciated, the circular concluded, that some officers could not be spared for special duties, even for a short time, but the Office of the Premier hoped that, as the reputation of the Region was involved in the efficient execution of this very formidable task, all ministries and Native Authorities would respond generously and promptly to whatever calls Residents might make upon them.

119. In a second directive (P.M. 23/SIA/134) of 3 August 1959, addressed to the Residents of Adamawa, Bornu and Benue Provinces, with copies to all Permanent Secretaries, from the Office of the Premier of the Northern Region, it was stated that the Governor-

General had delegated to the Governor and ministries of this Region the responsibility for carrying out the practical preparations for the plebiscite and large numbers of Government and Native Authority staff would therefore be actively engaged. It was essential that these officers should observe the strictest impartiality in carrying out any duty directly or indirectly connected with the plebiscite, although there was no objection to their discussing their personal views when off duty. What must be avoided above all, however, was that a plebiscite official, for example a presiding officer or polling officer, should in the course of his duties advocate any particular choice to persons about to vote or should in any other way seek to sway or influence voters in their choice. If any impropriety of this nature occurred, it would be noticed by the observer staff of the United Nations and adversely commented on. Furthermore, should there be a series of such incidents, there would be a grave risk of the observer staff submitting such an unfavourable report that the General Assembly of the United Nations might repudiate the result of the plebiscite on the ground that undue influence had been brought to bear upon the voters.

120. The Regional Government, the circular continued, recognized that its own good name was involved in the successful discharge of the responsibility that it had accepted and the Office of the Premier was therefore insistent that all plebiscite staff must conduct themselves while on duty with scrupulous and manifest impartiality.

121. Residents were instructed to arrange for the sense of this directive to be clearly imparted to all grades of plebiscite staff when they were first appointed and to be emphasized again when they received instruction in their duties.

122. At a later stage in the plebiscite operation, the Office of the Premier had occasion to issue a further circular (P.M.23/SIA/167) of 20 October 1959, addressed to the three Residents with a copy to the Permanent Secretary, Ministry for Northern Cameroons Affairs, on the subject of the rules of conduct for plebiscite staff. Referring to the circular P.M.23/ SIA/134 of 3 August 1959, the new circular stated that, owing to the great difficulty of finding men of the required standard, it had been necessary to recruit some of the indigenous staff from within Trust Territory. It was the Premier's wish, the circular continued, that the need for the exercise of complete impartiality by all plebiscite staff, and in particular by those members of it who came from within Trust Territory, should be reiterated by returning officers and by assistant returning officers in the field throughout the period of the plebiscite so that it would be borne constantly in mind.

Role of Ministers of the Northern Region of Nigeria

123. During the course of my discussions in London with Sir John Dring, Plebiscite Administrator, and Mr. Eastwood of the Colonial Office on 17 July 1959, the question of the extent to which Ministers of the Northern Region of Nigeria might canvass the electorate was raised by Sir John Dring. It was suggested that the precedent of Togoland might be suitably followed. There, it was said, the Governor of the Gold Coast had agreed that Ministers should refrain from attending meetings or rallies in connexion with the plebiscite, but that they could visit the Trust

Territory on their normal ministerial duties. Ministers who represented constituencies in Trust Territories were, however, at liberty to express their personal views on the subject of the plebiscite, irrespective of whether their ministries were concerned in the preparations for it or not, although they should try to make it clear that they spoke not as ministers and members of the Government but in their personal capacity as private individuals and members of the House of Assembly. I there stated that arrangements on these lines would be satisfactory for the Northern Cameroons and requested that further information be sent to me in this connexion.

124. At a meeting in New York on 28 July 1959, I inquired of the United Kingdom representative what was the position in this regard and was informed on 28 August that there was nothing to add to what had been explained to me in London on 17 July. Subsequently, in reply to another request for information in this connexion made to the Acting Governor-General in Lagos on 13 October 1959, I was informed by Sir Ralph Grey that the Governor-General had communicated his views to the Governor of the Northern Region in a despatch of 18 June 1959, as follows:

"It is essential that all of us who are charged with any duties in connexion with the plebiscite should be at pains not only to ensure the complete impartiality of the plebiscite but also make the impartiality obvious and unassailable. You may therefore wish to suggest to your Government that Ministers whose departments are called on to help with the preparations for the plebiscite should deny themselves the public expression of partisan views on the matters to be decided as a result of the plebiscite. A Minister, as a representative of the public, would normally have the right to canvass public opinion on matters of public concern, but I think that it would be unwise for a Minister who had authority over a department directly involved in preparations for the plebiscite to exercise this normal right lest it be alleged, even unjustly, that he has improperly influenced the result of the plebiscite through a department for which he is personally responsible."

I expressed satisfaction with this statement of policy made in this connexion by the Governor-General.

Policy of Northern Region Government

125. A public declaration of the policy of the Government of the Northern Region was issued on 16 September 1959 from the Office of the Premier of the Northern Region (P.M.23/S.1/1959). The statement declared that the Regional Government recognized that it should not participate actively in the campaign preceding the Northern Cameroons plebiscite and had therefore laid down the following rules of conduct for the guidance of Ministers, Parliamentary Secretaries, Native Authorities and the staffs of the Regional Government and Native Authorities.

126. Ministers and Parliamentary Secretaries, other than those who represent constituencies in Trust Territory, were directed not to attend meetings and rallies held in connexion with the plebiscite. They might, however, visit Trust Territory on ministerial duties and hold private meetings with representatives of their parties.

127. Ministers and Parliamentary Secretaries who represented constituencies in Trust Territory would

be at liberty to express their personal views on the plebiscite publicly, but in doing so would make it clear that they were speaking as the elected representatives of the people and not as members of the Government.

128. Native Authorities, like the Regional Government, would remain passive during the campaign and Chiefs and Councillors were requested to accept the same restraints as Ministers and Parliamentary Secretaries.

129. Similarly, the staffs of both the Regional Government and Native Authorities, including District and Village Heads and Native Authority police, were requested to maintain an attitude of strict neutrality while carrying out their official duties.

130. The Regional Government had laid down these rules of conduct on its own initiative, the statement concluded, in order to ensure that the plebiscite was held in an atmosphere of freedom and impartiality.

Role of Nigerians and Southern Cameroonians

131. In reply to my request for information as to whether Nigerians and Southern Cameroonians would be permitted to participate in the plebiscite campaign, I was informed by the United Kingdom Mission in New York on 28 August 1959, that action could not be taken to exclude Nigerians and Southern Cameroonians from the Trust Territory unless they broke the law or endangered law and order. This applied to persons from the French Cameroons as well. I was subsequently informed at Lagos that the Governor-General had communicated his views to the Colonial Office as follows:

"I agree that Nigerians and Southern Cameroonians cannot be prevented from entering the Northern Cameroons and expressing their own views, whether or not they belong to any political party, provided they do not break the law or endanger law and order. Equally, having regard to the permitted freedom of movement across the international border, it would not be proper to attempt to stop French Cameroonians coming across provided they were not prohibited immigrants and provided they did not break the law or endanger law and order."

This statement satisfied me that all persons concerned would be given a fair opportunity to participate in the plebiscite political campaign.

PLEBISCITE STAFF: ORGANIZATION, DISPOSITION AND DUTIES

132. For the purposes of the plebiscite, article 4(1) of the Order in Council provided that "the Northern Cameroons shall be divided into Districts corresponding to the areas in the Northern Cameroons proclaimed to be electoral districts under section 4 of the Nigeria (Electoral Provisions) Order in Council, 1958 (a)". There were eight such Districts, corresponding to the eight electoral districts in which voters were registered (see paras. 88-104 above). For the purposes of the plebiscite they were known as "Plebiscite Circles" and were as follows (from North to South):

- A. Trust Territory administered as part of Bornu Province:
- (1) Dikwa North, comprising the administrative districts of Ngala, Karabalge and Gumsu with head-quarters at Dikwa;

- (2) Dikwa Central, comprising the administrative districts of Bama, Gulumba and Wologe with head-quarters at Bama;
- (3) Gwoza, comprising the administrative district of Gwoza with headquarters at Gwoza.
- B. Trust Territory administered as part of Adamawa Province:
- (4) Cubunawa-Madagali, comprising the administrative districts of Madagali and Cubunawa with headquarters at Michika;
- (5) Adamawa North-East, comprising the administrative districts of Uba, Mubi, Maiha, Zummo and Belel with headquarters at Mubi;
- (6) Chamba, comprising the administrative districts of Verre, Nassarawo, Yelwa and Sugu with head-quarters at Jada;
- (7) Adamawa South, comprising the administrative districts of Toungo, Gashaka and Mambila. Because of the difficulties of terrain, this circle was subdivided into two areas: (i) Lowland: Toungo-Gashaka with headquarters at Serti and (ii) Highland: Mambila with headquarters at Gembu.
- C. Trust Territory administered as part of Benue Province:
- (8) Wukari East, comprising the administrative districts of Ndoro, Tigon and Kentu with headquarters at Baissa. Article 4 (2) of the Order in Council stipulated that for the purposes of the plebiscite, "the electoral district described in the Establishment of Electoral Districts Proclamation, 1958, of the Federation of Nigeria as 'Constituency No. 40, Wukari' shall be deemed to consist only of the Tigon, Ndoro and Kentu Districts of the Administrative Division of Wukari and not of the whole of that Administrative Division".
- 133. The organization and disposition of the plebiscite staff of the Administering Authority, totalling 1,522 officers, was based on the distribution of the plebiscite circles as follows:

Plebiscite Administrator (Yola headquarters): Sir John Dring, K.B.E., C.I.E.;

Three assistant plebiscite administrators (Bama, Mubi, Jada): district officers from Federation with a previous knowledge of the Northern Region;

Nine returning officers in charge of plebiscite Circles (Bornu 3; Adamawa 5; Benue 1): expatriate officers mainly from outside Trust Territory;

Sixty-four assistant returning officers with about 5 polling stations each (Bornu 25; Adamawa 35; Benue 4): expatriate or senior service African officers;

One hundred and ten counting officers (approximately Bornu 44; Adamawa 64; Benue 2): missionaries, businessmen, wives of officials, etc.;

Three hundred and thirty-four presiding officers (approximately) in charge of polling stations (Bornu 130; Adamawa 185; Benue 19): local staff;

Three hundred and thirty-four polling officers (approximately) (as above): local staff;

Six hundred and sixty-eight polling marshals (approximately) (2 to each polling station): village heads, pensioners, etc.

- 134. A time-table showing the dates scheduled for the various categories of staff to take up their plebiscite stations and for the various plebiscite operations is given below:
- 15-30 October: briefing of assistant returning officers:
- 20 October: start of week's course for polling officers;
 - 30 October: assistant returning officers in position;
 - 2 November: polling officers in position;
- 2-6 November: physical arrangements at polling stations and training of polling marshals in their duties;
 - 7 November: polling day;
- 7-8 November: counting of votes at plebiscite circle headquarters and publishing of results;
- 8 November onwards: collection of equipment and materials, etc. from polling stations;
 - 17 November: period for lodging of petitions ends.

Plebiscite Administrator

- 135. The actual conduct of the plebiscite was entrusted to a Plebiscite Administrator, Sir John Dring, K.B.E., C.I.E., who was appointed in accordance with the provisions of the Order in Council, article 7 (1) and (2) of which provided that "There shall be a Plebiscite Administrator, who shall, subject to any directions given by the Governor-General under paragraph (1) of Article 9 of this Order, be responsible for the conduct of the plebiscite. The Plebiscite Administrator shall be appointed by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State: provided that no person shall be appointed who is a native of Nigeria or who is in the service of the Crown in respect of the government of the Federation of Nigeria or of a Region of Nigeria".
- 136. Article 9 (1) of the Order in Council provided that "The Governor-General may give the Plebiscite Administrator such directions with respect to the exercise of his functions under this Order or any regulations made thereunder as he may consider desirable; and the Plebiscite Administrator shall comply with those directions or shall cause them to be complied with".
- 137. Sir John Dring had a distinguished career in the Indian Political Service. He was also the Plebiscite Administrator in the plebiscite held in the Trust Territory of Togoland under British administration in 1956. Sir John was therefore eminently qualified to undertake responsibility for the conduct of the plebiscite in the Northern Cameroons.
- 138. After a visit to Nigeria and the Trust Territory in May-June 1959 for preliminary consideration of the practical problems involved in the conduct of the plebiscite, the Plebiscite Administrator selected Yola in Nigerian territory as the site of his headquarters. The selection of Yola was for reasons of central position, equidistant from the extreme north and south of the area, the possession of a good aerodrome with scheduled services, telephonic and telegraphic communications with Jos, which is a rail-head, and Kaduna, the regional capital, and good accommodation

- and victualling facilities. No centre in the Trust Territory possessed these advantages.
- 139. The Plebiscite Administrator and his staff were required under article 11 of the Order in Council to afford the United Nations Plebiscite Commissioner and his staff facilities for observing the plebiscite on behalf of the United Nations.
- 140. Regulation 3 of the Northern Cameroons Plebiscite Regulations, 1959, required the Plebiscite Administrator to cause to be published, on or before the twenty-eighth day before the day of the plebiscite, in every registration area, a notice specifying (a) the day and hours fixed for the poll; (b) the limits of the registration area and an indication of the persons entitled to vote therein; (c) the situation of every polling station in each registration area; (d) the colour allocated by the Plebiscite Administrator to each alternative on which a vote could be cast; (e) the alternatives on which a vote could be cast at the plebiscite.

Staff qualifications

- 141. In my preliminary discussions in New York, in May 1959, with the United Kingdom Mission, I had expressed the view that it would be highly desirable that the staff of the Plebiscite Administrator be recruited from outside of the Trust Territory and of the Federation of Nigeria in order to obviate any accusation that the results of the plebiscite had been influenced by officers of a country directly interested in the outcome, in this case, Nigeria. If this proved impossible or impracticable, I suggested that every effort should be made to have the senior posts on his staff confined to officers from those regions of the Federation not adjoining the Trust Territory. Ifurther suggested that preference should be given to the recruitment of staff from the technical and not from the political departments of the Administration. These views were brought to the notice of the Governor-General and the Plebiscite Administrator.
- 142. In reply to my request for further information in this connexion, the Acting Governor-General informed me in Lagos, on 6 October 1959, that the Plebiscite Administrator had given consideration to my suggestions during his preliminary visit to Nigeria and the Trust Territory. He had concluded that the practical solutions best calculated to ensure the efficient and impartial working of the plebiscite were:
- (1) The senior posts on his staff should be held by expatriates;
- (2) Administrative officers in charge of Trust Territory divisions should be excluded;
- (3) Officers must have some knowledge of the vernacular, of the people and of the administrative organization and system in the Territory;
- (4) Of necessity, because of the remoteness of the areas in which the plebiscite is to be held and the difficulty of access, the majority of the Administrator's staff would have to be drawn from the provinces of which the Trust Territory at present forms part but would mostly be drawn from the technical departments.
- 143. The only possible alternative would have been the whole-sale diversion to this purpose of federal staff. The Federal Public Service is already seriously

below strength, with only two out of every three administrative and professional posts filled, and diversion of so large a number of officers to the plebiscite would not only have seriously disrupted the working of ministries in Lagos but would have had serious effects on the country-wide services being provided by the Federal Government. The suggestion that officers from the Western and Eastern Regions might have been used was impracticable because:

- (a) The number of expatriate officers now left in these Regions, due to constitutional changes, is comparatively small;
- (b) Few, if any, of these officers would have a working knowledge of Hausa;
- (c) In the absence of any constitutional authority in the Governor-General to require officers of the Regional Services to be made available for plebiscite duty, they could have served only if their respective Governments had been willing to release them. As those Governments are already hard put to it to maintain public services at an acceptable level, they would not have wished to detach officers, in some cases for long periods, for help with a task that is of no direct concern to the Governments of the Eastern and Western Regions.

Assistant plebiscite administrators

144. Serving directly under the Plebiscite Administrator were three assistant plebiscite administrators. These were appointed in accordance with article 7 (3) of the Order which provided that "The Governor-General may in Her Majesty's name and on Her Majesty's behalf, constitute such other offices as he may consider necessary for the purposes of this Order and any regulations made thereunder, and appoint persons to those offices and exercise disciplinary control over and dismiss persons appointed to those offices". Article 9 (2) of the Order further provided that, subject to article 9 (1), "the Plebiscite Administrator may give the officers appointed under paragraph (3) of article 7 of this Order such directions with respect to the exercise of their functions under this Order or any regulations made thereunder as he shall consider desirable; and those officers shall comply with those directions or shall cause them to be complied with".

145. Three offices of assistant plebiscite administrator were so constituted and Messrs. S. S. Johnston, J. T. Coombes and J. F. R. Bongard were appointed thereto. According to information furnished to me at Lagos by the Acting Governor-General at my request. these three officers were expatriate administrative officers found from the Federal Public Service. They had had previous experience of the Northern Region and could speak Hausa. One was still at the time of his appointment a member of the Northern Region Public Service, but immediately prior to his assignment as assistant plebiscite administrator he had been seconded to the Federal Public Service as Private Secretary to the Governor-General. He remained seconded to the Federal Public Service and would be retiring shortly thereafter from the Public Service.

146. The three assistant plebiscite administrators were respectively responsible for the Plebiscite Circles of Dikwa North, Dikwa Central and Gwoza with headquarters at Bama; Cubanawa-Madagali and Adamawa North-East with headquarters at Mubi; and

Chamba, Adamawa South and Wukari East with headquarters at Jada. In the instructions issued to these officers, they were told that they would be responsible to the Plebiscite Administrator for the smooth and successful operation of the plebiscite in their areas in accordance with the provisions of the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, and the regulations made thereunder, and, in particular, regulations 4, 7, 10 and 11 of the Northern Cameroons Plebiscite Regulations, 1959. They were also required to brief the returning officers when these latter took up their stations.

147. Regulation 4 (1) provided that "The Plebiscite Administrator shall direct for which area or areas assistant plebiscite administrators, returning officers, assistant returning officers, presiding officers and polling officers shall exercise their functions and he may delegate to assistant plebiscite administrators such power in respect of returning officers, assistant returning officers, presiding officers and polling officers". Regulation 4 (2) stated that, "Subject to any direction of the Plebiscite Administrator, an assistant plebiscite administrator shall have all the powers and may perform any of the duties of the Plebiscite Administrator" and regulation 4 (4) that "An assistant plebiscite administrator shall exercise supervision over the performance of the functions of the returning officers and polling officers in the area in respect of which they are appointed, and subject to any direction of the Plebiscite Administrator and to the provisions of these regulations may give to such officers directions as to the performance of their functions".

148. Specific duties and responsibilities of the assistant plebiscite administrators were defined in regulation 7 which stated that "An assistant plebiscite administrator shall (a) ensure that in each polling station there is a compartment in which voters can cast their votes screened from observation; (b) furnish each presiding officer with such number of ballot boxes and such ballot papers under sealed covers as may be necessary; (c) provide each polling station with instruments for making an official mark on the ballot papers and with pads impregnated with indelible ink of a distinctive colour; (d) provide each polling station with copies of the appropriate part of the register of voters; (e) ensure that a presiding officer shall be in charge of each polling station; (f) cause to be published in each polling station the colour which has been allocated to each alternative on which a vote can be cast at such polling station; and (g) do such other acts and things as may be necessary for conducting the plebiscite in the manner provided in these regulations". Regulation 10 laid down the procedure for the appointment of polling agents of the political parties by the Plebiscite Administrator and regulation 11 gave directions for the preparation of the ballot boxes by the Plebiscite Administrator, in both of which functions the assistant plebiscite administrators were required to act on behalf of the Plebiscite Administrator.

Returning and assistant officers

149. Below the assistant plebiscite administrators were nine returning officers who were in charge of the eight Plebiscite Circles, one returning officer being assigned to each with the exception of Adamawa South which had two. Because of difficulties of terrain this circle had been sub-divided into two areas: a Lowland area comprising the administrative districts of Toungo

and Gashaka with headquarters at Serti and a Highland area comprising the administrative district of Mambila with headquarters at Gembu on the Mambila Plateau. One returning officer was assigned to each of these areas.

150. I was informed by the Acting Governor-General in Lagos that the returning officers were all expatriates and were mostly senior departmental officers drawn from the three provinces of which the Northern Cameroons forms a part and nominated for the purpose by the Residents of their respective provinces.

151. The returning officers were responsible to the assistant plebiscite administrators for the conduct of the plebiscite in their assigned circles and were also responsible for the operations of the counting officers after the poll. The specific duties of the returning officers were laid down in regulations 33 to 42 of the Northern Cameroons Plebiscite Regulations, 1959. These regulations provided for the delivery of the sealed ballot boxes, ballot papers, etc., by the presiding officer of a polling station to the returning officer after the poll (regulation 33); the procedure concerning the appointment of counting agents by political parties (regulation 34); the procedure for the counting of votes, including method of counting and settlement of rejected papers, the decision of the returning officer being final (regulations 35-38); method of dealing with the papers after the counting (regulation 39); procedure for a recount (regulation 40); declaration of the result of the voting in respect of each registration area for which he was responsible (regulation 41); and the safe custody of all papers relating to the plebiscite in the registration areas for which he was responsible (regulation 42).

152. Aiding the nine returning officers were sixtyfour assistant returning officers, each being responsible to the returning officer for about five polling stations. They also were Government officers of senior status. I was informed by the Acting Governor-General that some 80 per cent of these officers were expatriates, all but fifteen being drawn from the same sources as the returning officers. It was proposed to have some indigenous Northern Nigerian officers serving as assistant returning officers; these were officers of the Northern Regional Public Service holding posts of administrative or political status (previously known as "Senior Service" posts). Subsequently, other arrangements were made and all assistant returning officers were expatriates. The duties of these officers were defined as the supervision of arrangements in an average of five polling stations and it was emphasized to them that the Plebiscite Administrator set much store on their appointments. They were warned that their duties would involve much travelling on foot and by horse and that the only accommodation available would be unfurnished bush rest houses or zaures. They were required to be on duty for seven days before and for one or two days after polling day.

Presiding and polling officers and polling marshals

153. There were 334 polling stations in the Northern Cameroons for the plebiscite closely following the organization for the federal elections to be held shortly after the plebiscite—in fact, the location of the polling stations was finalized by the senior federal electoral officers, though the actual siting of the stations was done by the returning officers and each polling station was staffed by a presiding officer, a

polling officer and two polling marshals, all of whom were recruited locally. Of these 668 presiding and polling officers, some 63 per cent were born in the Trust Territory, while some 59 per cent of the total were employed by the Native Authority of their areas. Four of these polling officers were women. It was necessary that these officers be familiar with the vernacular used by the people using their polling stations as well as Hausa, Fulani or Kanuri and/or English.

154. The polling officers were given a booklet of detailed administrative instructions printed in English, Hausa, Fulani or Kanuri, as appropriate. These instructions were based on the Northern Cameroons Plebiscite Regulations, explaining in very simple language the duties and responsibilities of polling officers in accordance with regulations 6 and 11 to 33. The full text of these regulations as well as certain of the regulations dealing with plebiscite offences, a list of plebiscite offences and a plan of the proposed lay-out of polling stations, to scale, are given as appendices to the booklet. Polling officers were warned, however, that they should not interpret these regulations themselves but should follow the instructions absolutely. The purpose of the instructions was to explain what had to be done before, during and after polling and how to set about doing these things. The text of the instructions is appended to this report as annex IV.

155. These instructions were also used as the basis of a week's course of training given to polling officers at circle headquarters by returning and assistant returning officers during the month of October. The courses were so timed that the polling officers were able to get to their polling stations several days before polling day in order to organize, under the supervision of assistant returning officers, the erection of polling booths, preparation of polling stations, training of polling marshals, etc. The polling officers were required to train the two polling marshals in their very simple duties. The course of instruction rehearsed very thoroughly the normal voting procedure as well as a number of hypothetical examples of the procedure required to meet special cases and of incorrect procedure. I was able to visit a number of these courses of instruction in progress in different parts of the Territory and was greatly impressed by the thoroughness of the training and the keen interest shown by the trainees. The various United Nations observers also commented on the thoroughness of the training given at the courses in their respective circles and it may safely be said that the general smoothness and efficiency with which polling was conducted on 7 November 1959 was due to excellent training given to the polling officers at those courses.

Transportation and communications

156. Thirty new Land Rovers and one station wagon were made available for the use of the Plebiscite Administrator and his staff. These were allocated to the assistant plebiscite administrators as follows: ten at Bama, seven at Mubi, twelve at Jada and one at Yola headquarters, thus ensuring that each plebiscite circle would have about three of the vehicles for the use of returning officers, assistant returning officers, transport of polling staff, stores, literature, etc. A light plane of the Northern Regional Govern-

ment was used by the Plebiscite Administrator and the Plebiscite Commissioner on a charter basis.

157. To service the relatively large number of official vehicles used for the plebiscite (Army: 24 Land Rovers; Information Service: 14 vans and some Land Rovers; Plebiscite Administrator: 30 Land Rovers; Plebiscite Commissioner: 23 jeeps), stores of petrol, oil and lubricants were built up at plebiscite circle headquarters under the control of the returning officers.

158. Because of the lack of telephone, radio or telegraph communications in the Northern Cameroons, it was arranged by the Plebiscite Administrator to have Army signal units established at each of the plebiscite circle headquarters at Dikwa, Bama, Gwoza, Michika, Mubi, Jada, Serti, Baissa and Gembu and also at Yola and Maiduguri, to enable the results of the poll to be transmitted to the Plebiscite Administrator as quickly as possible after the close of polling on 7 November. A total of some 150 men, twenty-four Land Rovers and twenty wireless telegraphy sets were involved. This service was established a few days before polling day. It worked very efficiently and was greatly appreciated, my only complaint being that it should have been provided throughout the period during which United Nations observers were in the field to enable me to maintain quick communication with them. As it was, communication prior to the establishment of the Army units could only be maintained by arranging special delivery by jeep or Land Rovers and was relatively slow. In fact, the United Nations observer at Gembu was completely cut off from headquarters until the Army signal unit commenced operating.

PUBLIC ENLIGHTENMENT PROGRAMME

Cinema

159. A programme of public enlightenment was undertaken for the purposes of the plebiscite. The first part of this programme involved the production of a useful film depicting the various aspects and phases of the plebiscite, including the details of the voting procedure, by the Information Division of the Ministry of Internal Affairs of the Northern Region. This film, with commentaries in English, Hausa, Fulani and Kanuri, together with another on various aspects of development of the Northern Region, was shown throughout the Northern Cameroons by means of a fleet of fourteen touring cinema vans. Each van carried at least three of the four language versions of the film as well as copies of the script in English and Hausa to enable commentaries to be given in the vernacular if possible. Each van carried a commentator who could speak Hausa and English and three of whom spoke Kanuri. Written notes were provided for the guidance of the cinema van crews. The vans were sent into the Northern Cameroons during the last fortnight before polling day and their programmes were prepared by the Residents as advised by the Assistant Plebiscite Administrator. The usefulness of this service, however, was greatly limited by the poor condition of many of the village roads. Only the main centres, for the most part, were visited. Further objections were made by certain political parties to the showing of the film on the Northern Region on the ground that it constituted propaganda in favour of the first alternative and could exert

undue influence on the voters. I made oral representations to the Plebiscite Administrator concerning this matter and this resulted in the withdrawal of that film a few days before polling day from those areas to which the order could be communicated in time.

Posters and leaflets

160. Publicity was also given to the plebiscite by means of posters and leaflets distributed throughout the Territory. Two leaflets were printed, one stating that a plebiscite was to be held on 7 November 1959 under the supervision of the United Nations, giving the choice of the two alternatives, urging all qualified to do so to vote and describing the voting procedure. The second leaflet contained a series of questions and answers designed to give information on the status of the Northern Cameroons, the plebiscite to determine its future and the voting procedure. The texts of these two leaflets are reproduced in annex V to this report.

161. A total of 50,000 copies of each leaflet was printed in Kanuri (11,000), Shuwa (6,000), Fulani (11,000), Hausa (19,000) and English (3,000) for distribution to the centres of Bama, Mubi and Jada.

162. Two posters were distributed. One exhorted registered persons to vote in the plebiscite and showed the voting procedure, including placing the ballot paper in the white or the orange coloured box, and a series of things not to be done. The other, a smaller poster, depicted a voter about to make his choice of either the white or orange coloured ballot box, stated the choices and indicated the polling stations at which to vote. Some 28,000 copies of each poster were printed, 6,000 in Kanuri, 4,000 in Shuwa, 10,000 in Hausa, 6,000 in Fulani and 1,500 in English for distribution to Bama, Mubi and Jada. These posters are reproduced in annex V to the report.

163. The latter poster was intended to comply with regulation 3 of the Northern Cameroons Plebiscite Regulations, 1959, which required the Plebiscite Administrator, on or before the twenty-eighth day before the day of the plebiscite, to cause to be published in every registration area in such manner as he might think fit a notice specifying (a) the day and hour fixed for the poll; and (b) the limits of the registration area and an indication of the persons entitled to vote therein.

164. The posters and leaflets were delivered by the Information Division to the assistant plebiscite administrators who then arranged a joint publicity campaign with the Ministry of Education staff, adult education organizers and instructors through adult classes and in co-operation with Native Authority district and village heads. In practice, the leaflets and posters were delivered to the returning officers who took responsibility for their distribution. One procedure adopted was for the returning officer to visit the larger population centres in his "Circle" and there to meet with the village heads and as many people as possible from the neighbouring villages-in general, limitations of time and the impassable condition of most of the dry-season village roads made it impossible for the returning or assistant returning officers to visit all the villages within their areas. The returning officer then explained the meaning of the plebiscite, the issues involved and the voting procedure, using the

leaflets and the posters as the basis of his explanation. Copies of the leaflets and posters were then distributed to the representatives from each village and they were asked to display them in their respective villages. This method enabled the returning officers to achieve wide coverage, though the extent to which all the people in the remoter villages became well acquainted with the wider issues involved in the plebiscite remained doubtful.

Press and radio

165. I was informed that the Government and Native Authorities had decided to maintain an impartial attitude regarding the plebiscite and would leave propaganda to the political parties and individuals. The Government Information Services, therefore, confined themselves mainly to the issue of releases to the Press and radio of a general and informative nature. In addition, releases by the Northern Regional Daily Press Service covered the visits of members of the Government to the Northern Cameroons in connexion with the plebiscite. These releases were reproduced in the Nigerian Press and repeated over the National and Regional Services of the Nigerian Broadcasting Company. It should be noted, however, that no newspaper is published in the Northern Cameroons nor is there a radio station in the Territory.

VOTING MATERIAL

166. Regulation 7 (b) and (c) of the Northern Cameroons Plebiscite Regulations, 1959, provided that an assistant plebiscite administrator should furnish each presiding officer with such number of ballot boxes and such ballot papers under sealed covers as might be necessary; and provide each polling station with instruments for making an official mark on the ballot papers and with pads impregnated with indelible ink of a distinctive colour.

167. Early in the course of my discussions with the United Kingdom Mission in New York, I raised the question of the voting material to be used in the plebiscite and requested that I be furnished full information concerning this matter. In reply, I was informed on 24 June 1959 that the Governor-General had commented on this question of voting material. He had pointed out that, while it was desirable to avoid confusion in the minds of the people between the plebiscite and the general elections to the Federal Legislature, financial and practical considerations made it quite impossible to avoid using some of the material that had already been ordered for the federal elections in the more remote and inaccessible parts of the country. The mounting of any operation of this kind in such areas required planning many months in advance, but every effort would be made to distinguish the plebiscite from the elections.

Ballot boxes

168. It was stipulated in regulation 8 of the Plebiscite Regulations, 1959, that the ballot boxes should be so constructed that a ballot paper might be put therein by a voter but not be withdrawn by him or by any succeeding voter. Also regulation 11 (1) provided, inter alia, that each ballot box should have the colour assigned to it by the Plebiscite Administrator.

169. The Governor-General, in his above-mentioned comments, stated that it was not then possible, even

if it were desirable and financially justifiable, to provide different ballot boxes that would be secure beyond challenge. He therefore intended to ask the Federal Electoral Commission to make its ballot boxes available to the Plebiscite Administrator. At the same time, he supported Sir John Dring's suggestion that plain colours should be used to distinguish between the two boxes to be used in each station, one for each alternative. This suggestion had been made by Sir John Dring on several occasions in the Trust Territory and it had met with general approval.

170. This question was further discussed with Sir John Dring at our meeting in London on 17 July 1959. It was then agreed that coloured ballot boxes should be used and that the colours could be settled locally amongst the leaders of the parties. Subsequently, I noted that the colours white and orange had been selected for the ballot boxes and, on 23 October 1959, I wrote to Sir John Dring requesting information on the procedures followed to choose the colour adopted for each of the alternatives of the plebiscite.

171. In reply to this letter, Sir John Dring said that, during his visit to the Northern Cameroons in June, he had consulted representatives of various parties at Mubi, Michika, Bama and other places and had subsequently had a meeting at Yola on 5 June with representatives of NPC, NEPU and UMBC/AGA (Action Group Alliance). At this meeting, the representatives had agreed on the use of colours instead of symbols for the ballot boxes and had decided on white and yellow for the first and second alternative respectively. This agreement was confirmed in writing on 10 June 1959 and reported in the Daily Times of 23 June. In the preliminary discussions, green, blue and red had been ruled out as being the colours adopted by the NPC, AGA and the National Council of Nigeria and the Cameroons (NCNC) respectively. This agreement seemed completely satisfactory to me.

Ballot papers

172. It was stipulated in regulation 9 of the Plebiscite Regulations that every ballot paper should be in a form prescribed by the Plebiscite Administrator and should (a) have a serial number printed or stamped on the back; and (b) be attached to a counterfoil bearing that same serial number.

173. The Governor-General, in his comments mentioned above, had stated that Sir John Dring had proposed the use of metal or plastic discs instead of ballot papers, but this suggestion was later withdrawn at our meeting in London. I was further informed by the United Kingdom Mission on 28 August 1959 that printing of the ballot papers would take place in Nigeria, but at the latest date administratively possible before the polling. It was then suggested that I might wish to have an observer present at the printing, packaging and dispatch to the Territory of the ballot papers. It was further proposed that the design of the ballot paper should be based on that used in the Togoland plebiscite and I was asked to say whether I had any objection to this.

174. In reply, I stated that I had no objection to the use of the Togoland design and requested early information on the printing date in order to ensure that a United Nations observer would be present during the whole operation. Subsequently, on being informed by the United Kingdom Mission that the printing of the

ballot papers would take place in Lagos on 7 October 1959, I appointed one of the observers, Mr. Marshall E. Williams, to supervise on my behalf the printing and packaging of the ballot papers and the arrangements for their transportation under conditions that would ensure their security at all times. This observer was given specific instructions to be present at all times during the printing and packaging of the ballot papers and to satisfy himself that the printed ballot papers could not easily be reproduced elsewhere in Nigeria and that they were of a distinctive character; that no papers had been printed prior to his arrival at Lagos; that adequate security measures were taken at the end of a day's printing; that all spoilt and misprinted papers were destroyed in his presence; that all ballot papers were packaged in his presence, each package to be sealed with sealing wax and the wax impressed with an appropriate stamp, stamped with the United Nations Plebiscite Commissioner's stamp and countersigned by the observer; to supervise the dispatch of the sealed packages under adequate security measures to their respective destinations and to supervise the destruction of the metal printing plates, surplus ballot papers and other printing materials used in the printing of the ballot papers.

175. On my arrival at Lagos on 13 October 1959, Mr. Williams reported to me that his task had been satisfactorily completed. He had satisfied himself that ballot papers had not been printed prior to his arrival: in fact, the federal printer opened in Mr. Williams' presence the instructions, marked "secret", issued to him for the printing of the ballot papers. To ensure the special characteristics of the printed papers, a special text was first printed as a background tint and the actual text of the regular ballot and tendered ballot papers overprinted. The security provisions had been adequate. The printing operation had been conducted after regular working hours by a small and specially selected staff and all printing materials had been safely locked away at the end of each day's work and the keys handed to the observer. The observer supervised the packaging of the appropriate quantities of the ballot papers and the leaden slugs to be used as stamps by the presiding officers at the polling station into nine boxes, one for each of the nine Plebiscite Circles, and the sealing of these packages. Finally, on 12 October 1959, the nine packages were delivered at Lagos Airport to an expatriate assistant superintendent of the Nigerian police for transport to Yola and Maiduguri. Receipts had been obtained acknowledging the safe delivery of the packages to the designated officials at their destination. I was completely satisfied that adequate security measures had been taken in regard to the printing and distribution of the ballot papers.

176. A total of 130,000 ballot papers, in books of 50, 25 and 10 papers, were printed on white paper with a light yellow background and a total of 10,000 tendered ballot papers were printed on blue paper. Specimens of these papers and counterfoils are reproduced in annex VI to this report.

POLLING STATIONS

177. According to regulation 5, the Plebiscite Administrator was required to designate a sufficient number of polling stations in each District (Plebiscite Circle) and allot the voters in the District among such polling stations. It was further required that there should be at least one polling station in respect of each registration area and the voters were to be allotted accordingly, provided that, as far as possible, not more than 500 voters were allotted to any one polling station. The allocation of polling stations followed that decided for the federal elections and the actual siting of the stations was undertaken by the assistant returning officers or, in some cases, initially by the presiding officers and later checked by the assistant returning officers.

178. There was a total of 131 registration areas and 334 polling stations in these registration areas. Regulation 6 (1) stipulated that in respect of each polling station there should be not less than two polling officers, one of whom would be the presiding officer in charge of the station. According to regulation 7, each polling station was required to have a compartment (polling booth) in which voters could cast their votes screened from observation, and to be otherwise provided with the necessary materials and equipment, including ballot papers, boxes, inking pads, etc., required for voting. During their course of training, polling officers were instructed in the construction of polling stations and a plan of a polling station was included in the administrative instructions given to them. According to these instructions, the polling officers were required, on the completion of their training, to proceed to their appointed polling stations, which had already been sited by the returning officers and there see to it that the erection of the station was complete and that it was constructed according to the above-mentioned plan, including facilities for nailing down the ballot boxes.

179. Regulation 7 (f) also required that in each polling station the colour which had been allocated to each alternative should be displayed. Regulation 11 required that each ballot box should have attached to it, with a seal, a notice showing the alternative on which a vote could be cast at the plebiscite, the colour allocated to that alternative and the polling station, registration area and district in which the box was used. The posters, cards and various statutory forms used at the polling stations are reproduced in annex VII to this report.

180. According to the reports received from the United Nations observers, all polling stations were erected in accordance with the regulations and in due time for the plebiscite. Their locations were made known by posters in the villages, and they were adequately equipped. They proved, on the whole, to be quite satisfactory for the purposes of the plebiscite.

Chapter IV

PARTICIPATION IN PLEBISCITE BY POLITICAL

PARTIES

PARTIES ACTIVE IN PLEBISCITE

181. Regulation 10 (1) of the Northern Cameroons Plebiscite Regulations, 1959, provided that "Any political party which is accepted by the Plebiscite Administrator as active in the Northern Cameroons at the date of the publication of these regulations"—17 September 1959— "may not later than 10 October 1959 inform the Plebiscite Administrator in writing which of the alternatives on which a vote can be cast is favoured by it".

182. Four political parties accepted by the Plebiscite Administrator as being active in the Northern Cameroons informed him in writing which of the alternatives they favoured. They were:

First alternative: Northern Peoples' Congress;

Second alternative: Northern Elements Progressive Union, United Middle Belt Congress/Action Group Alliance, Northern Kamerun Democratic Party.

183. The following information was furnished to me on my arrival in Kaduna in October by the Ministry for Northern Cameroons Affairs about these parties.

Northern Peoples' Congress (NPC)

This party was formed in 1947 as a party for all northern peoples. Its leader is the present Premier of the Northern Region, Alhaji Sir Ahmadu Bello, Sardauna of Sokoto. There are 112 NPC members in the Northern House of Assembly (out of a total of 135), a large proportion of whom are Native Authority Councillors or employees. The party also has ninety-three members in the Federal House of Assembly and four ministers in the Federal Government. The party stands for established authority and it is from the ranks of established authority, backed by a very large number of the ordinary peasant farmers of the region, that the party draws its support.

In home affairs, the NPC stands for religious toleration, the expansion and improvement of agriculture, expansion of education, and generally the advancement of the people's welfare in all spheres.

In foreign affairs, the NPC believes in a flexible foreign policy founded on:

- (1) Membership of the Commonwealth;
- (2) Closer ties with the United Kingdom;
- (3) Increasing friendship with the United States of America:
- (4) Friendship with all countries respecting Nigeria's sovereignty.

Northern Elements Progressive Union (NEPU)

This party was founded in 1947 in opposition to the NPC. The President is Mallam Aminu Kano, an exschoolteacher, with his headquarters at Kano. He is not himself a member of the Regional House of Assembly, although he has contested elections to that House in the past. There are at present four NEPU members in the House of Assembly.

The NEPU is allied to the National Council of Nigeria and the Cameroons (NCNC), the party in power in the

Eastern Region, and, like this party, is opposed to the present federal constitution, which it considers places too much emphasis on regional differences and too much power in the hands of regional government. The NEPU stands for a strong central government and the division of the country into a number of states having their own state governments, with limited powers. In its internal policies, the party is socialist in outlook, although it is pledged not to nationalize any enterprise that is established in Nigeria before 1 October 1960.

In the field of foreign affairs, the NEPU holds itself free to establish friendly relations with all countries that recognize Nigeria's sovereign rights, and to maintain good-neighbourly relations with all African States.

The party draws its strength from those who, in their particular environment, are discontented with things as they find them. There are branches all over the Northern Region, although the UMBC/AGA has more attraction for many of those opposed to the existing authority in the Middle Belt area.

United Middle Belt Congress/Action Group Alliance (UMBC/AGA)

This party draws its support principally from the non-Moslem peoples of Adamawa, Bauchi, Benue, Plateau and Southern Zaria. It favours the creation of a special Middle Belt State or Region for these peoples and separation from those Fulani Native Authorities which in a number of cases exercise authority over them. Those educated by Christian missions take a large part in their affairs. Their leader is J. S. Tarka, a Tiv from Benue Province who is a member of the House of Representatives. The party has nine members in the Northern House of Assembly. Since July 1957, they have been in alliance with the Action Group, the party in power in the Western Region.

Northern Kamerun Democratic Party (NKDP)

This party was founded in February 1959 at Yola in Adamawa Province. Its present headquarters is at Mubi in the same province.

Its aims and objectives as expressed in its own manifesto are:

- (a) Creating a Northern Cameroons Region where Cameroonians can express their views on the government of their country;
- (b) Separating the Northern Cameroons from Nigeria and forming a British Cameroons State;
- (c) Creating a House of Assembly and House of Chiefs for their natural rulers, thereby taking an active part in the government of the country;
- (d) To fight for the development of the region educationally, so that prosperity can be raised to a high level;
 - (e) To hasten the progress of the country:
- (f) To speed up the achievement of self-government for the Territory within record time;
- (g) Unification of British Cameroons to form a federal territory;

- (h) Final reunification of the former German Cameroons:
- (i) The membership of the party is open to every adult Cameroonian and strangers domiciled in the Cameroons who by their heart may be enrolled as members:
- (j) Non-interference with Nigerian political parties, but friendship.

The President is Ibrahim Abba and the party claims to have a membership of about 3,000 amongst the Margi, Kilba, Higi, Waga, Fali, Sukur and Bata tribes.

It is understood that there may be a tenuous connexion between the NKDP and the Kamerun National Democratic Party (KNDP) in Southern Cameroons.

184. Political activity before polling day was lively in certain districts such as Chamba, Adamawa North-East and Cubunawa-Madagali, less noticeable in Dikwa North, Dikwa Central, Gwoza and Adamawa South and almost negligible in Tigon, Ndoro and Kentu. However, representatives of all political parties toured the Territory and met with the people. The full impact of party activity on the electorate is difficult to assess due to the fact that the emergence and participation of political parties in the life of the Territory, other than the government party (NPC), are a recent innovation and party allegiances, as distinguished from personal or tribal following, are still in the early stages of development. It is clear, none the less, that political campaigning carried out by the representa-

tives of the political parties had an importance that cannot be minimized. Press reports from federal and regional publications on activities of the political parties which participated in the plebiscite are attached as annex VIII.

APPOINTMENT OF POLLING AGENTS

185. Regulation 10 (2) of the Plebiscite Regulations provided that the Plebiscite Administrator, after consultation with the United Nations Plebiscite Commissioner, inform the party of parties in favour of each alternative that they may appoint polling agents; it specified that not more than two polling agents could be appointed in respect of any one polling station by the political parties in favour of either particular alternative. The appointment was for the purpose of detecting fraud. Regulation 10 (3) of the Plebiscite Regulations stipulated that the secretary of the party or other authorized person was to give the names and addresses of persons so appointed to the appropriate assistant plebiscite administrator not later than fourteen days before the day of the plebiscite.

186. Four parties, as noted in paragraph 182 above, availed themselves of this provision of the regulations and appointed polling agents at various polling stations so that at many polling stations there were agents representing the NPC and one of the opposing parties.

Chapter V

UNITED NATIONS PARTICIPATION IN PLEBISCITE

CONSULTATION WITH THE ADMINISTERING AUTHORITY

187. In operative paragraph 1 of General Assembly resolution 1350 (XIII), it was recommended that the Administering Authority take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration. According to this resolution, the United Nations would have a dual role in the plebiscite: (a) through its Plebiscite Commissioner to consult with the Administering Authority regarding the organization of the plebiscite; (b) to supervise the conduct of the plebiscite operation through its Plebiscite Commissioner, assisted by observers and staff, to whom had been delegated all necessary powers and functions of supervision.

188. The Administering Authority, for its part, provided in article 11 of the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959 that "The Governor-General, the Plebiscite Administrator, a Special Court and the officers appointed under paragraph (3) of Article 7 of this Order shall afford to the United Nations Plebiscite Commissioner and all other persons appointed to observe the plebiscite on behalf of the United Nations facilities for the due discharge of their functions, and the United Nations Plebiscite Commissioner and those other persons may make

representations concerning the conduct of the plebiscite to such persons and in such manner as may be agreed between the Governor-General and the United Nations Plebiscite Commissioner". The Order in Council, therefore, provided for supervision by the United Nations Plebiscite Commissioner and all other persons appointed to observe on behalf of the United Nations in the sense of observing the plebiscite, but did not make specific provision for consultation. Further, article 5 (1) empowered the Governor-General to make regulations for the conduct of the plebiscite, all matters incidental or ancillary thereto, and generally for the purposes of the Order. This article would appear to have given the Governor-General full responsibility for the plebiscite and no provisions were made for consultation with the United Nations Plebiscite Commissioner. Nevertheless, Article 2 (3) of the Order provided that all functions conferred upon the Governor-General by the Order or any regulation made thereunder should be exercised by him in his discretion. Although, therefore, it was not mandatory that the Governor-General consult with the United Nations Plebiscite Commissioner or anyone else, it was within his discretion to do so and, in fact. from the outset close consultation was established between the representatives of the Administering Authority and the United Nations Plebiscite Commissioner.

189. The results of my consultations with the United Kingdom Mission in New York, the appropriate staff of the Colonial Office, the Governor-General, the

Acting Governor-General, the Governor of the Northern Region and the Plebiscite Administrator concerning the arrangements for the plebiscite have been given in paragraphs 109 to 131 above. It simply remains for me to express my appreciation to the authorities concerned for the full opportunities given to me to express my views regarding these arrangements and to add that this pattern of consultation was continued with the Plebiscite Administrator after I established my headquarters at Yola for the supervision of the plebiscite.

UNITED NATIONS PLEBISCITE STAFF: TRAVEL AND OTHER ARRANGEMENTS

190. Supervision of the plebiscite by United Nations staff was an operation of some complexity involving the purely logistic problems of transportation to an

establishment of headquarters and observer staff in the Territory, their maintenance in the field and the provision of transportation and other facilities for undertaking the functions assigned to them. It also involved the less tangible problems of actual supervision which implied considerable co-operation with the Plebiscite Administrator and his staff and the officials of the Regional and Native Administration and raised numerous questions of human relations.

(a) United Nations plebiscite staff

191. The selection and appointment of United Nations plebiscite staff was undertaken by the Secretary-General in consultation with me. The officers so appointed—all United Nations Secretariat personnel—with their designation for the purposes of the plebiscite, are listed below:

Headquarters staff			
Title	Station	Name	
Principal Secretary	Yola	José Rolz Bennett	
Political Affairs Officer	Yola	Copeland K. Robinson	
Information Officer	Yola	Allen T. Chang	
Administrative Officer	Yola	Robert Bonner	
Finance Clerk	Yola	Nello Tordini	
Secretary	Yola	Patricia McGee	
Secretary	Yola	Mary A. Jemmott	
	bserver staff		
Plebiscite Circle	Station	Name	
Dikwa North	Dikwa	Franklin E. Kozik	
Dikwa Central	Bama	Marshall E. Williams	
Gwoza	Gwoza	James L. Lewis	
Cubunawa-Madagali	Michika	Jeffrey P. Rajasooria	
Adamawa North-East	Mubi	Mangalam E. Chacko	
Chamba	Jada	John A. Miles	
Adamawa South-Toungo	Sugu	Hisham Rifai	
Adamawa South-Gashaka	Serti	Wilhelm Iversen	
Adamawa South-Mambila	Gembu	William T. Mashler	
Wukari East	Baissa	Tsung Lung Kuo	
Fie	ld Service staff		
Title	Station	Name	
Field Service Officer	Yola	Vidar Binger	
Field Service Officer	Yola	Michael Donohoe	
Field Service Officer	Yola	Bob Kales	

(b) Travel: administrative, financial and transport arrangements

192. Travel as well as administrative, financial and transport arrangements for United Nations plebiscite personnel were handled by Headquarters at New York. These were complex arrangements involving the co-ordination of a number of different parties from New York, Europe and Beirut and their concentration in Yola by the middle of October 1959.

(i) Advance administrative party

193. In order that all necessary arrangements concerning the establishment of a headquarters and the organizing of the preliminaries for the commencement of the operation could be completed before the arrival of the main group, an advance party was sent from New York on 10 September 1959. After discussions at Lagos and Kaduna with officials of the Nigerian Federal and Northern Regional Governments,

the party arrived at Yola on 21 September and began making preparations for the operation.

(ii) Establishment of headquarters

194. I have already mentioned that the Plebiscite Administrator, Sir John Dring, had decided to establish his headquarters at Yola, which is outside the boundaries of the Trust Territory. I should have preferred to have been able to make my headquarters within the Trust Territory, but the preliminary investigations indicated that Yola was far more conveniently placed to maintain communications with the two separate parts of the Territory than any centre within the Trust Territory. Another important consideration was the need to be close to the headquarters of the Plebiscite Administrator. I therefore decided to establish my headquarters at Yola. Subsequent experience was to bear out the validity of this decision.

195. Arrangements were made to house myself and my staff in Yola. A house was made available for myself and the Principal Secretary and accommodation in the Catering Rest House was secured for those members of my staff who would be stationed at Yola. An office, conveniently placed in the grounds of my house, was also made available.

(iii) Transportation

196. Twenty-three jeeps and four trailers from the depot of the United Nations Truce Supervision Organization in Palestine at Jerusalem were shipped from Haifa to Lagos. They were then sent by rail to Kaduna under the supervision of a Field Service officer. At Kaduna, drivers were engaged and trained and after the arrival of two more Field Service officers the jeeps left in convoy for Yola. This journey was a hazardous one; the roads had barely recovered from the rainy season and long detours were necessary either because rivers were still impassable or because bridges had been washed away. The Field Service officers are to be congratulated on bringing all the vehicles safely to Yola.

(iv) Housing for observers

197. The Ministry of Northern Cameroons Affairs arranged for government rest houses to be made available to accommodate the observers. The rest houses had recently been renovated and were to be equipped with furniture, linen, crockery, etc. By the time the observers arrived, all but one of the rest houses were in readiness for occupation. The exception was at Sugu, where a swollen river and the state of the road made it impossible to get the equipment through until some days later. Camping equipment was supplied by the Field Operations Service of the Office of General Services of the Secretariat and was shipped from New York. Unfortunately, it was delayed in transit to Yola and arrived at the observers' posts very late. Camping equipment was essential for some observers, particularly for the observer who was stationed at Gembu, which could only be reached after a six-day trek, and in these cases such equipment as was available locally was either bought or borrowed.

(v) Dispersal of observers

198. The main party of observers arrived at Yola on 16 October 1959 with the Principal Secretary who had met them in Kano on my behalf, and arrangements were made to get them to their posts as quickly as possible. Each observer left Yola by jeep, taking with him equipment and supplies. Two reached their posts that night, a further three the following night, 17 October, and three more on 18 October. Of the remaining two, one reached his post, at Sugu, on 20 October, and the other reached Gembu on 27 October. My own arrival at Yola on 19 October with the Principal Secretary (who had rejoined me at Kaduna), the Political Affairs Officer, the Information Officer and my secretary completed the setting for the commencement of the operation.

ACTIVITIES PRIOR TO POLLING DAY

199. Detailed preliminary general instructions were given in written form to the United Nations observers before they departed from New York (see annex IX). These instructions explained the administrative arrangements, the reasons for the holding of the plebiscite as given in General Assembly resolution

1350 (XIII), the organization of the plebiscite by the Administering Authority in accordance with the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, and the functions, duties and responsibilities of the United Nations observers.

200. Inter alia, the observers were requested to submit regular routine reports on their activities, the steps being taken in their districts by the Administering Authority for the organization and conduct of the plebiscite, political activity in their districts and any complaints received and action taken thereon. On the basis of these reports and of my own observations during my tours of the Territory and of those of the Principal Secretary and Political Affairs Officer who similarly toured the Territory, I summarize below our activities during the pre-plebiscite period following the arrival of the observers at their stations.

201. Before dealing with the activities in each area, there are a number of general points that can be made. All observers reported that in the early days after taking up their stations, road communications were very poor. Practically all Native Authority dry-season roads had been more or less extensively damaged by the rainy season and, though the rains had recently ceased in most districts, vehicular traffic for more than relatively short distances from their stations was impossible. Road conditions improved progressively and rapidly with the onset of the dry weather and the expeditious repairing of the damaged roads and the construction of jeep tracks by the various Native Authorities, so that, by polling day, most of the polling stations were accessible.

202. In the course of their travelling around their areas, all observers spent as much time as possible speaking to the people and exchanging questions about the plebiscite. In this way, they not only made their presence known to the people but also helped in the process of informing the voters about the plebiscite.

203. All observers paid close attention to the work being done by the officers of the Plebiscite Administration in preparing for the plebiscite. One important aspect of this was the selection and training of polling officers to man the polling stations. The duties of these polling officers undoubtedly were complicated and their training presented a formidable problem. All observers were impressed with the thoroughness of the training programmes. The relative absence of difficulties on polling day reflects great credit on both the officials and on those who trained them.

204. My observers were also more than satisfied with the way in which the other necessary arrangements for the plebiscite were carried out in their areas. All paid a tribute to the fairness and impartiality shown by the officials responsible for the conduct of the plebiscite and to the co-operation and generous assistance they received from them. A brief summary of activities in each area is given below.

(a) Dikwa

205. Observer posts in Dikwa Division were established at Dikwa, Bama and Gwoza. Political activity in this area was only slight. A limited number of meetings was held by the NPC, whose campaign was led by the Minister of Trade, M. Abba Habib, and there were apparently even fewer meetings by parties supporting the second alternative. None of the second

alternative parties active in the other parts of the Territory participated in the campaign in the north. The Bornu Youth Movement (BYM), a small party limited in its activities to Bornu Province and with some affiliation with the Action Group, had some of its agents campaigning in the area.

206. The observers felt that there was very little understanding of the broader issues involved in the plebiscite. They found that interest centred on local issues and on dissatisfaction with local administration. Nor did they feel that their efforts to explain the issues added very much to the peoples' understanding. The Emir of Dikwa, in a discussion with an observer, expressed a similar view concerning the lack of understanding of the issues by the people.

207. There was one complaint from the BYM concerning the refusal of the district authorities to allow them to hold a political meeting. An investigation showed that the application had not been made in the proper form. The complainants were advised of the proper procedures and there were no further complaints.

(b) Adamawa North-East

208. Observer posts were established at Michika and at Mubi. Political activity in this area was intense with all parties, the NPC on the one hand and the NKDP, the UMBC/AGA, and the NEPU on the other, actively participating. The campaign was carried into remote areas and was bitterly fought, although fortunately without any untoward incidents. That this was so was in no small way due to the good sense and political maturity of the party leaders, who, at all times, were willing to sit down and discuss their differences with the observers and plebiscite administration officials and were content to let the people pass judgement in a democratic way through the secrecy of the ballot box.

209. On their arrival at their posts, both observers received a number of complaints on various matters from representatives of the parties supporting the second alternative. These complaints were directed against the Native Authority officials, who, it was alleged, were using their positions of authority to influence the people to vote in favour of the first alternative. They also alleged that supporters of the second alternative had been unjustly arrested and imprisoned and that permits to hold political meetings had been unjustly refused or delayed.

210. Investigations by the observers led them to believe that there was some basis for these complaints. When these complaints were brought to my attention, I went to Mubi and Michika and discussed these and other matters with the two observers. Following this discussion, I addressed a letter, dated 25 October 1959, to the Plebiscite Administrator drawing attention to these matters and suggesting certain remedial measures. In my letter, I asked that Native Authority officials should again be told that they should refrain from political activities during the plebiscite. I also expressed my belief that arrests should only be made when absolutely necessary in the interests of the maintenance of law and order and suggested that consideration should be given to releasing on bail those at present in prison until the plebiscite was over. I made the further suggestion that the authority to issue permits should be transferred from the Native Authorities to the British officers. These and other suggestions were designed to ensure that the plebiscite was being conducted in an atmosphere of freedom and impartiality.

211. In his reply, Sir John Dring informed me that the Resident at Yola had again warned Native Authority officials of the "paramount need for them to be and to be seen to be impartial when carrying out their official duties". He added that these officials could not be barred from taking part in political activities in their personal capacities. He also informed me that there was no constitutional authority for vesting the issue of permits in British officials, but that the Resident was instructing district officers to exercise as close supervision as possible over the issue of permits. Concerning the exercise of the powers of arrest, he agreed that arrests should only be made in cases where it was necessary in the interests of law and order and that, to this end, the District Officer at Mubi had been instructed to interview all persons admitted to prison and to take any action he considered necessary to secure accordance with the spirit of my suggestion.

212. I am satisfied that the steps taken by the authorities in response to my representations enabled the political parties to conduct their campaigns without obstruction. That the parties themselves were satisfied is indicated by the marked reduction of complaints.

213. The campaign was fought mainly on local issues. The parties supporting the second alternative organized their campaign skilfully. They made full use of the feeling of dissatisfaction among the people about what they consider to be maladministration by the Native Authority. They also made capital out of the arrests, whether justified or not, in presenting the Native Authority in an unfavourable light.

(c) Adamawa South (Chamba)

214. Observer posts were established at Jada and at Sugu. The observer at Sugu covered the southern part of Chamba as well as the Toungo district further south. Political parties were quite active throughout this area, and, using vehicles and other means of transport, penetrated into most of the outlying villages. The principal party amongst those supporting the second alternative was the NKDP, whose leader appeared to have some ascendancy over the UMBC/AGA and NEPU representatives.

215. The NKDP campaign was skilfully conducted. It directed its appeal to the Chamba people, emphasizing that a vote for the second alternative would free them from non-Chamba control and so pave the way for better roads, more hospitals and schools and better jobs for the Chamba. By playing on such local issues and dissatisfactions with the existing administration, they were able to win wide-spread support, which apparently could not be countered by the NPC, despite a wide-spread and vigorous campaign, also centred on local issues, led by the Minister for Northern Cameroons Affairs.

216. With this emphasis on local issues by all the parties concerned, it was not surprising to find that the people saw the plebiscite in this light and not strictly in terms of the questions they were being asked. The observers found that there was little real understanding of the wider issues involved in the two questions.

217. There were a number of complaints submitted through the observers, almost all from the NKDP. These concerned fears that district and village heads were using, or might use, undue influence and persuade their people to vote for the first alternative, allegations that district heads were refusing to allow political meetings, and allegations concerning the influence of polling officials with known party allegiances. All of these complaints were referred to the Assistant Plebiscite Administrator and were speedily settled on the spot.

218. The complaints concerning undue influence by district and village heads were in all cases too vague to enable them to be investigated closely. Cases of obstruction by district heads of Sugu and Yelwa to political meetings sponsored by the NKDP and associated parties proved to have foundation. These officials were visited by either the Resident from Yola or by the Assistant Plebiscite Administrator and reminded of the Premier's instructions to them to show complete impartiality during the plebiscite, not to engage in political activities in their official capacities and not to refuse permission for political meetings except under the most exceptional circumstances. Except in one case, this had the desired effect and thereafter there were no complaints on this score. The exception was in the Sugu District where a further exception was in the Sugu District where a further visit from the Assistant Plebiscite Administrator was necessary before the matter was satisfactorily settled.

- 219. The complaint against certain polling officers was brought to my attention when I visited Jada. I suggested that the following principles should be used for guidance in selecting and posting polling officers. I subsequently discussed these guiding principles with Sir John Dring, who agreed with them and issued the necessary instructions to his officers:
- (1) All party officials should be debarred from acting as polling officials.
- (2) Because of the impracticability of excluding all persons with known political sympathies, such persons should, as far as possible, be paired with a known sympathizer of the opposite party.
- (3) As far as possible, polling officers with known political sympathies should not be posted to areas in which they had previously been active, or to remote areas where their actions would be less open to public scrutiny than in the bigger centres.
- 220. In accordance with these instructions, three prospective polling officers were dismissed from the training class and postings were worked out. All parties were agreeable to this arrangement. Subsequently, there were three complaints by the NKDP concerning these officials. In one case, the complaint proved to be without foundation and in the other cases, the assistant returning officers spoke to the officials and indicated that they would visit the stations concerned frequently on polling day.

(d) Adamawa South (Toungo and Gashaka)

221. Observer posts were established at Sugu and at Serti. Here it was difficult for the observers to get to polling stations off the main road, but nevertheless contact was made with a high proportion of the people by means of trekkling on foot and by horse. These difficulties probably also accounted for the restricted

political activity outside the main centres, such as Toungo and Kogiubaba. Only one such meeting, by the NKDP, was held at Serti and there appeared but little organized activity elsewhere. Neither observer was impressed with the degree of understanding of the issues of the plebiscite. The observer at Serti thought that more should have been done to instruct the people concerning the issues, but he recognized that the continuation of rains until a matter of weeks before polling day and the consequent difficulties in travelling through the area had seriously limited what could be done. Without this necessary understanding he felt that the majority of the people would be influenced by their leaders.

222. No complaints concerning the arrangements for the plebiscite were received from this area, although one group complained of the impossibility of crossing a river to reach their designated polling station. The construction of a bridge solved this problem.

(e) Adamawa South (Mambila)

223. The observer station was at Gembu, which proved to be a six-day trek from Serti, the furthermost point that could be reached by road. From Gembu, the observer visited those villages that could be reached on foot or by horse in the short time available before polling day.

224. Despite the difficult nature of the terrain, both the NPC and the NKDP had agents in the field. The NKDP directed its appeal to the Mambila tribes and to their fear of the Fulani, based on memories of slave-raiding in times past. Local issues again were at the heart of the campaign and some attempt was made to capitalize on the resentment felt by some Fulani cattle owners concerning cattle taxes paid to Yola. The observer felt that there was little understanding of the broader issues of the plebiscite. He thought that more should have been done to enlighten the people and his own efforts to impart the necessary information convinced him that only a lengthy campaign would have any real effect. He felt that the social and political organization of the Mambila people would interfere with a free individual vote and that votes would be cast according to the wishes of the elders, not for any insidious reason, but simply because it has always been the custom of these people to accept the advice of their elders. No complaints concerning the arrangements for the plebiscite were received.

(f) Wukari East (Tigon-Ndoro-Kentu)

225. The observer post was established at Baissa. Campaigning by political parties was very slight in this area, with the NPC, the governing party, showing more activity than their rivals. The observer felt that there was little understanding of the real issues at stake in the plebiscite, and even some confusion, which he thought might have been overcome by a more intensive public enlightenment campaign. He encountered a fear that this area might be transferred to the Southern Cameroons if the second alternative won, an eventuality repugnant to many who felt perfectly satisfied with their present status. No complaints were received concerning the arrangements for the plebiscite.

POLLING DAY AND PLEBISCITE RESULTS

226. Polling took place, as scheduled, on 7 November 1959. The weather was fair and the turn-out of voters was heavy, perhaps much heavier than had been generally anticipated. The rains had by then ceased for some weeks in most areas and the roads had dried out and been repaired, enabling communication to be reestablished with most villages, even with most of those in the more remote and inaccessible areas. In very few cases did voters experience difficulty in getting to the polling stations.

227. Polling was scheduled to commence at 8.00 a.m.; but well in advance of this time, crowds began gathering at the polling stations and by opening time had attained relatively large proportions. There was some shoving and pushing and jostling for position by some of those eager to vote, but the crowds were for the most part good-natured and well-behaved. Voting was orderly and polling was completed in most cases by early afternoon, but, in accordance with the requirements of the plebiscite regulations, polling stations remained open till 5.00 p.m.

228. United Nations observers visited as many polling stations as was physically possible on polling day and their supervision was supplemented by the efforts of headquarters staff. I had flown to Maiduguri the day before and started my visits to polling stations on 7 November in Bama. From there I moved down by car to Gwoza, Michika and Mubi, stopping at all stations located on or near the road. All of the headquarters staff, including the secretarial, administrative and finance staff as well as Field Service officers with the exception of one Field Service officer who was left in charge of headquarters at Yola, were assigned special areas to cover, their activities being co-ordinated with those of the observers so as to have as much as possible of the plebiscite area covered by United Nations staff on polling day. United Nations observers reported that, in general, the polling had been efficiently conducted by the polling officers, who had performed their duties satisfactorily and impartially and in accordance with the provisions of the Plebiscite Regulations. At a few stations, the walls of the polling booths became transparent during certain hours of the day due to the sunlight, but this was corrected by the use of additional straw mats. In some cases, owing to the obstruction of the openings of the ballot boxes, either owing to heavy voting or to the insertion of rolled ballot papers or even registration cards, voters placed their papers on top of the boxes, but this condition was corrected and obviated by more frequent visits to the booths by the polling officers and agents. Some votes were rejected on account of this. At two stations in the Chamba Circle, the presiding officers neglected to stamp all of the ballot papers and a total of 370 papers was later rejected at counting.

229. Few complaints were made on polling day regarding the conduct of the polling. At Dikwa North, a polling marshal was accused of telling people to vote for the second alternative. The United Nations observer reported that this complaint was received too late to take action on it. At Gwoza, there was a complaint against the polling officers, who allegedly had been forcing the people to vote for the first alternative. This complaint had been lodged with the Plebiscite Administration and concerned the Chigide registration area. A delegation of leaders from the area alleged to the

United Nations observer that the presiding officer had instructed the people to put their ballots in the white box at the opening of the station and that the polling officers accompanied the voters into the booths and directed them to put their ballots in the white box. The United Nations observer remarked that Chigide was the only mountain area in the Gwoza Circle which had a majority for white (677 to 33)—the other areas voted overwhelmingly for the second alternative. This complaint, it is understood, is being lodged under the provisions of the Northern Cameroons Plebiscite Regulations, 1959.

230. Counting of the votes commenced on the evening of 7 November at the headquarters of the various returning officers in the presence of United Nations observers and counting agents appointed by the political parties. In most cases, counting was completed by the night of 8 November, but in a few cases not before 9 November because of transportation difficulties from the outlying polling stations. Results were announced at a counting centre located in Yola and at the various stations as soon as partial results were known. Large groups gathered and remained well into the night outside many of these places to hear the results. The consolidated results, according to plebiscite circle, are shown below (the results by registration areas are given in annex X of this report).

Plebiscite Circle		First alternative (white)	!	Second alternative (orange)
Dikwa North		7,575		7.197
Dikwa Central		8,891		11,988
Gwoza		3,356		6,773
Cubanawa-Madagali Adamawa North-		4,247		9,818
East		6,120		13,578
Chamba		4,539		11,651
Adamawa South:				
Gashaka-Toungo.	2,252		2,099	
Mambila	2,745		7,353	
		4,997		9,452
Wukari East (Tigon,				
Ndoro and Kentu)		3,063		89
TOTAL		42,788		70,546

Rejected votes: 525

231. A total of 113,859 votes was cast in the plebiscite or approximately 88 per cent of the total number of persons registered in the federal electoral register. or 80 per cent of the estimated total number of potential electors in the Northern Cameroons exercised their right to vote in the plebiscite. Approximately 62 per cent of the total votes cast was in favour of the second alternative or a majority in the ratio of 1.65 to 1. A break-down of the results shows that in three circles, Dikwa North, Gashaka-Toungo and Wukari East, there was a majority for the first alternative. but it was a narrow majority in the first two circles: 7,575 v. 7,197 and 2,252 v. 2,099, respectively or a majority by about 650 votes in a total of 19,000. It was only in Wukari East that the majority was relatively substantial: 3,063 v. 89. This circle comprised the administrative districts of Tigon-Ndoro-Kentu at the south-western extremity of the Northern Cameroons. In the other circles, the majority for the second alternative was high: 1.35 to 1 in Dikwa Central, 2 to 1 in Gwoza, 2.3 to 1 in Cubunawa-Madagali, 2.2 to 1 in Adamawa North-East, nearly 2.6 to 1 in Chamba and nearly 2.7 to 1 in Mambila.

PROTEST PERIOD

232. The Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, provided, inter alia, for the establishment of a Special Court for the purpose of hearing any petitions arising out of the plebiscite. The Special Court was to consist of a judge, appointed by the Governor-General of Nigeria in pursuance of instructions given by Her Majesty through a Secretary of State. Natives of Nigeria and any person serving in the Federation of Nigeria were excluded from appointment. The decisions of this court were to be transmitted to the Plebiscite Administrator, who in considering a dispute concerning the result in a particular district was empowered to declare the result invalid and to arrange for a further opportunity of voting.

233. The Northern Cameroons Plebiscite (Voting Petitions) Regulations, 1959, made under the Order in Council by the Governor-General set out the procedures to be followed in hearing petitions. Petitions could concern:

- (a) Complaints that non-registered persons had voted;
- (b) Complaints that registered voters' votes had been accepted as tendered votes only;
- (c) Complaints that any corrupt or illegal practice, bribery, treating or undue influence had taken place. Petitions were to be lodged, in the appropriate form, with the Plebiscite Administrator at Yola or with the assistant plebiscite administrators at Bama, Mubi and Jada within a period of ten days from the date of the plebiscite. Copies of the petitions were to be sent to the Court and to the United Nations Plebiscite Commissioner.

234. Before I left Yola on 11 November, I asked one observer, Mr. J. A. Miles, to remain behind for the period of ten days to exercise supervision on my behalf during the protest period and to receive any

other petitions, and to report on developments immediately after the plebiscite. At the expiry of the period allowed, no voting petitions had been received by the Plebiscite Administrator. I understand that as a result of complaints some prosecutions are pending for offences under the Plebiscite Regulations. A total of five other petitions and communications have been received since polling day from the following: The Branch President, NKDP, Cubunawa District, on behalf of the opposition political parties; the President, NPC, Dikwa Division; the Lamido of Adamawa; Mormoni Bazza and five others on behalf of NPC, Mubi; and the NKDP and One Kamerun. The texts of these communications and petitions are reproduced in annex XI to this report. The first purports to explain on behalf of the opposition parties the reasons why their numbers voted for the second alternative and to indicate the reforms they wished to have introduced. These are matters which fall outside my terms of reference. The next three make allegations against the British Authorities, plebiscite officials and the opposition parties concerning the conduct of the plebiscite. These allegations are for the most part in general terms and, where specific, substantiating evidence is not adduced. The last communication makes an appeal, arising out of the results of the plebiscite, to the Governor-General as the Administering Authority's representative. This communication also falls outside my terms of reference. Copies of these communications have been sent to the Plebiscite Administrator for such action as he might deem appropriate under the provisions of the Plebiscite Regulations.

235. The reaction of the population to the results of the plebiscite seems to have been generally a quiet one. In Dikwa, there were several incidents, as a result of which one person unfortunately was killed. However, when the observer left the Territory, this area was reported to be quiet. No other incidents were reported in any other part of the Territory.

Chapter VI

CONCLUSIONS

236. The plebiscite in the northern part of the Cameroons under United Kingdom administration, provided for in resolution 1350 (XIII) of the General Assembly, took place on 7 November 1959. A very high proportion (close to 88 per cent) of the registered voters participated in the ballotting. The total number of voters represents approximately 80 per cent of the estimated number of potential electors, which means that the greater part of the eligible population took part in the consultation and freely expressed their wishes in respect to the alternatives offered in the plebiscite.

237. Of the 113,859 votes cast, 70,546 favoured the second alternative, 42,788 favoured the first alternative and 525 were rejected votes. The results indicate that close to 62 per cent of the total votes were cast in favour of the second alternative.

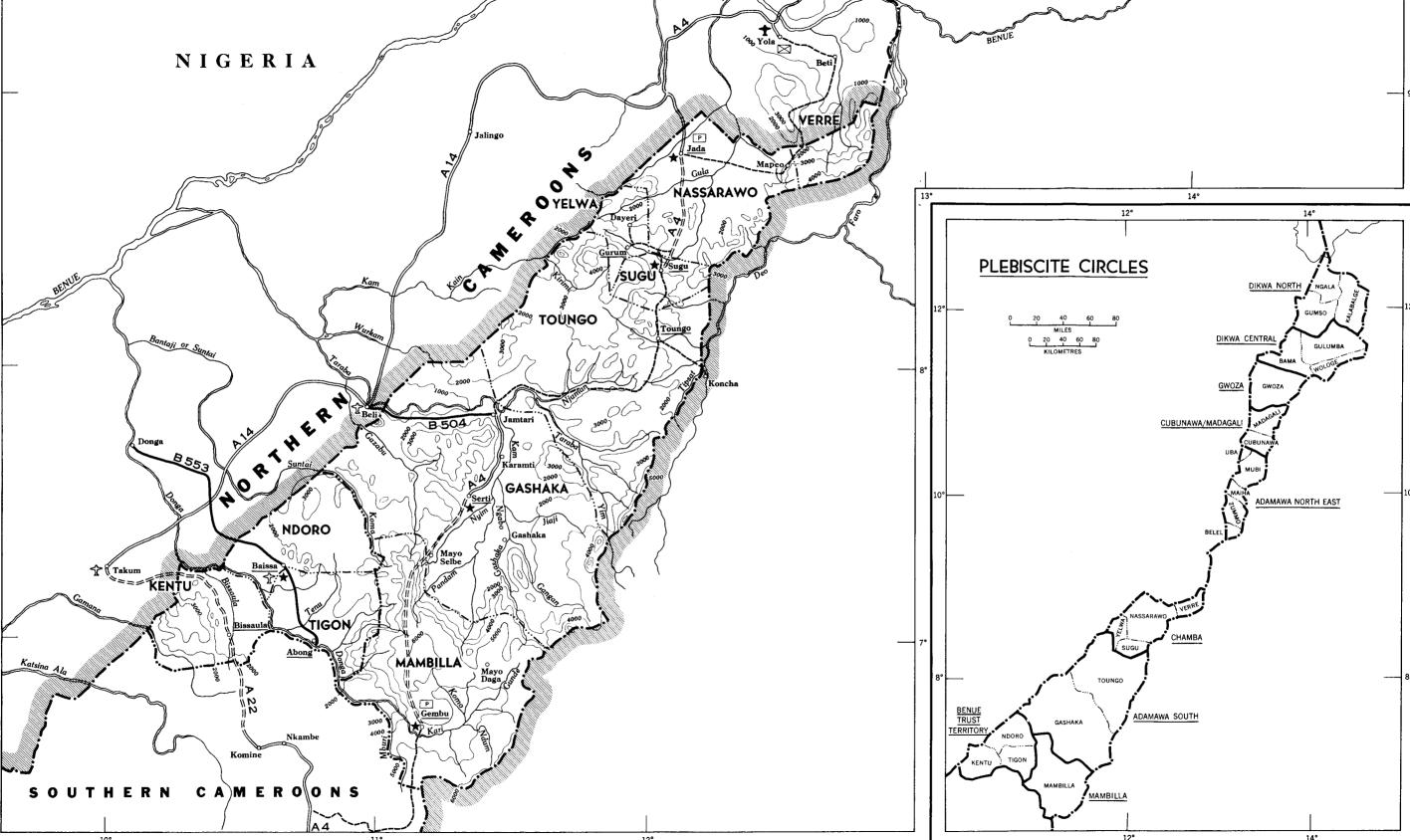
238. An analysis of the voting by districts shows that there was an over-all majority for the first alternative, i.e., a desire that the Northern Cameroons be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent, only in the Dikwa North Districts of the Dikwa Division, in the Gashaka-Toungo Districts of Adamawa South and in the Tigon-Ndoro-

Kentu area in the south-west. Even in these districts, however, the voting was not consistently in favour of the first alternative except in the Tigon-Ndoro-Kentu area where it was practically unanimous in all fourteen of the registration areas. In the Dikwa North Districts where the over-all majority in favour of the first alternative was only 650 in a total of 19,000 votes cast, eight of the twenty registration areas voted by substantial majorities for the second alternative. In the Gashaka-Toungo Districts, all of the three Toungo Districts voted in favour of the second alternative by relatively large majorities and two of the seven Gashaka Districts by small majorities. Of the grand total of 131 registration areas, fifty, or 38 per cent, had majorities in favour of the first alternative, which also obtained 38 per cent of the total votes cast. It may be said, therefore, that nearly two-thirds of the persons who voted were in favour of deciding the future of the Territory at a later date.

239. I am satisfied that the plebiscite was organized and conducted by the Administering Authority with efficiency and impartiality, in accordance with the laws and regulations promulgated for the purpose, and that it was held in an atmosphere of freedom.

- 240. The people of the Northern Cameroons conducted themselves during the plebiscite in an exemplary manner. It was mainly due to their sense of responsibility and respect for law and order that the plebiscite was successfully carried out.
- 241. The participation of the United Nations in the plebiscite was welcomed by all parties concerned and enhanced the confidence of the people in the impartiality and objectivity of the plebiscite.
- 242. It is now for the Trusteeship Council and the General Assembly to appraise the results of the plebiscite and to make such recommendations and take such decisions as they may deem appropriate in the light of all available relevant information. While appreciating, therefore, that it does not fall within the scope of my terms of reference to attempt such an appraisal, I feel that I would perhaps be failing in my duty were I not to present certain views which, on the basis of my personal observations and that of my staff and observers, seemed to be prevalent amongst those who voted for the second alternative. It would appear that the majority of the voters made use of the opportunity offered by the plebiscite to register what was in effect a protest vote against the system of local administration prevailing in the Northern Cameroons. The information that I gathered in the Territory
- supports the view that the people desire the introduction of reforms in the system of local government—which to them is synonymous with Government—and that one of the reasons why the majority voted in favour of the second alternative was to express the will for a speedy introduction of these reforms.
- 243. I should like to express my deep appreciation to the people of the Territory for the dignity and discipline demonstrated during the plebiscite. I should also like to take this opportunity of expressing my appreciation to the Governor-General, the Governor of the Northern Region, the Plebiscite Administrator and his able staff for the successful organization of the plebiscite and to the political parties and their representatives for the contribution which they made to the peaceful and orderly conduct of the plebiscite. I should also like to convey my grateful thanks to the Government of the Northern Region for its co-operation and assistance.
- 244. Finally, I should like to place on record my appreciation and thanks to the able and experienced United Nations staff assigned to me for the purpose of the plebiscite, whose loyalty and devotion to duty contributed so significantly to the success of the task entrusted to me by the General Assembly.





United Nations

GENERAL ASSEMBLY



Agenda item 42

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 42: Financial reports and accounts, and reports of the Board of Auditors:*

- (a) United Nations (for the financial year ended 31 December 1958):
- (b) United Nations Children's Fund (for the financial year ended 31 December 1958);
- (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East (for the financial year ended 31 December 1958);
- (d) United Nations Refugee Fund (for the financial year ended 31 December 1958)

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(a) United Nations (for the	financial year ended 31 December 1958)	
A/4153	Report of the Advisory Committee on Administrative and Budgetary Questions	1
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A/4156	Report of the Advisory Committee on Administrative and Budgetary Questions	4
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(a) United Nations (for the financial year ended 31 December 1958)

DOCUMENT A /4153

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [12 August 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered the financial reports and accounts for 1958 and the related reports of the Board of Auditors in respect of the United Nations, United Nations participation in the Expanded Programme of Technical Assistance and the Technical Assistance Board secretariat, the United Nations Suez Canal Clearance Operation and the United Nations Emergency Force (A/4116).
- 2. The Advisory Committee has also considered, and is reporting separately on, the 1958 accounts and related audit reports in respect of the following

extra-budgetary programmes of the United Nations: 1/2 the United Nations Children's Fund (A/4113), the United Nations Refugee Fund and other funds administered by the High Commissioner for Refugees (A/4118) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/4117).2/

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 708th and 718th meetings; and ibid., Plenary Meetings, 838th meeting.

^{1/}In respect of the United Nations Korean Reconstruction Agency, it has been decided, in consultation with the Advisory Committee, the Board of Auditors and the Agency's Advisory Committee, that a financial liquidation report and accounts will be prepared at the date of liquidation of the Agency (approximately at 31 December 1959) in lieu of the reporting that would otherwise be necessary as at 30 June 1959.

^{2/}For the reports of the Advisory Committee on Administrative and Budgetary Questions relating to these programmes see documents A/4154, A/4156 and A/4155, respectively.

3. In reviewing these several accounts and audit reports, the Advisory Committee has looked into total gross expenditures (including unliquidated obligations) in 1958 of the order of some \$165 million:

Approximate expenditure (millions of US dollars)

(a) United Nations (regular budget) 2/	60.8
(b) United Nations Emergency Force	23.9
(c) Suez Canal Clearance Operation (d) Technical Assistance Board secre-	8 .1 <u>b</u> /
tariat	2.0
(e) United Nations participation in the	
Expanded Programme	8 .2 c/
(f) United Nations Children's Funda/	22.4
(g) United Nations Refugee Fund and re-	
lated funds	8.2
(h) United Nations Relief and Works Agen-	
cy for Palestine Refugees	31.8
	165.4

^{2/}Apart from the expenditures from the assessed budget and from voluntary contributions in respect of the several programmes, there were expenditures, directly charged to the related revenues, of some \$2 million in respect of the revenue-producing activities of the United Nations and some \$500,000 in respect of the UNICEF Greeting Card Programme.

b/From inception.

c/The amount represents obligations incurred by the United Nations against funds allocated to it, as a participating organization, from the Special Account of the Expanded Programme of Technical Assistance.

- 4. For its consideration of the accounts in (a) to (e) above, which form the subject of the present report, the Advisory Committee had before it, in addition to the reports of the Board of Auditors, a separate memorandum from the Board touching on a number of points of detail concerning the financial administration of the Organization. Annexed to that memorandum were two special studies which the Board undertook at the request of the Committee, the first relating to the operations of the revenue-producing activities during 1958, and the second giving a detailed review of the administrative and financial procedures and controls that are applied in the Organization to the procurement of goods, supplies and services. The Advisory Committee desires to record its appreciation of the assistance rendered by the Board through the preparation of these useful annexes.
- 5. The Advisory Committee has thoroughly inquired into the facts and circumstances relating to the instances of defalcation and illegal exchange transactions mentioned by the Board in paragraphs 4 and 5 of its report (A/4116, page 27), as well as the losses

- and bad debts which were brought to the Committee's attention in the Board's separate memorandum. The Committee is satisfied that these exceptional cases do not detract from the General efficacy of the financial and other controls that are applied; the Committee has at the same time drawn attention to the need for strengthening any weak points in the chain of controls.
- 6. It will be noted from schedule D to statement I under part II of the accounts (United Nations participation in the Expanded Programme) (ibid., page 38) that, under various trust funds for projects, expenditures totalling some \$69,000 were incurred in advance of adequate receipts into the trust funds. The Advisory Committee would underline the need for prudent care in regard to these arrangements in order to safeguard the financial interests of the Organization.
- 7. The Secretary-General has, in paragraph 2 of his financial report under Special Account of the United Nations Emergency Force (ibid., page 51), drawn attention to the unsatisfactory cash position of this Special Account. The Advisory Committee understands that, assuming current patterns of income and expenditure in respect of the General Fund, the Working Capital Fund and the UNEF Special Account, the over-all cash position of the Organization is likely to cause serious concern in the early months of 1960.
- 8. The memorandum of the Board of Auditors and its annexes contain several other points of information and comment, which, in addition to clarifying the expenditure experience in 1958, will prove useful in connexion with the Advisory Committee's mid-year review of 1959 appropriations and detailed examination of the budget estimates for 1960. Furthermore, at various points in the annex on procurement operations attached to the Board's memorandum, it is noted that, in the light of the Board's inquiry and comment. steps have been, or are proposed to be, taken to improve procedures in several respects. The internal review which the Board's study has occasioned is in itself a useful development to which, of course, must be added the valuable advantage of the comment and advice of the Board. The Advisory Committee believes, too, that the detailed discussions which it had with representatives of the Board and of the Secretary-General will help to clarify and strengthen several areas of control.
- 9. There are no other points in the accounts and audit report under review which, in the view of the Advisory Committee, need to be brought to the attention of the General Assembly.

(b) United Nations Children's Fund (for the financial year ended 31 December 1958)

DOCUMENT A/4154

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has examined the financial report and accounts of the United Nations Children's Fund for the year ended 31 December 1958 and the related report of the Board of Auditors (A/4113).

2. The financial position of the Fund on 31 December 1958 was:

[31	July 1939]
	US dollars
Principal of the Fund on 1 January 1958ncome from all sources during 1958	32,761,300 23,007,601
	55,768,901
Expenditure during 1958	22,436,262
Principal of the Fund on 31 December 1958	22 222 639

[Original text: English]

of which \$28,090,084 was committed-allocated by the Executive Board-and \$5,242,555 remained unallocated. The principal of the Fund shows an increase of \$600,000 as compared with the position at the end of 1957. Income in 1958 increased by \$2.3 million, or 11 per cent, over 1957, resulting in large part from an increase of more than \$2 million in government contributions. Expenditure also increased in 1958, by some \$1.1 million. The unallocated resources of \$5.2 million at 31 December 1958 compare with an amount of \$3.6 million unallocated at the end of 1957 and \$5.7 million at the end of 1956. The Advisory Committee understands that the Executive Board may be requested to approve allocations in 1959 which will exceed income by between \$2 to \$4 million, thus reducing the level of unallocated resources at the end of that year.

- 3. Allocations unfulfilled at 31 December 1958 of \$28.1 million compare with \$29.1 million at the end of 1957. The largest component of unfulfilled allocations was in respect of area and country assistance (excluding freight), in the amount of \$17.6 million, against which there were outstanding contractual commitments at year-end of \$5.5 million.
- 4. In order to encourage long-term planning by Governments, allocations are made on the basis of a plan of operations which may extend over a period of several years. Nevertheless, actual funds set aside for unfulfilled allocations appear to the Advisory Committee to be on the high side in relation to the pace at which projects are implemented. The Advisory Committee is aware that unfulfilled allocations at the end of 1958 included a considerable part of the \$11.4 million approved for programme aid only at the September 1958 session of the Executive Board and some \$3.8 million representing allocations for the 1959 operational services and administrative expenses. The Executive Board of UNICEF might wish to review the definitions and practical circumstances of allocations with a view to greater flexibility in the planning of programmes, in the co-ordination of these programmes with related activities of the United Nations and interested specialized agencies, and in general financial management.
- 5. Inasmuch as it has been the practice in UNICEF to make allocations only on the basis of funds actually received, the Advisory Committee learns with inter-

- est of the possibility that the Executive Board, at its forthcoming session in September 1959, will make allocations in respect of the administrative and operational services costs for 1960 against resources to be received during the last months of 1959.
- 6. Following the provisions of General Assembly resolution 594 (VI) of 4 February 1952, the Advisory Committee has paid special attention to the administrative practices and expenses of UNICEF operations. Administrative costs rose from \$1.45 million in 1957 to \$1.50 million in 1958, and the costs of operational services from \$1.42 million to \$1.56 million. However, as the volume of assistance (and consequently of total expenditure) also increased between the two years, the ratio of administrative costs to total expenditure showed a decrease from 6.89 per cent in 1957 to 6.80 per cent in 1958; the ratio of operational services costs increased nevertheless from 6.76 per cent to 7.08 per cent.
- 7. A realistic appraisal of the administrative overhead of UNICEF operations should take account also of the substantial services and facilities which, in accordance with General Assembly resolution 57 (I) of 11 December 1946, the United Nations furnishes free of charge to the Fund. While it is difficult at this stage to put a monetary value on such services and facilities, the Advisory Committee will study this matter further as part of the broader question of the services and facilities provided to various extrabudgetary activities from the regular budget of the Organization. Such a study would, besides clarifying the administrative needs of extra-budgetary programmes, help towards a meaningful interpretation of the servicing requirements that are reflected in the regular budget.

UNICEF GREETING CARD FUND

- 8. The 1958 financial report relating to the UNICEF Greeting Card Fund shows that the steady progress of the past years has been more than maintained in 1958, with 10.9 million cards sold. The net income of \$660,812 in 1958 represents some 56 per cent of gross income, and compares with a net income of \$336,965 in 1957.
- 9. The financial experience of the Greeting Card Programme for the last three years is reflected in the following table:

Year	Cards sold2/	Cost per card <u>ab</u> / sold	Net income	Transfer to general resources of UNICEFS
		Cents	US dollars	US dollars
1958.	10,235,966	4.99	660,812	400,000
1957.	7,177,285	5.91	336.965	300,000
1956.	6,042,168	5.15	259.346	200,000

 $[\]underline{a}$ /Apart from cards produced by the United Nations Association in Canada (662,246 cards in 1958, 420,000 in 1957, and 280,000 in 1956).

b/Cost per card includes staff costs, production costs, sales promotion and other expenses.

c/The balance of net income is used to augment the working capital for the following year's activity.

(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East (for the financial year ended 31 December 1958)

DOCUMENT A /4155

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [31 July 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has examined the financial report and accounts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the year ended 31 December 1958 and the related report of the Board of Auditors (A/4117).
- 2. The income and expenditure experience in 1958 may be summarized as follows:

Income	United States dollars	
Contributions from Governments . Contributions from others Miscellaneous income Exchange adjustments	33,928,466 257,372 420,278 427,143	
	35,033,259	
Expenditure		
Relief programme	23,956,783 7,819,284 31,776,067 3,257,192	

This surplus income of \$3,257,192, together with adjustments for prior years in the amount of \$36,519, increased the working capital available to the Agency from \$18,906,209 at 1 January 1958 to \$22,199,920 at 31 December 1958.

3. Pursuant to General Assembly resolution 594 (VI) of 4 February 1952, the Advisory Committee has inquired into a number of administrative and financial matters in UNRWA, including, in particular, the points to which the Board of Auditors has drawn attention in its report.

- 4. As regards the carry-over of unused 1957 budget amounts as additions to the 1958 budget, a point to which the Board refers in paragraph 3 of its report (A/4117, page 24), the Advisory Committee concurs in the Board's view that the authority of the Director for making this transfer may be questionable under the present financial rules of the Agency. The Committee notes that the financial rules are currently being reviewed and that any proposed modifications will be submitted to the Committee in due course for its comment.
- 5. The Advisory Committee understands, in regard to the bonus payments to local staff (ibid., para. 8), that UNRWA plans to review the existing local salary scales, which were established in 1952-1953, with a view to bringing them into line with present conditions. The Committee has inquired into the procedures followed by UNRWA in the establishment and periodic revision of these salary scales, and it trusts that the proposed review will be undertaken in close collaboration with the United Nations Secretariat, some of whose staff members are also located in the Near East.
- 6. In regard to the Board's observations on losses (ibid., para. 11), the Advisory Committee believes that the losses in question, although representing a very small fraction of the total volume of supplies handled annually by the Agency, are substantial enough to suggest the need for strengthening administrative and financial controls in respect of stores and warehousing. Likewise, on ex-gratia payments (ibid., para. 9), somewhat more restrictive interpretation and application of the provisions in this regard might be considered.

(d) United Nations Refugee Fund (for the financial year ended 31 December 1958)

DOCUMENT A /4156

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] 124 July 19591

8,224,925

1,837,896

4,024,190

- 1. The Advisory Committee on Administrative and Budgetary Questions has examined the financial report and accounts of the United Nations Refugee Fund (UNREF) (and other funds administered by the High Commissioner for Refugees) for the year ended 31 December 1958 and the related report of the Board of Auditors (A/4118).
- 2. The consolidated summary operating statement covering all voluntary, restricted and trust funds (Exhibit A) shows the following picture for 1958:
- United States dollars Surplus at 31 December 1957 plus adjustments..... 4,164,511 5,898,310a/ 10,062,821 Contributions and other income . . Less: Obligations incurred: Liquidated by disbursements.... 4,200,735 Unliquidated.....

a/Including \$320,393, contributions pledged but not yet received at 31 December 1958 in respect of UNREF.

Surplus at 31 December 1958....

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3. The Advisory Committee notes with interest that further progress has been made in respect of final financial accounting on UNREF projects. Thus, at 31 March 1959, 237 projects amounting to some \$6.9 million out of a total of 700 projects amounting to some \$23.5 million, have been reported on for purposes of audit. Of the remaining 463 projects (\$16.6 million), final financial reporting is stated to be overdue in respect of 164 projects totalling some \$4.8 million (A/4118, page 2). The Committee trusts that the successful efforts made in recent months will be

continued and even intensified so as to obtain at an early date final accounting of all projects for which full payment has been made.

4. The Advisory Committee has inquired into the various points raised by the Board of Auditors as well as other matters relating to administrative and financial routine. None of these matters raises any immediate questions for the attention of the General Assembly.

DOCUMENT A /4238

Report of the Fifth Committee

[Original text: English]
[14 October 1959]

- 1. At its 708th meeting, held on 25 September 1959, the Fifth Committee considered the financial reports and accounts and the reports of the Board of Auditors for the United Nations (A/4116), the United Nations Children's Fund (UNICEF) (A/4115), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (A/4117) and the United Nations Refugee Fund (UNREF) (A/4118). The Committee also had before it four reports (A/4153-A/4156) of the Advisory Committee on Administrative and Budgetary Questions in which comments and recommendations were offered on certain points arising from the accounts and the audit reports. The Board of Auditors, the Secretary-General, the Executive Director of UNICEF, the Director of UNRWA and the United Nations High Commissioner for Refugees were represented during the discussions.
- 2. In connexion with the United Nations accounts, a suggestion was made that it might be useful if, in the future, the Secretary-General could submit a single financial report containing a combined statement of assets and liabilities for all the funds in his custody, with annexes giving the detailed accounts; the representative of the Secretary-General undertook to have the various aspects of the suggestion studied, in consultation with the Advisory Committee. Concern was expressed at the instances cited by the Advisory Committee (A/4153, para. 5) of defalcation, illegal exchange transactions and losses and bad debts. The representative of the Secretary-General assured the Committee that, while the cases were exceptional, the Secretary-General, together with the Board of Auditors and the Advisory Committee, had thoroughly investigated the cases involved and that all possible measures had been taken to safeguard the interests of the Organization.
- 3. In connexion with the UNICEF accounts, the Committee was informed of the action taken by the UNICEF Executive Board at its session in September 1959 in regard to the Advisory Committee's comments (A/4154, paras. 2-5) on the more rapid use of the Fund's resources. Several representatives, in expressing their appreciation of the work of UNICEF, welcomed the actions which had been taken by the Executive Board. The greater volume of allocations to projects would reduce the level of unallocated resources from \$5.2 million at the beginning of 1959 to an estimated \$1.1 million at the beginning of 1960.

The Board had also decided to extend the procedure for making annual project allocations rather than allocations sometimes covering several years; annual allocations had been in effect for disease-control projects and would now be used for allocations for maternal and child welfare and milk conservation projects. In reply to suggestions that individual contributions to the Fund, as distinct from governmental contributions, might be increased through the organization of national campaigns, the Deputy Executive Director of UNICEF pointed out that it was for Governments to take the appropriate decisions for such campaigns in their own countries; some Governments preferred that their contributions to UNICEF should be drawn from public funds since appeals were made to individuals on behalf of so many other causes. Attention was also given, in the course of the discussion, to the proportion of administrative and operational services costs to the total expenses of the Fund.

4. The Committee wishes to place on record its appreciation of the services rendered to the Organization by the Board of Auditors.

Recommendations of the Fifth Committee

- 5. The results of the voting were as follows: draft resolution I was adopted by 48 votes to none, with 8 abstentions; draft resolution II was adopted unanimously; draft resolution IV was adopted unanimously; draft resolution IV was adopted by 50 votes to none, with 10 abstentions.
- 6. The Fifth Committee therefore decided to recommend to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

UNITED NATIONS: FINANCIAL REPORTS AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORTS OF THE BOARD OF AUDITORS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution II

UNITED NATIONS CHILDREN'S FUND: FINANCIAL REPORT AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORT OF THE BOARD OF AUDITORS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.1

Draft resolution III

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST: ACCOUNTS FOR THE FINANCIAL YEAR ENDED

31 DECEMBER 1958 AND REPORT OF THE BOARD OF AUDITORS

[Text adopted by the General Assembly without change, See 'Action taken by the General Assembly" below,1

Draft resolution IV

UNITED NATIONS REFUGEE FUND: ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORT OF THE BOARD OF AUDITORS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting, on 17 November 1959, the General Assembly adopted draft resolutions I to IV submitted by the Fifth Committee (A/4238). para. 6). For the final texts, see resolutions 1363 (XIV), 1364 (XIV), 1365 (XIV) and 1366 (XIV) below.

Resolutions adopted by the General Assembly

1363 (XIV) UNITED NATIONS: FINANCIAL REPORTS AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORTS OF THE BOARD OF AUDITORS

The General Assembly

- 1. Accepts the financial reports and accounts of the United Nations for the financial year ended 31 December 1958 and the certificates of the Board of Auditors (A/4116);
- 2. Concurs in the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its fourth report to the General Assembly at its fourteenth session (A/4153).

838th plenary meeting. 17 November 1959.

2. Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its sixth report to the General

838th plenary meeting,

1364 (XIV) UNITED NATIONS CHILDREN'S FUND: FINANCIAL REPORT AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORT OF THE BOARD OF AU-**DITORS**

The General Assembly

- 1. Accepts the financial report and accounts of the United Nations Children's Fund for the financial year ended 31 December 1958 and the certificates of the Board of Auditors (A/4113);
- 2. Takes notes of the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its fifth report to the General Assembly at its fourteenth session (A/4154).

838th plenary meeting, 17 November 1959. 1366 (XIV) UNITED NATIONS REFUGEE FUND: AC-COUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORT OF THE BOARD OF AUDITORS

The General Assembly

- 1. Accepts the accounts of the United Nations Refugee Fund for the financial year ended 31 December 1958 and the certificates of the Board of Auditors (A/4118);
- 2. Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its seventh report to the General Assembly at its fourteenth session (A/4156).

838th plenary meeting, 17 November 1959.

1365 (XIV) UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST: ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1958 AND REPORT OF THE BOARD OF AUDITORS

The General Assembly

- 1. Accepts the accounts of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the financial year ended 31 December 1958 and the certificates of the Board of Auditors (A/4117);
- Assembly at its fourteenth session (A/4155).

17 November 1959.

CHECK LIST OF DOCUMENTS

 $\underline{\text{Note:}}$ This check list includes all the documents mentioned during the consideration of agenda item 42 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4113	United Nations Children's Fund (UNICEF): financial report and accounts for the year ended 31 December 1958 and report of the Board of Auditors	Official Records of the General Assembly, Fourteenth Session, Supplement No. 6A
A/4116	Financial reports and accounts for the year ended 31 December 1958 and reports of the Board of Auditors: United Nations and its Trust Funds and Special Accounts; United Nations Participation in the Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries, and the Technical Assistance Board secretariat; United Nations Suez Canal Clearance Operation; Special Account of the United Nations Emergency Force	Ibid., Supplement No. 6
A/4117	United Nations Relief and Works Agency for Palestine Refugees in the Near East: accounts for the year ended 31 December 1958 and report of the Board of Auditors	Ibid., Supplement No. 6B
A/4118	United Nations Refugee Fund: accounts for the year ended 31 December 1958 and report of the Board of Auditors	Ibid., Supplement No. 6C
A/C.5/L.566	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 718th meeting, see A/4238

Official Records

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 43 : Supplementary estimates for the financial year 1959*

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709th, 742nd, 755th and 758th meetings; and ibid., Plenary Meetings, 846th meeting.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 708th,

PART I OF THE SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1959

DOCUMENT A/4198

Report of the Secretary-General

[Original text: English] [11 September 1959]

United States dollar:

- 1. The General Assembly, by resolution 1338 (XIII) of 13 December 1958, voted appropriations for 1959 totalling \$60,802,120. The revised estimates submitted herewith cover requirements totalling \$61,757,920, an increase of \$955,800. Unforeseen and extraordinary expenses authorized under the provisions of General Assembly resolution 1339 (XIII) of 13 December 1958 and included in the increased estimates amount to \$615,500. The increased expenditure estimates also include additional requirements totalling \$137,500, which will be offset by income of the same amount.
- 2. During 1959, efforts have been made to keep the Advisory Committee on Administrative and Budgetary Questions even more currently informed than heretofore on developments affecting or likely to affect the budget. Thus, in addition to those unforeseen and extraordinary expenses incurred, as provided in paragraph 1 of General Assembly resolution 1339 (XIII), with the prior concurrence of the Advisory Committee, the Committee has been provided as soon as possible with details of those unforeseen expenses authorized by the Secretary-General, under paragraph 1 (a) of that resolution, as relating to the maintenance of peace and security or urgent economic rehabilitation. The detailed mid-year review of the estimates carried out with the Advisory Committee further enabled the Secretary-General to acquaint the Committee with the budgetary situation. At the time of the mid-year review, as indicated by the Advisory Committee in its report on the 1960 estimates (A/4170), additional requirements for 1959 of from \$750,000 to \$1,000,000 were anticipated. The review of requirements made at this time, with the added information available, calls for changes in a number of the specific estimates made in June 1959; nevertheless, the net additional requirements remain of the order indicated.
- 3. In accordance with the wishes of the Advisory Committee and the Fifth Committee, these revised estimates are submitted earlier than has been the case in recent years. They are based on information available at this time, including expenditure figures as at 31 July 1959. Subsequent submissions would be required in the event of further unforeseen requirements or any substantial changes in the bases on which the revised estimates have been made. Specific mention should be made in this connexion of the possibility that, under the provisions of the Staff Regulations, an upward revision of the salary scales for General Service Staff at Headquarters will be called for.

Unforeseen and extraordinary expenses

- 4. As indicated in paragraph 1, the revised estimates include an amount of \$615,500 in respect of the following unforeseen and extraordinary expenses authorized under the provisions of General Assembly resolution 1339 (XIII):
- (a) Expenses authorized with the prior concurrence of the Advisory Committee on Administrative and Budgetary Ouestions

(i) For the plebiscites in the Cameroons under	
United Kingdom administration (section 4).	110,000
(ii) For the comprehensive review of the Joint Staff	
Pension System (sections 6 and 8)	27,600
(iii) For commodity conferences (section 1)	3,000
(iv) For the opening of new branch offices of the High Commissioner for Refugees in Morocco and Tunisia (sections 10, 11 and 13)	25,000
(b) Expenses authorized by the Secretary-General u graph 1 (a) of resolution 1339 (XIII)	nder para
(i) For the Conference on the Discontinuance of Nuclear Weapons Tests (section 2)	360,000
(ii) For the United Nations Representative on the Question of Hungary (section 4)	15,300
(iii) For the Good Offices Mission to Cambodia and Thailand (section 4)	9,200
(iv) For the Special Representative of the Secretary-General in Guinea (section 4)	39,300

- 5. Expenses up to \$26,100 have also been authorized, under paragraph 1 (b) (i) of resolution 1339 (VIII) for the designation of *ad hoc* judges for cases before the International Court of Justice.
- 6. Further details of these unforeseen expenses are given in the explanations of the revised estimates for the pertinent sections, and, in respect of the expenses for the pension scheme review and the branch offices of the High Commissioner for Refugees, in subsequent paragraphs of this portion of the report.

Additional expenses offset by income

- 7. The revised estimates provide, *inter alia*, for two items of increased expenditure totalling \$137,500 which will be offset by income of the same amount:
- (a) Television supplies and services. Total requirements of \$198,000 are estimated to meet demands from various television outlets; the approved estimate, to be matched by income from the activity, was \$80,000. The additional expenditure, \$118,000, will be similarly offset by income. In accordance with approved procedures, the Advisory Committee on Administrative and Budgetary Questions was informed, in May 1959, that an increase in television activities of this order was likely. To provide for expenditures that might arise before the supplementary estimates were approved, the Committee's concurrence was obtained for expenditures not to exceed \$80,000 over the approved estimate.
- (b) Branch offices of the High Commissioner for Refugees in Australia and Canada. As indicated in the 1960 budget estimates, (A/4110), a branch office of the United Nations High Commissioner for Refugees has been opened in Australia. Further, a temporary office has been opened in Canada in connexion with the World Refugee Year. There will be reimbursement of \$19,500 from the United Nations Refugee Fund in respect of the expenses of these offices.

Main features of the revised estimates

- 8. The estimates for part I (Sessions of the General Assembly, the Councils, Commissions and Committees; pecial meetings and conferences) show an increase of 293,700. The unforeseen and extraordinary expenses rovided for under this part total \$363,000. This amounts partially offset by anticipated savings of \$69,300 on tems covered by the appropriations, mainly in respect of reduced requirements for the Scientific Committee on the Effects of Atomic Radiation and savings in the provision for the United Nations Conference on the Elimination or Reduction of Future Statelessness.
- 9. The unforeseen and extraordinary expenses covred by the revised estimates for part II (Special misions and related activities) total \$173,800. Reductions n estimates for other items, however, total \$267,200, to that the revised estimates for part II are \$94,400 less han the appropriations. The reductions relate to savings n requirements for several of the special missions under ection 4 (\$69,400), a substantially lower estimate under ection 4a in respect of the expenses arising under General Assembly resolution 1237 (ES-III), partially offset by increased requirements for the liquidation expenses of the United Nations Observation Group in Lebanon esulting in a net saving of \$164,000, and a reduction in he estimate under section 5 for the United Nations Field Service (\$34,800).
- 10. The major feature of the revised estimates for part .II (The Secretariat) is the increase in requirements for common staff costs (\$371,200) and travel on home leave (\$146,500), where the approved provisions are inadejuate to meet the estimated statutory expenses to be ncurred under the provisions of the Staff Regulations. The estimates for this part are also affected by two items not provided for in the approved estimates: (a) an ipward revision in the salary scales for manual workers it Headquarters (\$50,000), and (b) the costs of a charer plane for the visit by the Secretary-General to Africa (\$60,000). Savings of \$140,700 are foreseen, however, inder section 6, even after allowing for additional temporary assistance requirements for the General Assembly and mission replacements and the increased requirement for manual workers' salaries. These savings, together with some reductions in the estimates for certain travel tems, bring the net additional requirements under part III to \$396,000.
- 11. The 1959 appropriations included \$9,400 under section 8 for the United Nations share of the estimated costs of the Expert Group on the Comprehensive Review of the Joint Staff Pension System, established under General Assembly resolution 1310 (XIII). This amount related to an estimate 1 of \$26,300 (\$18,800 in 1959 and \$7,500 in 1960) as the gross expense, to be shared between the member organizations of the Pension Fund. As more detailed arrangements for the review developed, t was necessary to revise the gross estimate to \$67,000, (\$37,000 in 1959 and \$30,000 in 1960). The Advisory Committee on Administrative and Budgetary Ouestions was informed of the revised estimates, and subject to certain observations, that Committee concurred in the Secretary-General's entering into 1959 commitments not exceeding \$37,000 on a gross basis, noting that, after
- ¹ Official Records of the General Assembly, Thirteenth Sesesion, Annexes, agenda item 53, document A/C.5/760.

- recovery of the shares of other organizations, the net 1959 cost to the United Nations will be \$18,500. The estimates now submitted include provision for the increase of \$27,600 over the amount appropriated; the increase is distributed as follows: \$25,000 to section 6, \$2,100 to section 8 and \$500 to section 11.
- 12. Additional requirements of \$137,200 are foreseen for part IV (Special offices). The need for an increase of \$10,000 under section 10a (World Refugee Year) is explained in the 1960 budget estimates. As regards section 10 (Office of the United Nations High Commissioner for Refugees) increased requirements totalling \$127,200 are anticipated. Of this amount, some \$31,900 relates to estimated additional costs of four new field offices for which provision was not included in the 1959 estimates. In addition to the two offices referred to in paragraph 7 (b) above for which a supplementary grantin-aid of \$19,500 from voluntary funds is anticipated (\$17,100 under section 10) the High Commissioner has considered it essential, in pursuance of General Assembly resolution 1286 (XIII) relating to refugees in Morocco and Tunisia, for new branch offices to be opened in those two countries as from 1 September 1959 subject to possible further review of the High Commissioner's over-all budgetary needs, the Advisory Committee on Administrative and Budgetary Questions has provisionally agreed that additional expenditures of \$25,000 may be incurred in 1959 with respect to these two offices (\$14,800 under section 10, \$2,200 under section 11, and \$8,000 under section 13). The balance of the increased estimate for this section relates in the main to revised estimates for salaries and wages and common staff costs of the approved establishment.
- 13. The estimate for part V (Common services and equipment) shows an increase of \$159,700. An increase of \$243,700 under section 11 (General expenses) relates in the main to added requirements of \$118,000 for television activities which will be offset by income, and \$96,500 for rate and wage increases in connexion with contractual services. After providing for unforeseen expenses in connexion with the branch offices of the High Commissioner for Refugees in Morocco and Tunisia, a surplus of \$84,000 is foreseen in the requirement for section 13 (Permanent equipment). It should be noted, however, that of that surplus an amount of \$40,000 arises from the postponement to 1960 of the architectural survey of the Headquarters building; reappropriation of this provision for 1960 will be requested.
- 14. No change is called for under part VI (Technical programmes) or part VII (Special expenses).
- 15. Under part VIII (International Court of Justice) the increased estimate of \$63,600 covers unforeseen and extraordinary expenses of \$26,100 relating to the designation of *ad hoc* judges, and additional requirements arising from the high level of activity of the Court during 1959.

Income

16. By its resolution 1338 (XIII), the General Assembly approved estimates of \$5,317,880 for income other than staff assessment and \$6,123,000 for income from staff assessment. The estimate for income from staff assessment is maintained; an increase of some \$210,000 is foreseen for other income.

PART I. SESSIONS OF THE GENERAL ASSEMBLY, THE COUNCILS, COMMISSIONS AND COMMITTEES; SPECIAL MEETINGS AND CONFERENCES

Section 1. Travel of representatives, members of Commissions and Committees

 United States dollars

 Revised estimate
 828,200

 Appropriation
 882,500

 Obligations to 31 July 1959
 691,404

17. The revised estimates for section 1, by chapter are as follows:

*The figures shown here, and elsewhere in this report, a "Obligations to 31 July 1959" represent expenditures and out standing obligations at that date for Headquarters, the Europea Office of the United Nations, the Economic Commission for Asia and the Far East and the Economic Commission for Lati America, and, in the main, as at 30 June 1959 for other office:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
		i	United States dolla	irs
	The General Assembly, Commissions and Committees	554,200	604,200	493,434
II.	The Security Council, Commissions and Committees	_		
III.	The Economic and Social Council, Commissions and Committees	155,000	158,800	110,960
IV.	The Trusteeship Council, Commissions and	,	•	,
	Committees	76,000	79,500	44,945
V.	Commodity conferences	43,000	40,000	42,065
	Total	828,200	882,500	691,404

- 18. An estimated saving of \$50,000 is anticipated under chapter I, owing in the main to a reduction in requirements for the Scientific Committee on the Effects of Atomic Radiation. The Committee will not hold a second meeting in 1959 as provided for in the estimates; in addition it is not now anticipated that expenditures will be incurred this year on special projects although work on one such project, to which reference is made in the Committee's report to the General Assembly (A/4119, annex I, para. 4), will be initiated.
- 19. Savings totalling \$7,300 are anticipated under chapters III and IV, while unforeseen expenditures of some \$3,000 for commodity conferences have been incurred with the prior approval of the Advisory Com-

mittee.

20. Should any further savings materialize in the revised estimates for this section, it is proposed that they be utilized to pay the costs of travel of representatives to the General Assembly to the extent that such claims can be accommodated before closing the 1959 accounts

Section 2. Special meetings and conferences

United	States dollar
Revised estimate	1,891,500
Appropriation	1,543,500
Obligations to 31 July 1959	

21. The revised estimates provide for the following requirements:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
			United States dolla	ırs
1.	United Nations Conference on the Elimination or Reduction of Future Statelessness	31,500	43,500	31,192
II.	Second International Conference on the Peaceful Uses of Atomic Energy	1,500,000	1,500,000	808,186
III.	Conference on the Discontinuance of Nuclear Weapons Tests	360,000	_	189,298
	Total	1,891,500	1,543,500	1,028,676

- 22. Requirements for the United Nations Conference on the Elimination or Reduction of Future Statelessness have proved to be some \$12,000 less than the amount previously authorized.
- 23. The approved estimate of \$1,500,000 for the second International Conference on the Peaceful Uses of Atomic Energy, held in 1958, is maintained. The printing of thirty of the thirty-three volumes of the English edition of the proceedings has been completed and the remaining volumes will appear in the near future. It is expected that all the material for the French and Spanish editions will be in the hands of the printers before the end of the year. In the event that, under the Financial Regulations, any costs arising from the production of the French or Spanish editions must be charged to the 1960 accounts, it is proposed to report the details of such requirements for the concurrence of the Advisory Committee on Administrative and Budge-
- tary Questions. It is expected that any such requirements for 1960 would be fully offset by savings in the 1959 provision.
- 24. Sales of the printed volumes of the proceedings of the Conference have been vigorously promoted, the extra costs thus incurred having been charged, with the concurrence of the Advisory Committee, to the revenue from the operation.
- 25. The requirements for the Conference on the Discontinuance of Nuclear Weapons Tests have beer authorized as unforeseen expenses relating to the maintenance of peace and security under paragraph 1 (a) of resolution 1339 (XIII). The estimate now submitted takes into account actual expenditures to the time of the adjournment of the conference in late August 1959, and provides for some two months further meetings after its resumption in mid-October. Monthly requirements during this later period will be higher than previously

s Headquarters staff servicing the conference will have o be replaced during the General Assembly.

Section 3. Board of Auditors

United St	ates dollars
Revised estimate	51,000
Appropriation	51,000
Obligations to 31 July 1959	6,005

26. The estimate for section 3 remains unchanged.

PART II. Special missions and related activities Section 4. Special missions and related activities

United	States dollars
Revised estimate	2,479,000
Appropriation	2,374,600
Obligations to 31 July 1959	1,266,765

27. The revised estimates for the various activities provided for under this section are as follows:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
	TV '- 1 NT - 2		United States dolla	irs
Ι.	United Nations Advisory Council for Somaliland under Italian Administration	129,900	142,000	64,770
II.	United Nations Military Observers Group in India and Pakistan	425,600	431,300	254,204
III.	United Nations Representative in India and Pakistan	32,000	32,200	18,585
IV.	United Nations Conciliation Commission for Palestine.	46,000	68,400	20,048
V.	United Nations Truce Supervision Organization in Palestine	1,499,000	1,487,000	778,471
VI. VII.	Repatriation of Greek children	6,500	30,000	3,842
VIII.	United Nations Commission for the Unifica- tion and Rehabilitation of Korea	159,200	157,700	90,669
IX.	United Nations Good Offices Committee on South West Africa	7,000	26,000	4,114
X.	United Nations Good Offices Mission to Cambodia and Thailand	9,200		8,858
XI.	United Nations Representative on the Question of Hungary	15,300	_	9,500
XII.	United Nations plebiscites for the Trust Teritory of the Cameroons under United Kingdom administration.	110,000	_	1,692
XIII.	Special Representative of the Secretary-General in Guinea	39,300		12,012
	Total	2,479,000	2,374,600	1,266,765

- 28. Unforeseen and extraordinary expenses have required the addition of four new chapters for which the estimated expenditures total \$173,800. The Advisory Committee on Administrative and Budgetary Questions has been kept informed in the three cases where the expenditures have been incurred under the authority of paragraph 1 (a) of General Assembly resolution 1339 (XIII) relating to the maintenance of peace and security or urgent economic rehabilitation; in the fourth case, plebiscites in the Cameroons under United Kingdom administration, detailed estimates have been submitted for the concurrence of the Committee. The new chapters are:
- (a) Chapter X. The United Nations Good Offices Mission to Cambodia and Thailand was established by he Secretary-General at the request of these two Governments following a suspension of their diplomatic relations. The estimate of \$9,200 provides for an honorarium for the Special Representative of the Secretary-General, his travel to Headquarters and the area, and the travel of the Secretariat staff member who accompanied him on the mission.
- (b) Chapter XI. The United Nations Representative on the Question of Hungary was appointed by the General Assembly under resolution 1312 (XIII) for the purpose of reporting on significant developments relating to the implementation of the Assembly resolutions on Hungary. The estimate of \$15,300 provides for the travel, honorarium and subsistence allowance of the Representative (\$10,000), and for the salary of a secretary (\$5,300).

(c) Chapter XII. United Nations plebiscites for the Trust Territory of the Cameroons under United Kingdom administration are to be held in 1959 and 1960 in accordance with General Assembly resolution 1350 (XIII). The requirements for 1960 have been included in the budget estimates for that year (A/4110) and detailed estimates of \$105,400 for 1959 were submitted for concurrence of the Advisory Committee. A subsequent review indicates additional requirements for 1959 of some \$4,600. The main objects of expenditure covered by the estimate are:

United St	ates dollars
Salary and allowances of the Plebiscite Commissioner	12,900
Travel and subsistence of staff	67,400
Local transportation in the Cameroons	20,400
Supplies and services	4,800
Freight and communications	4,000
Hospitality	500

TOTAL, 1959 110,000

(d) Chapter XIII. In order to provide for careful and co-ordinated planning of the assistance furnished by the United Nations family to Guinea in the first phase of its independence, a Special Representative of the Secretary-General has been sent to that country, at the invitation of the Government and after consultation with the heads of the interested specialized agencies. The estimate of \$39,300 provides for the salary, travel and subsistence of the Special Representative of the Secretary-General; the travel and subsistence of a personal assistant and secretary; the replacement of the secretary at Headquarters; and for local transportation, communications and

supplies. The estimated requirement notified to the Advisory Committee on Administrative and Budgetary Questions has been increased by \$2,400 to provide for unforeseen travel costs.

29. The revised estimates for the nine chapters for which provision was made in the 1959 budget show an over-all saving of about \$69,400. The larger savings arise: (a) because it is improbable that the United Nations will fully assume the cost of operating the Memorial Cemetery in Korea during this year, (b) from delayed recruitment of land evaluation staff for the Conciliation Commission for Palestine, and (c) because the Good Offices Committee on South West Africa did

not travel to the field. An increased requirement o \$12,000 is estimated for the Truce Supervision Organi zation in Palestine owing to the necessity of implement ing more adequate security measures.

Section 4a. Expenses arising from General Assembly resolution 1237 (ES-III) and residual expenses of the United Nations Observation Group in Lebanoi

T.	Inited States dollar
Revised estimate	336,000
Appropriation	500,000
Obligations to 31 July 1959	

30. The revised estimates for the section are:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
		U	Insted States dolla	ırs
	Residual expenses—United Nations Observa- tion Group in Lebanon	122,000	50,000	118,316
11.	Expenses arising from General Assembly resolution 1237 (ES-III)	214,000	450,000	152,775
	Total	336,000	500,000	271,091

31. The 1959 budget estimates did not make adequate provision for termination indemnities, freight expenses, and the costs of forwarding the personal effects of some 612 observers of the Observation Group in Lebanon. In accordance with its recommendation, the Advisory Committee on Administrative and Budgetary Questions has been informed concerning the liquidation expenses for the Group and the disposition of its equipment; income of \$360,000 in 1959 is anticipated in connexion with the disposition of the equipment.

32. Expenses resulting from General Assembly resolution 1237 (ES-III) are now estimated at \$214,000 as compared with the approved estimate of \$450,000. As

indicated in the introduction to the annual report of the Secretary-General on the work of the Organization (A/4132/Add. 1), the Office of the Special Representative in Amman is maintained but the supporting offices in Beirut and Damascus have been found unnecessary and have, therefore, not been established.

Section 5. United Nations Field Service

Uni	ted States dollar
Revised estimate	. 1,119,000
Appropriation	. 1,153,800
Obligations to 31 July 1959	. 683,449

The revised estimates for the section are:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
			United States dolla	irs
I.	Salaries and wages	752,000	787,000	438,908
II.	Common staff costs	340,000	339,500	229,744
III.	General expenses	24,000	24,800	13,130
	Permanent equipment	3,000	2,500	1,667
	Total	1,119,000	1,153,800	683,449

33. The estimated saving of \$34,800 in this section is largely accounted for by the fact that approximately seventy posts were occupied for the first half of the year below the levels authorized in the manning table, and by the appointment of more junior staff to replace senior men transferred and charged to the United Nations Emergency Force.

PART III. THE SECRETARIAT Section 6. Salaries and wages

Unit	ed States dollar.
Revised estimate	30,662,000
Appropriation	30,802,700
Obligations to 31 July 1959	17,588,933

34. The revised estimates by chapter are as follows

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
			United States dol	
I.	Established posts	29,000,000)	16,758,165
III.	Temporary assistance (including consultants)	1,303,000	30,428,700	647,820
		30,303,000	30,428,700	17,405,985
II.	Overtime and night differential	359,000	374,000	182,948
		30,662,000	30,802,700	17,588,933

² Ibid., Thirteenth Session, Annexes, agenda items 43 and 44, document A/4013.

- 35. Excluding the question of a possible increase in 959 in General Service salary rates at Headquarters, a urplus of approximately \$140,000 is estimated for secon 6.
- 36. The above revised estimates take into account: the acrease in wage rates for manual workers from 1 Janury 1959 (referred to under section 6 of the budget stimates for 1960) (A/4110); a more realistic estimate f \$292,000 for temporary assistance for the thirteenth ession of the General Assembly as compared with 200,000 originally provided for in the 1959 appropriaion³ (also referred to in relation to 1960 in the estimates or the year); an anticipated increase of about \$35,000 or mission replacements as compared with original stimates owing in part to the tight staffing position at he General Service level and the consequent need of epartments for replacement of mission service staff; n increase of approximately \$25,000 under temporary ssistance in connexion with the work of the Expert roup on the Comprehensive Review of the Joint Staff 'ension system; and finally an increase in temporary ssistance costs occasioned by the initial provision partvay through the year of six additional guard posts, as a esult of which savings on overtime costs are anticipated which reduction is expected to continue also in 1960 s referred to in the 1960 estimates).
- 37. Savings in salary costs more than offsetting these icreases are accounted for by delays experienced in ecruitment of suitable professional staff, special regard eing continuously given to the principle of geographical istribution. Such delays were accentuated during the rst half of the year, partly as the result of the "freeze" laced on recruitment during the latter months of 1958 ollowing the reduction in the supplementary credits equested for that year. The progressive introduction of nore effective procedures for manning-table control has lso helped to maximize savings on the established post ccount. More recently, an increased availability of suitble candidates, particularly from numerically underepresented countries, is likely to result in an appreciable eduction in the vacancy situation with a consequent inrease in the level of salary costs in the latter part of 959. Recruitment costs dealt with under section 7 below rill be similarly affected.

Section 6a. Economic Commission for Africa

	United	States dollar
Revised estimate		500,000
Appropriation		500,000
Obligations to 31 July 1959		106,182ª

^{*} Includes field expenditures to 31 May 1959.

- 38. No change is proposed in the estimates for this section.
- 39. The work of the Commission has developed during 1959 in accordance with the work programme approved by the Commission at its first session (December 1958-January 1959), to which reference is made both in the initial 1960 budget estimates and in the revised 1960 estimates arising from decisions of the Economic and Social Council (A/C.5/777). In view of the importance of the programme of technical meetings to the work of the Commission, arrangements have been made for the convening in 1959 of a technical seminar of African statisticians, a seminar on community development, a meeting of experts on national accounts and one of economic planners. Further, in consultation with the Statistical Office, arrangements are being made to begin in 1959 a statistical survey of Africa designed to review the basic statistical series already available in the region and to concert measures for improving such series, their comparability and standardization.
- 40. The Government of Ethiopia has announced its intention of building an "Africa Hall" in Addis Ababa which would accommodate the secretariat and provide the necessary conference space for meetings of the Commission and its subsidiary bodies. For the time being, the Government has provided a three-storey building which meets the needs of the Commission secretariat. Special arrangements are made for holding large meetings.
- 41. As regards recruitment of the staff, it is expected that twenty-six of the twenty-eight posts authorized for the Professional category and above will be filled in the course of the year. Savings in the established posts and training accounts should, however, be sufficient to meet additional requirements relating to the above-noted projects.

Section 7. Common staff costs

Unite	d States dollars
Revised estimate	6,802,700
Appropriation	6,431,500
Obligations to 31 July 1959	4,017,254

42. The revised estimates for section 7, by chapter, are as follows:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
_			United States dolla	ırs
I.	Staff allowances (dependency allowances, education grants and related travel)	1,759,000	1,669,000	1,046,482
II.	Social security payments (contributions, Joint Staff Pension Fund, medical insurance, com- pensatory payments, retirement allowance			
	for former Secretaries-General	3,443,000	3,406,100	2,000,410
III. IV.	Recruitment, transfer and separation costs Other common staff costs (language training,	1,500,000	1,255,700	905,990
	professional trainees, staff welfare)	100,700	100,700	64,372
		6,802,700	6,431,500	4,017,254

43. The estimated additional requirements under chaper I are \$74,500 for dependency allowances and \$15,500 or education grants and related travel. As indicated in 1960 estimates, statistical bases are being gradually leveloped as a result of which it is hoped that more

precise initial estimating will be possible in future for these and other common staff costs.

44. The additional requirement indicated under chapter II is about \$37,000, which is accounted for by a possible small surplus on the item for contributions to

³ Ibid., Supplement No. 5.

the Joint Staff Pension Fund and by deficiencies for compensatory payments, and for contributions to medical insurance. In the case of compensatory payments, it has been the practice to include a notional figure of \$35,000 each year; the payments for 1959 to date are about \$37,000 and additional payments of perhaps \$23,000 are foreseen at this time. Owing to the nature of the payments and the circumstances giving rise thereto, the actual costs under this item may clearly vary considerably from year to year. A deficiency of some \$27,000 relating to medical insurance is accounted for mainly by an increase in medical insurance premium rates, as detailed under section 7 of the 1960 budget estimates, and in part by a gradual small increase in staff member participation in the plans, as well as by the necessity for some payments in 1959 owing to a 1958 operating deficiency under the insurance programme; the latter item of about \$7,500 will probably be recovered in due course.

45. Chapter III reflects an anticipated deficiency or recruitment, transfer and separation costs of some \$244, 000. This increase is accounted for by the programm of transfers and out-postings in 1959, by the additiona appointments anticipated in the second half of the yea for the reasons indicated under section 6 above, and by some increase in travel and removal rates. It is in lim with the increase in costs anticipated under this chapte for 1960 as set out in paragraph 14 of the budget fore word and under section 7 of the 1960 estimates.

Section 8. Travel of staff and members of administrative bodies

Unite	d States doll a 1
Revised estimate	1,695,600
Appropriation	1,530,100
Obligations to 31 July 1959	

46. The revised estimates for section 8 are as follows

	Revised estimate	Approved estimate	Obligations to 31 July 1959
		United States dolla	ırs
Travel of staff to meetings	190,700	204,300	174,030
Travel on other official business	373,900	393,900	249,853
Travel on home leave	1,046,500	900,000	919,624
Travel of members of administrative bodies	24,500	31,900	13,306
Visit to Africa by the Secretary-General	60,000	<u>.</u>	'
Total	1,695,600	1,530,100	1,356,813

- 47. Expenditures under this section have been affected by a 5 per cent increase in air travel costs which occurred early in 1959. It has been possible, however, to keep expenses within the approved estimates except in the case of travel on home leave.
- 48. The reduction in requirements for travel of staff to meetings relates in the main to savings in the estimates for the meeting in Australia of the Economic Commission for Asia and the Far East (\$6,900) and the meeting in Mexico City of the Economic and Social Council (\$5,800). Requirements under this section for special economic studies in the Middle East and Africa, for which \$30,000 was included in the 1959 estimates, have been lower than anticipated. This, together with other small economies, makes possible a reduction of \$20,000 in the estimate for travel on other official business. The estimated reduction of \$7,300 in requirements for travel of members of administrative bodies results from the fact that no meeting of the International Civil Service Advisory Board has been called for this year; the saving of \$10,000 on this account is partially offset by increased requirements in connexion with the Comprehensive Review of the Joint Staff Pension System.
- 49. Additional requirements of \$146,500 are estimated for travel on home leave. These requirements arise in part from the increased cost of air travel, but more from the fact that entitlements have been exercised to a fuller extent than anticipated. In submitting estimates for home leave, reductions from the actual costed requirements of total entitlements are made, on the basis of experience, for non-exercise of entitlements, either by deferment or by turnover of staff. The revised estimate now sub-

mitted assumes that approximately half of the remaining entitlements will in fact be exercised.

50. The Secretary-General will undertake a visit to various countries and territories of Africa immediately after the close of the fourteenth session of the General Assembly. In view of the distances involved, and the time available to the Secretary-General, travel other that by chartered plane is not feasible. Following consultation with the Advisory Committee on Administrative and Budgetary Questions, the revised estimates accordingly include provision in an amount of \$60,000 for the cost of the necessary charter.

Section 9. Hospitality

Section 9a. Payments under annex I, paragraphs 2 and 3, of the Staff Regulations

United St	ates dollar
Revised estimates	95,000
Appropriations	95,000
Obligations to 31 July 1959	

51. The estimates for section 9 (\$25,000) and section 9a (\$70,000) remain unchanged.

PART IV. SPECIAL OFFICES

Section 10. Office of the United Nations High Commissioner for Refugees

	United	States dollar
Revised estimate		1,525,200
Appropriation		1,398,000
Obligations to 31 July 1959		870,335

52. The revised estimates for this section, by chapter are as follows:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
II. III.	Salaries and wages		United States dollar 1,099,200 79,000 200,500 19,300	664,810 54,857 136,330 14,338
	Total	1,525,200	1,398,000	870,335

- 53. Reference is made in the introduction to this report (paragraph 12) to the requirements for the Office of he High Commissioner for Refugees.
- 54. The increased estimate for chapter I reflects: (a) an increase of \$42,000 for the costs of the approved establishment, due mainly to a low turnover of staff and the impact of salary increments, and (b) an increase of \$34,700 in temporary assistance requirements. The latter ncrease results for the most part from the opening of the new branch offices in Australia, Morocco and Tunisia, and the temporary office in Canada; and from the appointment of legal correspondents in Latin American countries for the purpose of strengthening the legal projection work of the Office in accordance with General Assembly resolution 1284 (XIII).
- 55. The increased requirement of \$6,000 for travel on official business reflects the needs of the new offices.
- 56. The increase in common staff costs amounting to \$44,500 is due to the impact of the new dependency definitions (\$5,300), increased United Nations contributions to medical insurance (\$1,000), the increase in pensionable remuneration of the staff (\$9,900) and to the payment of assignment allowances which were not previously provided for in the estimates (\$26,600). Common staff costs in respect of the new offices are estimated at \$1,700.
- 57. As noted in paragraph 12, there will be reimbursement from the United Nations Refugee Fund totalling \$19,500 in respect of the additional requirements for the offices in Australia and Canada; of this amount, \$17,100 relates to provisions under this section.

Section 10a. World Refugee Year

United St	ates doll ars
Revised estimate	60,000
Appropriation	50,000
Obligations to 31 July 1959	

58. At the end of March 1959 the Secretary-General reported to the Advisory Committee on Administrative and Budgetary Questions that while only twelve countries had at that time expressed interest in the World Refugee Year, there were indications that the number of participants would be much larger; in the latter circumstance, an increase in the budget provision of \$50,000 would be required. As at 1 September 1959, sixty countries had formally announced their participation in the activity and more are expected to do so. In most of these countries active campaigns have been launched which require information material and other forms of assistance from the secretariat of the World Refugee Year. Accordingly, as detailed in the budget estimates for 1960. a total expenditure of \$90,000 for the activity is foreseen, of which \$60,000 would be incurred in 1959.

PART V. COMMON SERVICES AND EQUIPMENT Section 11. General expenses

United	d States dollars
Revised estimate	5,573,700
Appropriation	
Obligations to 31 July 1959	3,313,021

59. The revised estimates compare with actual expenses of \$5,476,788 in 1958. The revisions, by chapter, are as follows:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
т	D-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		United States dolla	ırs
1.	Rental and maintenance of premises and fixed installations	3,378,000	3,323,500	2,042,468
H.	Rental and Maintenance of equipment	161,000	147,350	110,010
III.	Communications, freight cartage and express	987,000	928,850	509,278
IV.	Public information supplies and services	753,700	635,700	492,278
V.	Other supplies and services	195,000	205,600	126,080
VI.	Miscellaneous adjustments	16,000	6,000	11,604
VII.	Study and interne programmes	83,000	83,000	20,303
	Total	5,573,700	5,330,000	3,313,021

- 60. The increase of \$243,700 over the appropriation relates to: (a) additional costs on account of television activities, matched by income (\$118,000), (b) rate and wage increases not provided for in the original 1959 appropriation (\$96,500) and (c) other anticipated requirements (\$29,200).
- 61. Following the practice in previous years, the provision for television activities has been increased, after consultation with the Advisory Committee, in order to meet the expected demands from various outlets. Additional expenses estimated at \$118,000 will be compensated for by an increase in revenue in an equal amount.
- 62. Additional requirements totalling \$96,500 directly attributable to rate and wage increases relate, at Headquarters, to increased contractual costs for maintenance of premises (\$60,000) and equipment (\$1,000), communications (\$13,500) and public information supplies and services (\$3,000). The balance (\$19,000) relates to the requirements of offices away from Headquarters.
- 63. Other anticipated requirements amounting to \$29,200 result, on the one hand, from additional services

and facilities for the Economic Commission for Asia and the Far East (ECAFE) and the Economic Commission for Latin America (ECLA) (\$31,700) and Geneva (\$25,700), (the latter including unforeseen expenses amounting to \$4,400 for new branch offices of the High Commissioner for Refugees) and on the other hand, reductions for Information Centres (\$22,900) and Headquarters (\$5,300). The slight reduction at Headquarters is anticipated despite a number of unexpected expenditures including repairs to reproduction equipment which has suffered unduly because of the large programme of internal reproduction.

Section 12. Printing, stationery and library supplies

Unite	d States dollars
Revised estimate	2,127,200
Appropriation	2,127,200
Obligations to 31 July 1959	1,359,298

64. The revised estimates are maintained at the amounts approved for the several chapters:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
			United States dolla	rs
I.	Official records	689,300	689,300	373,013
II.	Recurrent publications	555,200	555,200	317,364
III.	Studies and reports	117,000	117,000	38,469
IV.	Office of Public Information	200,000	200,000	128,674
V.	Special offices	15,600	15,600	2,527
VI.	Other contractual printing	18,100	18,100	16,437
VII.	Deduction for internal reproduction	(210,000)	(210,000)	(142,605)
VIII.	Supplies	639,400	639,400	540,730
IX.	Library	102,600	102,600	84,689
	Total	2,127,200	2,127,200	1,359,298

^a The amounts for chapters I and II include \$131,025 and \$11,580, respectively, for items contained in the budgeted programme which have been printed internally.

65. The reduction of \$40,000 made in the approved 1959 estimates for this section (reflected as an increase in the deduction for internal reproduction) anticipated the production internally at Geneva, at a cost of \$70,000 for staff, equipment and supplies, of official records in Russian for which \$110,000 had been included in the estimates. As indicated in the 1960 estimates, it was not possible to establish this operation sufficiently early in the year to realize any substantial savings for 1959; however, it is anticipated that the operation will yield savings of the order of \$40,000 in 1960. A detailed report on this activity has been provided to the Advisory Committee on Administrative and Budgetary Questions. As regards 1959, an anticipated increase in internal reproduction at Headquarters makes it possible to maintain the estimates for this section at the approved amount.

66. While the revised chapter estimates are shown at the approved levels for purpose of this submission, adjustments in the actual allocations will probably have to be made before the end of 1959. For example, efforts are being made to produce during 1959 all of the material received during 1958 for publication in the *Treaty Series*, though the indication is that the cost involved will exceed the amount estimated.

Section 13. Permanent equipment

United 3	States dollars
Revised estimate	613,220
Appropriation	697,220
Obligations to 31 July 1959	

67. The revised estimates by chapter are as follows:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
			United States dolla	ırs
I.	Premises and fixed installations	157,000	157,000	141,694
II.	Furniture and equipment	338,220	352,220	191,775
III.	Major maintenance and capital improvement programme at Headquarters	68,000	138,000	750
IV.	Construction of the United Nations building in Santiago	50,000	50,000	1,386
	Total	613,220	697,220	335,605

68. As indicated in section 15 of the 1960 budget estimates (A/4110), the 1959 replacement programme for typewriters has been greatly reduced through a special survey undertaken at Headquarters. That reduction, which amounts to \$30,000, has been offset by unforeseen requirements for the UNHCR new branch offices in Morocco and Tunisia (\$8,000) and for ECAFE in conjunction with setting up office for the Executive Agent for the Mekong River Development Project (\$8,000). It is proposed to release the balance of \$14,000 in chapter II.

69. With regard to chapter III the Secretary-General has decided to postpone to 1960 the engineering and architectural survey of the Headquarters building. Accordingly, the amount of \$40,000 appropriated for this purpose will not be required in 1959; re-appropriation of this sum for 1960 will be requested. It has also been possible, owing to certain changes in the operating procedure of the refrigeration room, to delay the corrosive action to the condenser tubes for which \$37,000 is appropriated. Although the corrosion has been slowed down, the process will continue and funds will be required in 1960 as proposed in the budget estimates for that year. However, in 1959, as only \$7,000 will be required, the balance of \$30,000 is available for release.

Part VI. Technical programmes Section 14. Economic development Section 15. Social activities Section 16. Human rights activities Section 17. Public administration

United	l State s d ollars
Revised estimates	2,005,000
Appropriations	2,005,000
Obligations to 31 July 1959	1,975,468

70. The estimates for sections 14 to 17 remain unchanged.

PART VII. SPECIAL EXPENSES Section 18. Special expenses

Unit	ed States dollars
Revised estimate	. 2,649,500
Appropriation	
Obligations to 31 July 1959	

71. The estimate for section 18 remains unchanged.

Part VIII. International court of Justice Section 19. International Court of Justice

	United States	
Revised estimate	744	,100
Appropriation	680	.500
Obligations to 31 July 1959		719
Obligations to be just 1707 11		•

72. The revised estimate for section 19 provides for the following requirements:

Chapter		Revised estimate	Approved estimate	Obligations to 31 July 1959
			United States dollar	s
I.	Salaries and expenses of Members of the Court	381,050	373,400	204,977
II.	Salaries, wages and expenses of the Registry	280,100	242,460	156,829
III.	Common services	76,950	60,140	37,806
IV.	Permanent equipment	6,000	4,500	2,107
	Total	744,100	680,500	401,719

- 73. Of the increased requirements of \$63,600, an amount of \$26,100 relates to unforeseen expenses in respect of judges *ad hoc* designated in connexion with cases before the Court.
- 74. Increased requirements for temporary assistance for translation and typing (\$35,000) and for printing (\$16,000) are partially offset by anticipated surpluses in certain other accounts, mainly under chapter I. These additional needs reflect the increased activity of the Court during 1959. It is anticipated that the Court will be sitting some 200 days this year, and the volume of documents which must be translated and printed substantially exceeds that expected when the original 1959 estimates were prepared.

INCOME

Income other than staff assessment

Uni	ted States dollar:
Revised estimate	. 5,525,000
Approved estimate	. 5,317,880
Income to 31 July 1959	. 2,567,772

- 75. On the regular income accounts a shortfall is foreseen for 1959; however, the anticipated income from the disposition of equipment purchased for the United Nations Observation Group in Lebanon is expected to offset such a shortfall. A net surplus on the income accounts of some \$210,000 is foreseen.
- 76. On the accounts to which the approved estimates relate, lower estimates now appear necessary as follows:
- (a) United Nations Postal Administration: The factors which led to a reduction in the 1960 estimates for this activity, the main element being the decline in speculative purchases of stamps, have been evident through the current year; on the basis of experience to date, a shortfall of \$325,000 from the approved net revenue estimate of \$1,293,070 is anticipated;
- (b) Income from investments and other interest: As the balances of cash available for investment have been lower than expected, the approved estimate of \$121,000 appears to be some \$30,000 in excess of likely income.
- (c) The sale of publications (other than the printed volumes of the proceedings of the second International

Conference on the Peaceful Uses of Atomic Energy): The net revenue from this activity may fall short, by some \$25,000, of the approved estimate of \$47,200.

- 77. Income in excess of the approved estimates is foreseen for:
- (a) Refund of prior years' expenditures: The cancellation, at the end of 1959, of unliquidated obligations for fellowships originally established in 1957 is expected to increase the approved estimate of \$76,000 by \$64,000;
- (b) Income from television activities: The increased expenditure estimate under section 11 of \$118,000 for these activities is based upon increased income of the same amount;
- (c) Catering and related services and United Nations Gift Centre: The net revenue of these two activities is expected to exceed the estimates by \$25,000 in each case.
- 78. Income for 1959 from the disposition of the equipment purchased for the United Nations Observation Group in Lebanon is estimated at \$360,000. A detailed report on this operation has been made to the Advisory Committee on Administrative and Budgetary Questions; that Committee has commented on the operation in its report on the 1960 estimates (A/4170, paras 83-85). As indicated in the revised estimates for the Office of the High Commissioner for Refugees, increased income from the United Nations Refugee Fund of some \$20,000 is anticipated in respect of certain increased expenditure provisions.

Income from staff assessment

United	d States dollars
Revised estimate	6,123,000
Approved estimate	6,123,000
Income to 31 July 1959	3,563,864

79. The estimate for income from staff assessment is maintained at the level approved.

ANNEX

Draft resolution on supplementary estimates for the financial year 1959

[For the text of this draft resolution, as amended by documents A/4221, A/4264, A/4308, A/C.5/797 and A/C.5/807, see A/4327, para. 20.]

DOCUMENT A/4221

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [21 September 1959]

I. GENERAL COMMENTS

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the supplementary estimates for 1959 (A/4198).
- 2. In its report on the supplementary estimates for 1958,4 the Advisory Committee indicated that it would be desirable if in future submissions relating to any nec-
- ⁴ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda items 43 and 44, document A/3935, para. 6.

essary supplementary estimates could be made at an earlier date in order that they might be considered by the Fifth Committee at the beginning of its session. The Advisory Committee notes with appreciation that the Secretary-General has presented his report on the supplementary estimates for 1959 by the end of the first week in September 1959.

- 3. As before, the Advisory Committee was given the opportunity at mid-year to review the preliminary forecast of additional requirements based on expenditure figures as at 31 May 1959 and information available at the middle of June. At that time, the Secretary-General foresaw additional needs in the amount of some \$750,000, of which approximately \$462,000 would arise as unforeseen and extraordinary expenses incurred under the terms of General Assembly resolution 1339 (XIII) of 13 December 1958.
- 4. In his present report, the Secretary-General estimates total requirements for 1959 in the amount of \$61,757,920, an increase of \$955,800 above the appropriated amount of \$60,802,120. Further submissions are not excluded, in particular in regard to the expenses connected with the Security Council Sub-Committee under the resolution of 7 September 1959 (S/4216) and a possible upward revision of the salary scales for General Service staff at Headquarters. It is gratifying to note, nevertheless, that the initial supplementary estimates this year are considerably lower than in previous years.
- 5. Of the increase of \$955,800 an amount of \$615,500 relates to unforeseen and extraordinary expenses authorized under the provisions of General Assembly resolution 1339 (XIII) as follows:
- (a) Expenses authorized with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions

(b) Expenses authorized by the Secretary-General under para graph 1 (a) of resolution 1339 (XIII)
(i) For the Conference on the Discontinuance of

Nuclear Weapons Tests (section 2)	360,000
(ii) For the United Nations Representative on the	
Question of Hungary (section 4)	15,300
(iii) For the Good Offices Mission to Cambodia and	
` '	0.000

> Submitted by Recommended by the Secretary General the Advisory Committee Reductions Section United States dollars 2.479,000 10,000 2,469,000 Special missions and related activities. Common staff costs..... 6,802,700 6,752,700 50,000 Office of the High Commissioner for 1,500,000 Refugees..... 1,525,200 25,200 Total appropriations voted by the General Assembly..... 60,802,120 61,757,920 Total revised estimates submitted by the Secretary-General.....

Total revised estimates recommended by the Advisory Committee......

(Total reduction recommended by the Advisory Committee).....

(c) Expenses authorized under paragraph 1 (b) (i) of resolution 1339 (XIII)

For the designation of ad hoc judges for cases before the International Court of Justice....

26,100 615,500

- 6. Apart from the increase of \$615,500 for unforeseen and extraordinary expenses as set out in the preceding paragraph, the Secretary-General estimates a net increase of \$340,300 in respect of the regular budget appropriations. This net increase arises from additional requirements under sections 7 (Common staff costs), & (Travel of staff and members of administrative bodies). 10 (Office of the United Nations High Commissioner for Refugees), 10a (World Refugee Year), 11 (General expenses) and 19 (The International Court of Justice) in a total amount of \$935,600, offset to an amount of \$595,600 by savings achieved under other sections. It is anticipated also that income other than staff assessment will exceed the approved estimate by \$207,120. A table showing the breakdown of increases or decreases under individual budget sections by (a) increases/decreases in regular budgeted items and (b) increases due to unforeseen and extraordinary expenses, is given in an annex to the present report.
- 7. Of the net increase of \$340,300, two items of expenditure totalling \$137,500 will be offset by related income in the same amount, that is, \$118,000 for television supplies and services to meet additional requests for television material from various outlets on a payment basis, and a reimbursement of \$19,500 from the United Nations Refugee Fund in respect of the expenses of the branch office of the United Nations High Commissioner for Refugees which has been opened in Australia and a temporary office established in Canada in connexion with the World Refugee Year. Net additional requirements for regular budget purposes, after taking account of related additional income, are therefore in the amount of \$202,800.
- 8. Despite the modest nature of the latter figure, the Advisory Committee has given careful attention to areas offering some scope for economies during the remainder of the year. In doing so, the Committee has also examined to the same end such of the estimated expenses for unforeseen and extraordinary purposes, indicated in paragraph 5 above, as have not yet been incurred. The Committee's comments and recommendations are set forth in detail in section II of this report.

Summary of recommendations

9. In respect of all but the three sections indicated below, the Advisory Committee concurs in the revised estimates submitted by the Secretary-General; under sections 4, 7 and 10, the following reductions are recommended:

61,672,720

(85,200)

Revised estimates

10. The Advisory Committee accordingly recommends that for the financial year 1959 the amount of \$60,802,120 appropriated by the General Assembly by resolution 1338 (XIII) of 13 December 1958 should be increased by \$870,600. The Committee also recommends an increase of \$207,120 in income other than from staff assessment.

II. DETAILED RECOMMENDATIONS⁵

Section 1. Travel of representatives, members of commissions and committees

Unitea	States aonar.
Revised estimate submitted by the Secretary-	
General	828,200*
Revised estimate recommended by the Advisory	
Committee	
Initial appropriation	882,500

Section 2. Special meetings and conferences

Unite	ed States dollars
Revised estimate submitted by the Secretary-	1 001 5004
General	1,891,500*
Revised estimate recommended by the Advisory Committee	1 891 500
Initial appropriation	

11. Under this section, additional requirements in the amount of \$360,000 for the Conference on the Discontinuance of Nuclear Weapons Tests have been offset in part by savings of \$12,000 on the cost of the United Nations Conference on the Reduction or Limitation of Statelessness.

Section 3. Board of Auditors

•	
United Sta	ates dollars
Revised estimate submitted by the Secretary- General	51 000
Revised estimate recommended by the Advisory	31,000
Committee	
Initial appropriation	51,000

Section 4. Special missions and related activities

United States dollars

Revised estimate submitted by the Secretary-	
General	2,479,000*
Revised estimate recommended by the Advisory	
Committee	2,469,000
Initial appropriation	2,374,600

- 12. Apart from an increase of \$12,000 for the Truce Supervision Organization in Palestine owing to the need for implementing more adequate security measures, the net increase of \$104,400 relates to expenditures in the amount of \$173,800 on the following four new missions: United Nations Good Offices Mission to Cambodia and Thailand (\$9,200), United Nations Representative on the Question of Hungary (\$15,300), United Nations Plebiscites for the Trust Territory of the Cameroons under United Kingdom administration (\$110,000), and the Special Representative of the Secretary-General in Guinea (\$39,300). The increase has been partially offset by savings of \$69,400 under previously existing chapters of the section.
- 13. The estimates in respect of the plebiscites in the Cameroons were the subject of the Advisory Committee's consideration and concurrence in accordance with the provisions of paragraph 1 of General Assembly resolution 1339 (XIII) relating to unforeseen and extraordinary expenses for 1959. The other three new missions mentioned in the preceding paragraph have been

considered as falling within the scope of paragraph 1 (a) of resolution 1339 (XIII), which authorizes the Secretary-General to enter into such commitments, not exceeding a total of \$2 million, as he certifies relate to the maintenance of peace and security or to "urgent economic rehabilitation". As regards the Special Representative of the Secretary-General in Guinea, the Advisory Committee regrets that extra funds were considered necessary for a secretary as well as a personal assistant. Apart from this, however, there may be some doubt as to whether this particular activity, which is intended to provide for co-ordinated planning of the economic and social assistance furnished to Guinea by the several United Nations agencies and programmes, could be considered as coming within the scope of urgent economic rehabilitation.

14. The Advisory Committee trusts that further efforts to achieve economies under this section, and in particular under chapters II, IV and XIII, should prove possible during the remaining months of the year. The Committee accordingly recommends that the increase under this section should be limited to \$94,400, representing a reduction of \$10,000 in the estimate submitted by the Secretary-General.

Section 4a. Expenses arising from General Assembly resolution 1237 (ES-III) and residual expenses of the United Nations Observation Group in Lebanon

	States dollars
Revised estimate submitted by the Secretary-General	336.000*
Revised estimate recommended by the Advisory	000,000
Committee	
Initial appropriation	500,000

15. The Advisory Committee notes that income of \$360,000 in 1959 is anticipated in connexion with the disposition of equipment belonging to the United Nations Observation Group in Lebanon. This income will be derived from charges to the United Nations budget and payments from the United Nations Emergency Force, the United Nations Children's Fund, and technical assistance accounts, as a result of the fact that approved equipment requirements for these budgetary and extrabudgetary activities are being met in part by allocations from the UNOGIL stock held in reserve.⁶

Section 5. United Nations Field Service

Unite	ed States dollars
Revised estimate submitted by the Secretary- General	1,119,000*
Committee	1,119,000 1,153,800

Section 6. Salaries and wages

16. The revised estimates under this section take into account a number of increased requirements (A/4198, para. 36) including an item for which the prior concurrence of the Advisory Committee was obtained, namely \$25,000 for temporary assistance in connexion with the work of the Expert Group on the Comprehensive Review of the Joint Staff Pension System. These increases are,

 $^{^5}$ Estimates differing from the initial appropriation are denoted by an asterisk (*).

 $^{^6\,\}mathrm{For}$ further details on the disposition of UNOGIL equipment, see document A/4170, paras. 83 to 85.

however, more than offset by savings in salary costs as a result of delays in the recruitment of professional staff and the progressive introduction of more effective manning-table control.

Section 6a. Economic Commission for Africa

United States dollars

	rares acres.
Revised estimate submitted by the Secretary-	
General	500,000
Revised estimate recommended by the Advisory	
Committee	500,000
Initial appropriation	500,000

Section 7. Common staff costs

United States dollars

Revised estimate submitted by the Secretary-General	6 902 700*
Revised estimate recommended by the Advisory	
Committee	
initial appropriation	0,431,300

17. The net increase of some \$371,000 in the revised estimate submitted by the Secretary-General arises from deficiencies relating to the following purposes:

T.	Inited S	tates dollars
Dependency allowances		74,500
Education grants and related travel		15,500
Compensatory payments		25,000
Contributions to medical insurance		27,000
Recruitment, transfer and separation costs		244,000
r	OTAL	386,000

representation saving of some \$15,000 is anticipated the provision for contributions to the Joint Staff Penon Fund.

- 18. The Advisory Committee recognizes that the additional needs for compensatory payments and the shortfall in respect of medical insurance contributions as a result of increased premium rates are clearly of an unforeseen nature. The Committee has taken into account also that precise initial estimating of such costs as dependency allowances and education grants and related travel presents certain difficulties. The Committee believes, however, that such costs as those related to recruitment and transfer can be controlled to a large extent with a view to keeping them as closely as possible within approved provisions. The Committee is aware of the need to give effect to the directives of the General Assembly in respect of greater geographical distribution of appointments and more frequent rotation of the incumbents of such posts as the directors of information centres; indeed, these directives should have been taken into account in the initial plans for the year which, if necessary, might have been reviewed and adjusted to reflect the new emphasis.
- 19. In the circumstances, the Committee would suggest that every effort should be made during the remaining months of the year to keep transfers to the minimum and to defer appointments in respect of which no commitments have yet been made, wherever this would not interfere with the implementation of the principle of geographical distribution of staff. It would be necessary in consequence to review the 1960 programme of recruitments and transfers so that any of the deferred actions that are essential might be accommodated in 1960 without increased appropriations for that year.
- 20. The Advisory Committee accordingly recommends that the initial appropriation of \$6,431,500 under section 7 should be increased by \$321,200 to an amount of \$6,752,700, representing a reduction of \$50,000 in the revised estimate submitted by the Secretary-General.

Section 8. Travel of staff and members of administrative bodies

- 21. Under this section, it is anticipated that savings would be achieved on the initial appropriations for travel of staff to meetings (\$13,600), travel on other official business (\$20,000) and travel of members of administrative bodies (\$10,000). Additional requirements would however, arise in respect of travel on home leave (\$146,500), the Comprehensive Review of the Joint Staff Pension Scheme (\$2,600), and the Secretary-General's proposed visit to various countries and territories of Africa immediately after the close of the fourteenth session of the General Assembly (\$60,000). The net increase under the section as a whole is therefore \$165,500.
- 22. The Advisory Committee is appreciative of the economies achieved in respect of travel on official business (\$20,000) and of travel of staff to the session at Broadbeach (Australia) of the Economic Commission for Asia and the Far East (\$6,900) and to the session in Mexico City of the Economic and Social Council (\$5,800). As regards travel on home leave, the increase of \$146,500 is attributable in part to a rise in transportation fares; in addition, home leave entitlements have been exercised to a fuller extent than anticipated.

Section 9. Hospitality

Section 9a. Payments under annex 1, paragraphs 2 and 3, of the Staff Regulations

United St.	ates dollar:
Revised estimates submitted by the Secretary-	
General	95,000
Revised estimates recommended by the Advisory	
Committee	
Initial appropriations	95,000

Section 10. Office of the High Commissioner for Refugees

United States dollars

Revised estimate submitted by the Secretary-	
General	1,525,200*
Revised estimate recommended by the Advisory	
Committee	1,500,000
Initial appropriation	1,398,000

- 23. Increased requirements are estimated at \$127,200, of which an amount of \$17,100 will be reimbursed from the United Nations Refugee Fund in respect of the costs of the branch offices which have been established in Australia and Canada. The latter amount has been included as a credit in the revised estimate of miscellaneous income in 1959.
 - 24. The increase of \$127,200 comprises the following:

	United .	icrease States doll ars
Salaries and wages		42,000
Temporary assistance		34,700
Travel on official business		6,000
Common staff costs		44,500
	Тотат	127 200

25. Of these additional requirements a relatively minor amount relates to expenditure actually unforeseen. A substantial portion would seem to be attributable to initial underestimating, particularly in regard to anticipated turnover of staff, salary increments, the impact of the

new dependency definitions and payment of assignment allowances. Indeed no provision had been included in the initial estimates under section 10 in respect of the last-mentioned item. Some \$35,000 would appear to arise from new activities such as the opening of new branch offices in Australia, Morocco and Tunisia, and a temporary office in Canada, as well as the proposed appointment of legal correspondents in certain Latin American countries for the purpose of strengthening the legal protection work of the High Commissioner's Office in accordance with General Assembly resolution 1284 (XIII) of 5 December 1958.

- 26. With the exception of the new offices in Morocco and Tunisia, the Advisory Committee did not have the opportunity to consider and concur in the cost estimates for these new activities. The integration in the United Nations budget of the total administrative expenses of the Office of the High Commissioner is a recent development and some time might have been required for the strict application of normal procedures in regard to the submission of statements of financial implications of new proposals and to the securing of the prior concurrence of the Advisory Committee for unforeseen expenses. The Advisory Committee understands, however, that coordinated arrangements which would ensure close adherence to established financial procedures will be worked out shortly.
- 27. The Advisory Committee will during the current session of the General Assembly have an opportunity of discussing with the High Commissioner many of these questions, including the administrative organization of the Office and the budget estimates for 1960.
- 28. Meanwhile, the Advisory Committee would suggest that efforts be made during the remainder of the year to defer where possible the implementation of any such new activities in respect of which no formal commitments have been made. This would apply in particular to the proposed appointment of legal correspondents. The Advisory Committee accordingly recommends that the initial appropriation of \$1,398,000 should be increased to \$1,500,000, an amount which is \$25,200 less than the revised estimates submitted by the Secretary-General.
- 29. In addition to the supplementary estimates under review, there will possibly be a further supplementary request arising from certain proposals which are being submitted by the High Commissioner to the Executive Committee of the High Commissioner's Programme with a view to taking full advantage of the opportunities offered by the World Refugee Year to increase fundraising and public relations activities at the headquarters of the Office of the High Commissioner. The Advisory Committee understands that should any supplementary estimates for 1959 result from these proposals after their consideration by the Executive Committee, the lump-sum contribution from the voluntary funds of the High Commissioner to the United Nations budget would be increased by a corresponding amount.

Section 10a. World Refugee Year

United S	States dollar.
Revised estimate submitted by the Secretary-	
General	60,000*
Revised estimate recommended by the Advisory	
Committee	60,000
Initial appropriation	50,000

30. As indicated in the Advisory Committee's report on the 1960 estimates (A/4170, para. 190), the upward

revision in the 1959 estimate for the World Refugee Year arises from the participation in the Year by an increasingly large number of Governments and the nature of current arrangements in this regard.

Section 11. General expenses

Unite	ed States dollars
Revised estimate submitted by the Secretary-General	5,573,700*
Revised estimate recommended by the Advisory	
Committee	
Initial appropriation	5,330,000

31. Of the additional requirements totalling \$243,700, an amount of \$118,000 relates to increased expenses on television activities, to be matched by income, and rate and wage increases account for a further \$96,500. The detailed breakdown of the increase is given under paragraph 59 of the Secretary-General's report (A/4198). The Advisory Committee notes that of the \$4,400 attributed in paragraph 63 of the Secretary-General's report to new branch offices of the High Commissioner, an amount of \$2,200 for the offices in Morocco and Tunisia was treated as unforeseen expenditure with the prior concurrence of the Advisory Committee.

Section 12. Printing, stationery and library supplies

United	i States dollar
Revised estimate submitted by the Secretary-General	2,127,200
Revised estimate recommended by the Advisory Committee	2,127,200 2,127,200

32. With regard to the question of internal reproduction referred to in paragraph 65 of the Secretary-General's report, the Advisory Committee has, in its report on the 1960 budget estimates (A/4170, paras. 86-93), reported in detail on the progress that has been made in this field.

Section 13. Permanent equipment

United	States dollars
Revised estimate submitted by the Secretary-General	613,220*
Revised estimate recommended by the Advisory Committee	

33. It should be noted that the major part (\$70,000) of the anticipated savings under this section arises from the deferral to 1960 of two important projects: the engineering and architectural survey of the Headquarters building (\$40,000) and the replacement of tubes in the refrigeration condensers (\$30,000).

Section 14. Economic development Section 15. Social activities Section 16. Human rights activities Section 17. Public administration

United	l States dollars
Revised estimates submitted by the Secretary-General	2,005,000
Committee	

Section 18. Special expenses

United	States dollars
Revised estimate submitted by the Secretary-	
General	2,649,500
Revised estimate recommended by the Advisory	
Committee	2,649,500
Initial appropriation	2,649,500

Section 19. International Court of Justice

United	States dollars
Revised estimate submitted by the Secretary-General	744,100*
Revised estimate recommended by the Advisory	
Committee	744,100
Initial appropriation	680,500

34. The increase of \$63,600 relates in part to unforeseen expenses in respect of judges ad hoc designated in connexion with cases before the Court (\$26,100)⁷ and in part to increased requirements for temporary assistance for translation and typing (\$35,000) and printing (\$16,000) as a result of a larger measure of activity of the Court during 1959.

Income	
Unit	ed States dollars
Revised estimated submitted by the Secretary-General	5,525,000*
Revised estimate recommended by the Advisory	
Committee	
Approved estimate	5,317,880

35. The Advisory Committee notes an increase of \$207,120 in spite of a short-fall of \$325,000 in the estimated income from sale of United Nations stamps and of \$121,000 in the income from investments. As indicated in paragraph 7 of this report, the increase includes \$118,000 of matching income from additional television activity designed to meet the further demands for television material from the various outlets.

naterial from the farrous outlets.	
Income from staff assessment	United States dollars
Revised estimate submitted by the Secretary-	ć 102 000
General	6,123,000
Committee	
Approved appropriation	6,123,000

ANNEX
SUPPLEMENTARY ESTIMATES FOR 1959

Section	1959 Appropriations	Revised 1959 estimates	Total increases or (decreases)	Increases/ decreases in regular estimates	Increases due to unforeseen and extraordinary expenses
			United States Dolla	rs	
Fravel of representatives, members of Commissions and Committees	882,500	828,200	(54,300)	(57,300)	3,000
Special meetings and conferences	1,543,500	1,891,500	348,000	(12,000)	360,000
Board of Auditors	51,000	51,000	348,000	(12,000)	300,000
Special missions and related activities	2,374,600	2,479,000	104,400	(69,400)	173,800
Expenses arising from General Assembly resolution 1237 (ES-III) and residual expenses of the United Nations Observer	, ,	, ,	,	. ,	173,000
Group in Lebanon	500,000	336,000	(164,000)	(164,000)	
United Nations Field Service	1,153,800	1,119,000	(34,800)	(34,800)	
Salaries and wages	30,802,700	30,662,000	(140,700)	(165,700)	25,000
Economic Commission for Africa	500,000	500,000		_	_
Common staff costs	6,431,500	6,802,700	371,200	371,200	
Fravel of staff and members of admini-	1,530,100	1 605 600	165 500	162.000	2.600
strative bodies	25,000	1,695,600	165,500	162,900	2,600
Hospitality Payments under annex I, paragraphs 2	25,000	25,000		_	
and 3, of the Staff Regulations	70,000	70,000		_	-
Office of the United Nations High Com-	,	,			
missioner for Refugees	1,398,000	1,525,200	127,200	112,400	14,800
World Refugee Year	50,000	60,000	10,000	10,000	_
General expenses	5,330,000	5,573,700	243,700	241,500	2,200
Printing, stationery and library supplies		2,127,200			· —
Permanent equipment	697,220	613,220	(84,000)	(92,000)	8,000
Economic development	480,000	480,000			
Social activities	925,000	925,000		_	
Human rights activities	100,000	100,000	_	-	
Public administration	500,000	500,000	_		
Special expenses	2,649,500	2,649,500		_	
International Court of Justice	680,500	744,100	63,600	37,500	26,100
Тотаг	60,802,120	61,757.920	955,800	340,300	615,500
Income					
Income from other than staff assessment	5,317,880	5,525,000	207,120		
Income from staff assessment	, ,	6,123,000		_	
Income from staff assessmen	ıt	tt 6,123,000	t 6,123,000 6,123,000	t 6,123,000 6,123,000 —	t 6,123,000 6,123,000 — — —

⁷ The cases involved are the Interhandel Case (Switzerland υ. United States of America); Aerial incident of 27 July 1955 (Israel υ. Bulgaria), and right of passage over Indian Territory (Portugal υ. India).

Supplementary reports

Section 10. Office of the High Commissioner for Refugees

DOCUMENT A/C.5/797

Report of the Secretary-General

[Original text: English] [5 November 1959]

- 1. At its 709th meeting, held on 25 September 1959, the Fifth Committee approved provisionally a recommendation of the Advisory Committee (A/4221, paras. 23-29) that the initial appropriation of \$1,398,000 for section 10 of the 1959 budget should be increased to \$1,500,000, an amount which is \$25,200 less than the revised estimates submitted by the Secretary-General. It was understood that prior to a final decision of the Committee on the level of the 1959 estimates for this section, the Advisory Committee would have an opportunity of discussing with the High Commissioner a number of questions arising from these estimates as well as the budget estimates for 1960.
- 2. The 1959 supplementary estimate submitted by the Secretary-General (A/4198) indicated an additional requirement of \$127,200 for the following purposes:
- (a) \$42,000 for Established Posts arising mainly from low turnover and the impact of salary increments;
- (b) \$34,700 in temporary assistance requirements mainly for
- (i) The provision of representation in Australia and New Zealand, Morocco and Tunisia, and temporary representation in Canada;
- (ii) The appointment of UNHCR correspondents in Latin American countries, mainly for strengthening international protection work as called for by General Assembly resolution 1284 (XIII);
- (c) \$6,000 for travel on official business for the new offices mentioned under sub-paragraph (b) (i) above.

(d) \$44,500 under common staff costs.

The Secretary-General also indicated in his report that a reimbursement of \$19,500 from voluntary funds would be forthcoming in respect of the expenditures on the new offices in Australia and Canada.

3. Subsequent to these reports, the Executive Committee of the High Commissioner's Programme approved certain proposals for the intensification of public information and fund-raising activities entailing an expenditure of \$25,000. The details of the expenditure are:

United States dollars

(a)	Temporary assistance and consultants required for the preparation of pamphlets and other public information material	5,000
(b)	Travel for fund-raising and other public information purposes	9,500
(c)	Public information activities including the issue of films in extra copies and in additional languages; production and distribution of pamphlets; facilities to Press and television services	10,500

While this item of expenditure would also be reimbursed to the regular United Nations budget from voluntary funds, the supplementary estimates for section 10 for the financial year 1959 already submitted by the Secretary-General would require to be increased by a corresponding amount. This action would follow from the Assembly's decision that the administrative expenses for all activities undertaken by the Office should be consolidated in the relevant budget section.

DOCUMENT A/4264

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[6 November 1959]

I. Supplementary estimates for 1959

1. In its report to the General Assembly at its four-teenth session on part I of the supplementary estimates for 1959 (A/4221), the Advisory Committee on Administrative and Budgetary Questions, pending a discussion with the High Commissioner for Refugees in regard to various administrative and financial questions concerning his Office, recommended that the initial appropriation of \$1,398,000 under section 10 of the 1959 budget should be increased to \$1,500,000, an amount which was \$25,200 less than the revised estimate submitted by the Secretary-General (A/4198). The Committee suggested in this regard that efforts should be made during the remainder of the year to defer where possible those new activities in respect of which no formal commitments had been made.

- 2. The Advisory Committee's interim recommendation was approved by the Fifth Committee at its 709th meeting held on 25 September 1959.
- 3. The Advisory Committee has since considered, with the High Commissioner, the extent to which economies could be effected in the remaining months of 1959. The Committee understands that the High Commissioner has carefully reviewed the additional requirements in the light of the views expressed in the Committee's report (A/4221), but that, as a practical matter, it would not be possible fully to achieve savings of the order previously recommended. In particular, it has been explained to the Committee that the new branch offices in Morocco and Tunisia, to which a substantial proportion of the increase of \$34,700 for temporary assistance was attributed, had been established on a minimal basis. In

the case of the branch office for Australia and New Zealand and the temporary office for Canada, the proposed additional expenditure of \$19,500 would be offset by a corresponding reimbursement from voluntary funds. However, as the Committee is informed that, owing to technical delays that have occurred in the opening of the offices in Morocco and Tunisia and by postponement of the appointment of legal correspondents, a modest reduction in the supplementary requirements would be possible.

- 4. The Advisory Committee had expected that during the three months remaining after the submission of its interim recommendation, it would be possible to make special efforts to achieve a substantial part of the savings which the Committee had recommended. However, in the light of the practical difficulties now cited by the High Commissioner, the Committee accepts his appraisal of the situation.
- 5. The Advisory Committee has also considered a report by the Secretary-General (A/C.5/797), indicating a further increase, to be offset by an equivalent additional grant from the voluntary funds of the High Commissioner's Programme, of \$25,000 in the 1959 estimates under section 10. These expenditures arise from the approval in October 1959, by the Executive Committee of the High Commissioner's Programme, of certain proposals relating to an intensification of the public information and fund-raising activities of the High Commissioner's Office, designed to take full advantage of the possibilities offered by the World Refugee Year.
- 6. The estimate of \$25,000 comprises the following elements:

United States dollars

(a) Temporary assistance and consultants required for the preparation of pamphlets and other public information material 5,000

- (b) Travel for public information purposes and for fund-raising missions
- (c) Public information activities, including the issue of films in extra copies and in additional languages; production and distribution of pamphlets; facilities to Press and television services 10,500

25.000

9,500

- 7. The Advisory Committee, while having no objection to the inclusion of this additional item of \$25,000, is not entirely convinced that these funds can be fully expended on a properly planned basis, during the short remaining period, on activities which were only approved by the Executive Committee in October 1959.
- 8. On the basis of the foregoing considerations, the Advisory Committee recommends that the initial 1959 appropriation under section 10—Office of the High Commissioner for Refugees—in the amount of \$1,398,-000 should be increased by an amount of \$147,200 to a revised total of \$1,545,200. Of the increase of \$147,200, an amount of \$122,200 would relate to the purposes outlined in the Secretary-General's initial report on the supplementary estimates for 1959 (A/4198) and \$25,000 for those stated in his later report (A/C.5/797). In addition, the Advisory Committee notes that the reimbursement to the regular budget from the voluntary funds of the High Commissioner's Programme will be increased from \$480,000 to \$524,500.8

II. Revised budget estimates for 1960

[Paragraphs 9 to 18 of this document concerning the revised budget estimates for the financial year 1960 appear in the fascicle relating to agenda item 44.]

⁸ The increase of \$44,500 comprises \$19,500 reported earlier (A/4198, para. 57) and \$25,000 mentioned in paragraph 5 of this

PART II OF THE SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1959

DOCUMENT A/C.5/807

Report of the Secretary-General

[Original text: English] [25 November 1959]

- 1. The Fifth Committee examined, at its 708th and 709th meetings, held on 25 September 1959, the supplementary estimates for 1959, on the basis of reports of the Secretary-General (A/4198) and the Advisory Committee on Administrative and Budgetary Questions (A/4221). As recommended by the Advisory Committee, the Fifth Committee decided to recommend the following amounts: revised appropriations for 1959, \$61,672,720; revised income other than staff assessment, \$5,525,000; income from staff assessment, \$6,123,000.
- 2. The Committee examined subsequently proposals contained in other reports of the Secretary-General and of the Advisory Committee which affect the level of the 1959 supplementary estimates. It approved at its 742nd meeting, held on 11 November 1959, a new total for section 10, Office of the United Nations High Commissioner for Refugees. It was also understood, since additional unforeseen expenditure was to be incurred, that

before the Committee took a final decision on the matter it would need to make a further review of the over-all 1959 situation.

- 3. The Secretary-General presents herewith a second set of supplementary estimates: additional requirements totalling \$254,700 are more than offset by reductions totalling \$270,320. The 1959 estimates are thus submitted in a total amount of \$61,657,100, a level which is slightly lower than that approved by the Fifth Committee at its 709th meeting. The estimate for income other than staff assessment is increased by \$25,000 to a total of \$5,550,-000, the estimate for income from staff assessment is increased from \$6,123,000 to \$6,149,000.
- 4. The table given immediately below summarizes the changes which it is proposed should be made in particular sections of the 1959 budget. Reasons for these changes are given in the text below.

Summary of changes in the level of the 1959 estimates as approved by the Fifth Committee at its 709th and 742nd meetings

Section	1	Approved estimate	Increase or (Decrease)	Revised estimate
1.	Travel of representatives, members of com-	U	nited States dollar	s
	missions and committees	828,200	(8,200)	820,000
4.	Special missions and related activities	2,469,000	64,700	2,533,700
6.	Salaries and wages	30,662,000	107,500	30,769,500
6a.	Economic Commission for Africa	500,000	(25,000)	475,000
7.	Common staff costs	6,752,700	14,000	6,766,700
10.	Office of the United Nations High Commis-		·	, ,
	sioner for Refugees	1,500,000	45,200	1,545,200
13.	Permanent equipment	613,220	(100,220)	513,000
16.	Human rights activities	100,000	(13,600)	86,400
17.	Public Administration			
	Chapter I	300,000		300,000
	Chapter II	200,000	(100,000)	100,000
All ot	ther sections	17,747,600	-	17,747,600
		61,672,720	(15,620)	61,657,100
Incon	ne other than staff assessment	5,525,000	25,000	5,550,000
Incon	ne from staff assessment	6,123,000	26,000	6,149,000

Section 4. Special missions and related activities

- 5. The General Assembly by resolution 1352 (XIV) of 16 October 1959 decided that arrangements for the plebiscite in the southern part of the Trust Territory of the Cameroons under United Kingdom administration, originally scheduled to begin in December 1959, should begin on 30 September 1960. The Fifth Committee had previously informed the General Assembly (A/4243) of the financial implications of this change, which *inter alia* envisaged a reduction of \$23,300 under section 4, chapter XII of the 1959 estimates.
- 6. The Security Council by resolution of 7 September 1959 (S/4216) decided to appoint a sub-committee of Argentina, Italy, Japan and Tunisia, and instructed the sub-committee to examine the statements made before the Security Council concerning Laos, to receive further statements and documents and to conduct such inquiries as it may determine necessary and to report to the Security Council as soon as possible. The Secretary-General decided that expenses incurred in connexion with the Security Council sub-committee should be considered as expenses relating to the maintenance of peace and security under the terms of paragraph 1 (a) of General Assembly resolution 1339 (XIII).
- 7. The sub-committee held meetings at Headquarters from 8 to 12 September 1959 when it left for Laos, remaining there until 13 October, two alternative representatives staying on until 14 November 1959.
- 8. Expenditures incurred during the period 8 September to 14 November, attributable to the activities of the sub-committee, are estimated as follows:

United Si	tates dollars
Travel and subsistence of staff	39,000
Travel and subsistence of members	
	9,000
Communications	
Freight	1,500
Hospitality	1,000
Total	88,000

9. The amounts for travel and subsistence provided for the members of the sub-committee, including alternates, who travelled from their home countries to Laos

and return, directly or via Headquarters, and for a secretariat of twelve. Office supplies, living accommodation, communications and local transportation were made available by the Government of Laos, which, to date, has submitted only a partial billing for these services. The main element of the amounts for supplies and services is the rental of seven vehicles at an estimated cost of \$6,800. Freight charges were incurred for shipping communications equipment by air from the Truce Supervision Organization in Palestine.

Section 6. Salaries and wages Section 7. Common staff costs

- 10. At its 709th meeting, the Fifth Committee voted an amount of \$30,662,000 for section 6 and \$6,752,700 for section 7, or a total of \$37,414,700 for the two sections. This represented a reduction, as recommended by the Advisory Committee, of \$50,000 in section 7, of the Secretary-General's estimates.
- 11. Assuming the adjournment of the General Assembly session at an early date in December as anticipated, the Secretary-General would consider that it will be possible to adhere to the reduced total of \$37,414,700 for the two sections, but that depending upon developments he might require the approval of the Advisory Committee for some transfer of credits between the two sections later in the year.
- 12. However, based upon a careful review of expenditures under the two sections up to 31 October 1959, and anticipated minimum expenditures for the remaining two months of the year, no surplus for the two sections can at this time be anticipated within the previously approved reduced total of \$37,414,700. It is accordingly necessary to request the appropriation of \$121,500 representing the additional estimated cost for 1959 of the 5 per cent increase in salaries for Headquarters General Service staff. The \$121,500 additional cost may be divided as follows: \$107,500 to section 6, and \$14,000 to section 7 covering primarily increased contributions to the Joint Staff Pension Fund. The Fifth Committee examined the relevant reports of the Secretary-General (A/C.5/794) and of the Advisory Committee (A/4260) at its 742nd meeting.

Possible reductions

- 13. The above noted additional requirements can be offset by anticipated reductions in other sections of the 1959 budget:
- (a) A review of expenditure and obligation figures as at 31 October 1959 indicates that a lower provision should suffice, by the amounts specified for section 1, Travel of representatives, members of commissions and committees—\$8,200; section 6a, Economic Commission for Africa—\$25,000 and section 16, Human rights activities—\$13,600;
- (b) A reduction of \$100,220 is proposed under section 13, Permanent equipment. Specifically, the proposals of the Secretary-General on (a) The interim arrangements for the Library (A/C.5/796) and (b) The construction of the United Nations building in Santiago, Chile (A/4239) envisaged savings of \$60,000 and \$30,000 respectively in amounts previously authorized. On the recommendations of the Advisory Committee (A/4259 and A/4277) the Fifth Committee approved the former proposal at its 732nd meeting and the latter at its 747th meeting;
- (c) When the Fifth Committee, at its 745th and 747th meetings examined estimates in respect of the programme for the provision of operational, executive and administrative personnel, it was noted that a saving of \$100,000 would be made under chapter II of section 17, Public administration, of the 1959 budget (A/4212, A/4212/Add.1 and A/4281).

Special meetings and conferences

14. The Secretary-General, in submitting his supplementary estimates for 1959 (A/4198), indicated that, should costs arise in 1960 for the production of the proceedings of the second International Conference on the Peaceful Uses of Atomic Energy, he proposed to report the details to the Advisory Committee on Administrative and Budgetary Questions. At that time it was expected that any requirements for 1960 would be offset by savings in the 1959 provision. However, while no solid basis exists for revising the estimate, developments have been such that it is not now certain that the total expenditures for the conference can be limited to the amount of the existing appropriation.

The Joint Staff Pension Board and the United Nations Staff Pension Committee

15. The total estimates submitted provide for the requirements of the Joint Staff Pension Board and the United Nations Staff Pension Committee at a level of \$168,500. This represents an increase of \$13,300 over the level of appropriation for these activities approved in paragraph 4 of General Assembly resolution 1338 (XIII) of 13 December 1958. In the main, the additional costs arise from unbudgeted common staff costs, including home leave requirements, owing to changes which have occurred in the composition of the Board's secretariat. Approximately two-thirds (\$9,000) of the additional provision is offset by an increase in the income estimates in accordance with the practice whereby the costs of the activity are shared between the United Nations budget and the Joint Staff Pension Fund.

Income estimates

- 16. A review of the total income estimate indicates that for purposes other than those specified below, the initially approved amount of \$5,525,000 should be maintained. As noted by the Fifth Committee at its 742nd meeting, the estimate for income other than staff assessment will be increased by a further contribution from the United Nations Refugee Fund of \$25,000 (A/C.5/797, A/4264). The increased income of \$9,000 from the Joint Staff Pension Fund noted in paragraph 15 above will be offset by a corresponding decrease in net revenue from the revenue-producing activities consequent upon the local salary increases (A/C.5/794, A/4260). The total estimate is accordingly proposed at a level of \$5,550,000.
- 17. The payment of general service salaries at a higher rate as from 1 October 1959 allows the estimate of income from staff assessment to be increased from \$6,123,000 to \$6,149,000 (A/C.5/794, A/4260).
- 18. The Secretary-General submits a draft resolution on the supplementary estimates for 1959 consolidating the decisions previously reached by the Fifth Committee and the proposals contained in the present report.

ANNEX

Draft resolution on supplementary estimates for the financial year 1959

[For the text of this draft resolution see A/4327, para. 20.]

DOCUMENT A/4308

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[30 November 1959]

- 1. At its 708th and 709th meetings, the Fifth Committee considered part I of the supplementary estimates for 1959 submitted by the Secretary-General (A/4198, and decided to recommend the following amounts: revised appropriations for 1959, \$61,672,720; revised estimate of income other than staff assessment, \$5,525,000; income from staff assessment, \$6,123,000.
- 2. The Secretary-General has now submitted (A/C.5/807) a second set of supplementary estimates for 1959, under which additional requirements totalling \$254,700 are more than offset by reductions in the amount of
- \$270,320. The new total figure of gross estimates for 1959 thus amounts to \$61,657,100, or \$15,620 less than the amount approved by the Fifth Committee at its 709th meeting. The estimate for income other than staff assessment is increased by \$25,000 to a total of \$5,550,000; the estimate for income from staff assessment is increased from \$6,123,000 to \$6,149,000.
- 3. The additional requirements totalling \$254,700 comprise:
- (a) \$88,000 representing expenditures incurred during the period from 8 September to 14 November 1959,

attributable to the activities of the Security Council Sub-Committee (on Laos) under the Security Council resolution of 7 September 1959 (S/4216) (section 4);

- (b) \$121,500 representing the 1959 costs of the 5 per cent increase in salaries for Headquarters General Service staff, which was introduced effective 1 October 1959 (A/4260) (sections 6 and 7);
- (c) \$45,200 representing the additional amount already approved by the Fifth Committee at its 742nd meeting, in respect of the Office of the High Commissioner for Refugees (section 10).
- 4. The offsetting decreases, in a total amount of \$270,320, include:
- (a) Decreases indicated by a review of expenditure and obligation figures at 31 October 1959: \$8,200 under section 1 (Travel of representatives, members of commissions and committees); \$25,000 under section 6a (Economic Commission for Africa); and \$13,600 under section 16 (Human rights activities);
- (b) A reduction of \$23,300 under section 4, chapter XII (Plebiscites for the Trust Territory of the Cameroons under United Kingdom administration) following the postponement of the plebiscite in the southern part of the Territory to September 1960;
- (c) A reduction of \$100,220 under section 13 (Permanent equipment) resulting in the main from the proposals, approved by the Fifth Committee at its 732nd and 747 meetings respectively, concerning interim arrangements for the Library (A/4259, A/C.5/796) and the construction of the United Nations building in Santiago (A/4277, A/4239);
- (d) A saving of \$100,000 under section 17, chapter II (Public administration)—programme for the provision of operational, executive and administrative personnel (OPEX) resulting from recruitment and other delays in the execution of the authorized programme for 1959 (A/4281, A/4212 and Add.1).
- 5. The Advisory Committee has inquired into the details of the new elements of increases and decreases and, in particular, of the additional requirements under section 4. There are no points which call for special comment.
- 6. As regards the costs for the production of the records of the second United Nations International Conference on the Peaceful Uses of Atomic Energy, the Secretary-General has expressed some doubt (A/C.5/807, para. 14) as to the adequacy of the amount of \$1.5 million already included in the 1959 budget. The Advisory Committee understands that a printing strike has resulted in certain additional costs and, further, that expenses for the translation and production of certain

- documents, which is being done under contract with a Government, may show an increase in terms of the dollar as compared with the original estimates. Nevertheless, the Committee is informed that no significant increase in total expenditure is anticipated, and that such adjustments as may be necessary in the light of the situation at the year-end will be submitted to the Advisory Committee for its concurrence.
- 7. The Advisory Committee notes that, within the revised estimates now presented, the costs of the Joint Staff Pension Board and the United Nations Staff Pension Committee are estimated at \$168,500, representing an increase of \$13,300 over the amount provided in the initial appropriations. The costs in question are spread over a number of sections of the budget; their total amount is relevant to a determination of the proportionate sum to be reimbursed from the Joint Staff Pension Fund.
- 8. Apart from an increase of \$25,000 representing a further contribution from the voluntary funds of the High Commissioner for Refugees (A/4264), the estimate for income other than staff assessment is maintained at the level of \$5,525,000 indicated in the earlier report on supplementary estimates (A/4198). There are, however, mutually offsetting variations in the component elements which make up this total figure. The more important of such variations are increases of \$125,000 in income from investments and other interest, \$57,000 in income from the sale of used equipment, \$55,000 in the income from the Gift Centre and catering and related services; and decreases of some \$150,000 in revenues from the Postal Administration, \$135,000 in the 1959 proceeds from the sale of printed volumes of the proceedings of the second United Nations International Conference on the Peaceful Uses of Atomic Energy, and \$61,000 in the reimbursement for staff and services furnished to specialized agencies and others.
- 9. Income from staff assessment is now estimated at \$6,149,000, or an increase of \$26,000 over the previous estimate, following the 5 per cent increase in General Service salaries at Headquarters.
- 10. In conclusion, the Advisory Committee recommends the adoption of the draft resolution on supplementary estimates for 1959, proposed by the Secretary-General in the annex to his report (A/C.5/807). Under this draft resolution, the amount of \$60,802,120 appropriated by the General Assembly resolution 1338 (XIII) of 13 December 1958 would be increased by \$854,980 to a revised total of \$61,657,100. The Advisory Committee also recommends the approval of the revised estimates of \$5,550,000 for income other than staff assessment and \$6,149,000 for income from staff assessment.

DOCUMENT A/4327 Report of the Fifth Committee

[Original text: English]
[3 December 1959]

1. The Fifth Committee examined the supplementary estimates for 1959 in two parts. Part I was examined at the 708th and 709th meetings held on 25 September 1959, and part II at the 755th meeting on 1 December 1959.

PART I OF THE SUPPLEMENTARY ESTIMATES

2. For the first part of the supplementary estimates, the Committee had before it reports of the Secretary-General (A/4198) and the Advisory Committee on Administrative and Budgetary Questions (A/4221),

whose recommendations are set out below, together with the decisions of the Fifth Committee:

	Secretary- General's proposal (A/4198)	Advisory Committee's recommendations (A/4221)	Fifth Committee's recommendation to the General Assembly
Supplementary estimates	955,800	United States dollars 870,600	870,600
1959 appropriation (General Assembly resolu- tion 1338 (XIII) of 13 December 1958)	60,802,120	60,802,120	60,802,120
Revised appropriationINCOME	61,757,920	61,672,720	61,672,720
Income other than staff assessment Approved estimate (General Assembly resolution 1338 (XIII)			5,317,880 207,120
Revised estimate for 1959			5,525,000
Income from staff assessmentb Approved estimate (General Assembly resolution 1338 (XIII)			6,123,000

[•] The income estimates submitted by the Secretary-General and the Advisory Committee were identical in amount with those recommended by the Fifth Committee.

^b A revision of the approved estimate was not proposed.

3. The Secretary-General's estimate of \$955,800 for additional budgetary requirements in 1959 comprised:

United States dollars

- (a) Unforeseen and extraordinary expenses authorized under the terms of General Assembly resolution 1339 (XIII) of 13 December 1958
- 615,500
- (b) Additional requirements under certain regular budget sections. 935,500

 Less sayings on other sections 595,200

340.300

- 4. The report of the Secretary-General indicated (A/4198, para. 7) that the sum of \$340,300 (item (b) above) included items of expenditure totalling \$137,500 which would be wholly offset by income. The net increase on items of ordinary expenditure was thus limited in effect to \$202,800.
- 5. The Advisory Committee recommended (A/4221, para. 9) that a reduction of \$85,200 in the proposed supplementary provision should be distributed as follows:

United States dollars
Section 4, Special missions and related activities... 10,000

- 6. General satisfaction was expressed by delegations that the earlier submission of the Secretary-General's proposals had enabled the Fifth Committee to consider the item at the opening of its session. Many representatives also commented favourably on the fact that the supplementary requirements for 1959 were appreciably lower than in the previous year. While that was due in part to the fortuitous circumstance that, with a calmer political situation, fewer calls arose for extraordinary commitments, the marked decrease in the supplementary provision for ordinary expenditure items might largely be ascribed to careful administration of the budget.
 - 7. Divergent views were expressed in the Committee:
- (a) In the opinion of most delegations, encouragement could be drawn from the reports before the Committee. It was evident from the close similarity of their proposals that a sound understanding existed between the Advisory Committee and the Secretary-General, and that

administrative and financial control had been further strengthened. There was ground for hoping that, in spite of fluctuations unavoidably associated with the international situation, there would be a continuing trend towards reducing the volume of supplementary appropriations, and possibly—where ordinary expenses were concerned—towards their total elimination. As regards the figures under review, the smallness of the net deficit on regular items testified to the care with which the Secretary-General and the budget committees of the General Assembly had carried out their respective tasks; that was further borne out by the fact that the largest single budget item, salaries and wages of the Secretariat under section 6, might yield a surplus for the first time in four years. There was general support, among these delegations, for the Advisory Committee's recommendation, although some representatives queried the specific distribution of the amounts. Doubt was thus expressed regarding the Advisory Committee's recommendation (A/4221, para. 18) on staff recruitment and transfer costs under section 7. In other areas also the Secretary-General might show compelling reasons for varying the incidence of the proposed cuts. He should therefore retain authority to make necessary transfers, with the Advisory Committee's concurrence, between appropria-

(b) Other delegations took a different position. While recognizing that some progress had been made, they found in the Secretary-General's proposals little cause for satisfaction, and considered that the Advisory Committee could have recommended a heavier reduction. Budgetary discipline called for strict adherence to authorized appropriations, and as the General Assembly had voted a budget of record size for 1959, there could be no justification for a supplementary provision in respect of ordinary expenses. Admittedly, errors might arise in estimating forward requirements, but, with proper planning, they could be repaired in good time. For the year under review, the Committee was faced with additional requests amounting to over \$935,000 for items covered by regular appropriations; the fact that savings on certain sections reduced the total to some \$340,000 in no way justified the deficits on other sections. On the contrary, the liberal budget provision for 1959 (aug-

nented by purely fortuitous savings on several major ems) might well have served to meet at least a part of ne unforeseen expenses, which, because of favourable ircumstances, were relatively light. In general, account hould be taken of the difficulties which a demand for dditional funds created for Member States; the aim hould be to stabilize expenditure and to confine supplenentary appropriations to unforeseen items covering the olitical and urgent economic needs of the United Naions. Particular criticism was also directed to the inreases under section 8—Travel of staff and members of dministrative bodies, and section 10—Office of the High commissioner for Refugees; it was argued that the eficit on the former section might have been obviated hrough better advance planning of home leave, and that s regards the latter section, the financial regulations had ot apparently been closely observed.

- 8. Some delegations deprecated the provision of funds or the United Nations Representative on the Question f Hungary at a moment when determined efforts were eing made to ease political tension.
- 9. At the 709th meeting of the Committee, representaives of the Secretary-General commented on points aised in the course of the discussion:
- (a) Section 4: Although new expenditure, to an ndeterminate amount, was being incurred by recent lecision of the Security Council, the Secretary-General vould not contest the Advisory Committee's recommenlation (A/4221, para. 14) since, even though the justifiation was not clear, the sum of \$10,000 was slight in elation to the total appropriation and the nature of the ctivities concerned. As regards chapter XIII, the Secreary-General did not share the doubt expressed by the Advisory Committee (Ibid., para. 13) concerning the ppointment of a Special Representative in Guinea; in its opinion, the purpose of the mission brought it within he definition of urgent economic rehabilitation;
- (b) Section 7: The recommended cut of \$50,000 apparently directed mainly to chapter III—Recruitment, ransfer and separation costs), might cause some diffiulty, and while efforts would be made to absorb the mount within the section, compensatory savings might ave to be drawn from other sections. Several factors and contributed to the over-expenditure: first, there had ong been a tendency to under-budget on section 7, as vell as on section 11—General expense, a tendency which he Secretariat was endeavouring to correct through the ise of surer statistical bases; secondly, at the time when he 1959 estimates were under preparation, the decision o accelerate the rotation of staff among duty stations, and in particular the transfers between Headquarters and information centres, had not yet been taken, and hirdly, as the result of the reduction in the supplemenary estimates for 1958, appointments and transfers inder the 1958 recruitment programme had had to be leferred until 1959. Any further budget reduction in the :urrent year would aggravate delays in the programme of planned recruitment. As regards the thirty-nine appointnents envisaged for the period from mid-September to December 1959, the factor of geographical distribution entered into the majority of cases. Twenty-seven staff ransfers had been planned for the same period, and vhile the number could be reduced, a large part of the eduction of \$50,000—if confined to chapter III—would nave to be applied to the appointments programme. That neant a mere deferment of expenditure to 1960;
- (c) Section 8: Requirements for home leave travel were planned and costed with precision on the basis of

entitlements under the Staff Regulations; there was, however, one element—the deduction to be made for the non-exercise of entitlements—which was necessarily conjectural. Too large a deduction had been made from the initial cost estimates for 1959. If, however, the Committee followed the suggestion of some delegations for a reduction on section 8, it would be relying on a purely arbitrary assumption. Each of the remaining chapters had yielded savings, which would partially counter-balance the cost of the Secretary-General's forthcoming visit to Africa;

- (d) Section 10: The cost of the branch offices in Australia and Canada would be fully reimbursed from the United Nations Refugee Fund, and as regards the appointment of legal correspondents in Latin American countries, no commitments had yet been made. There had admittedly been a failure, owing to procedural difficulties, to keep the Advisory Committee fully and promptly informed on certain of the additional requirements. Steps were being taken to obviate such an occurrence in future.
- 10. In general, the Secretary-General believed that it would be possible to achieve the reduction recommended by the Advisory Committee, provided that adjustments between appropriation sections might be made with that Committee's prior concurrence. The element of uncertainty, always inherent in forecasts of that kind, was augmented in the present instance because, with the earlier submission of the Secretary-General's report, requirements for an ensuing period of four months had to be estimated on the basis of an experience limited, in the case of Headquarters, to seven months' expenditure, and, in the case of other offices, to six months' expenditure. In those circumstances, the margin of error, on either side of the ledger, was inevitably widened, and the possibility of effecting an even larger reduction could not be excluded. The Committee would in any case need to make a further review, during the current session, of the over-all 1959 situation.
- 11. At the 709th meeting of the Committee, the representative of the Ukrainian SSR proposed that the revised estimate recommended by the Advisory Committee for section 6—Salaries and wages, should be reduced by \$92,000 (representing the increase in requirements for temporary assistance in connexion with the General Assembly session), to \$30,570,000. The proposal was rejected by 36 votes to 8, with 11 abstentions.
- 12. The Committee voted at the same meeting, on the recommendations of the Advisory Committee (A/4221). The result of the voting is shown in the table on page 24.

PART II OF THE SUPPLEMENTARY ESTIMATES

- 13. The second part of the supplementary estimates for 1959 was presented in a report of the Secretary-General (A/C.5/807), which was considered, together with the comments of the Advisory Committee on Administrative and Budgetary Questions (A/4308), at the 755th meeting of the Fifth Committee.
- 14. The Secretary-General's second submission comprised the following items:

 United States dollars

 (a) Additional requirements
 254,700

 (b) Reductions
 270,320

The revised total of supplementary requirements for 1959 was thus estimated at \$61,657,100, or \$15,620 less than the amount of \$61,672,720 which the Committee approved at its 709th meeting (see para. 2 above).

Section		Revised amount	In favour	Against	Abstentions
		United States dollars			
1.	Travel of representatives, members of commissions and committees	828,200	55	0	1
2.	Special meetings and conferences	1,891,500	56	Ō	Ī
3.	Board of Auditors	51,000	58	Ŏ	Ī
4.	Special missions and related activities	2,469,000	47	8	3
4a.	Expenses arising from General Assembly resolution 1237 (ES-III)	2,20,,000		•	•
	and residual expenses of the United Nations Observation Group	336,000	55	0	2
5.	in Lebanon United Nations Field Service.	1,119,000	33 49	0	2 9
		30,662,000	47	0	11
6.	Salaries and wages	500,000	4/	Unanimous	11
ба.			49	Onanimous	9
7. 8.	Common staff costs	6,752,700 1,695,600	49	0	9
~.	Travel of stan and members of administrative bodies	1,093,000	49	U	9
9. and 9a.	Hospitality: Payments under annex I, paragraphs 2 and 3, of the				
ya.	Staff regulations	95,000		Unanimous	
10	Office of the United Nations High Commissioner for Refugees	1,500,000	44	Onaninous	14
10. 10a.	Wald Defense Very	60.000	45	Ů 0	
	World Refugee Year	5,573,700	51	0	4 8
11.	General expenses.		31	Unanimous	0
12.	Printing, stationary and library supplies	2,127,200		Unanimous	
13.	Permanent equipment	613,220		Unanimous Unanimous	
14-17.	Technical programmes	2,005,000		Unanimous Unanimous	
18.	Special expenses	2,649,500		Unanimous Unanimous	
19.	The International Court of Justice	744,100			
	Income other than from Staff Assessment	5,525,000		Unanimous	
	Income from Staff Assessment	6,123,000		Unanimous	

15. The following is an analysis, by appropriation sections, of the additional requirements and the reductions:

(a) Additional requirements (\$254,700)

Appropriation section	United States dollars	
4	88,000	Activities of the Security Council Sub-Committee under Council resolution of 7 September 1959 (S/4216)
6, 7	121,500	5 per cent increase in salary scale for General Service cate- gory at Headquarters, with effect from 1 October 1959.
10	45,200	Amount approved for the Office of the High Commissioner for Refugees at the 742nd meeting of the Fifth Committee

(b) Reductions (\$270,320)

(4) ====================================) <i>)</i>
Appropriation section	United State	
1	8,000	Reductions resulting from a re-
6a	25,000	view of expenditure and obli-
16	13,600	gation figures at 31 October 1959
Appropriation section	United State dollars	es
4 (chapter XII)	23,300	Postponement of the plebiscite in the southern part of the Trust Territory of the Came- roons under United Kingdom administration
13	100,220	Reductions connected in the main with (a) the interim arrangements for the Library at Headquarters, and (b) the construction of the United Nations building at Santiago
17 (chapter II)	100,000	Recruitment and other delays in the execution of the OPEX programme

- 16. In addition, the Secretary-General's repor (A/C.5/807) submitted the following revisions in thincome estimates:
- (a) Income other than staff assessment: increase o \$25,000 to a total of \$5,550,000;
- (b) Staff assessment income: increase of \$26,000 to a total of \$6,149,000.
- 17. The Advisory Committee concurred (A/4308 para. 10) in the Secretary-General's proposals.

DECISIONS OF THE COMMITTEE

- 18. At the 755th meeting the Fifth Committee votes separately on the provision of \$88,000, under section 4 in respect of the Security Council Sub-Committee (separa. 15 above). The provision was approved by 40 vote to 9, with 7 abstentions.
- 19. The Committee then approved by 49 votes to nonwith 9 abstentions, the following recommendations o the Advisory Committee:
- (a) That the draft resolution annexed to the Secre tary-General's report (A/C.5/807) should be approved
- (b) That a revised 1959 estimate of \$5,550,000 fo income other than staff assessment should be approved
- (c) That a revised 1959 estimate of \$6,149,000 fo staff assessment income should be approved.

Recommendation of the Fifth Committee

20. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly withou change. See "Action by the General Assembly" below.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4327, para. 20). For the final text see resolution 1435 (XIV) below.

Resolution adopted by the General Assembly

1435 (XIV). Supplementary estimates for the financial year 1959

The General Assembly

Resolves that for the financial year 1959 the amount of \$US60,802,120 appropriated by its resolution 1338 XIII) of 13 December 1958 be increased by \$854,980, as follows:

ection		Amount appropriated by resolution 1338 (XIII)	Supplementary appropriation	Revised amount of appropriation
	A. United Nations		(United States dollars)	
	A. UNITED NATIONS Part I. Sessions of the General Assembly, the councils, commissions and com-			
	mittees; special meetings and conferences			
	Travel of representatives, members of commission and committees Special meetings and conferences	882,500 1,543,500	(62,500) 348,000	820,000 1,891,500
	Board of Auditors	51,000		51,000
	Total, part I	2,477,000	285,500	2,762,500
	Part II. Special missions and related activities Special missions and related activities	2,374,600	159,100	2,533,700
١.	dual expenses of the United Nations Observation Group in Lebanon	500,000	(164,000)	336,000
	United Nations Field Service.	1,153,800	(34,800)	1,119,000
	Total, part II	4,028,400	(39,700)	3,988,700
	Part III. The Secretariat	-,,	(/ /	-,,
	Salaries and wages	30,802,700	(33,200)	30,769,500
	Economic Commission for Africa	500,000	(25,000)	475,000
	Common staff costs	6,431,500	335,200	6,766,700
	Travel of staff and members of administrative bodies	1,530,100 25,000	165,500	1,695,600 25,000
ι.	Payments under annex I, paragraphs 2 and 3, of the Staff Regulations	70,000	_	70,000
	TOTAL, PART III	39,359,300	442,500	39,801,800
	Part IV. Special offices Office of the United Nations High Commissioner for Refugees	1,398,000	147.200	1,545,200
ı.	World Refugee Year	50,000	10,000	60,000
	Total, part IV	1,448,000	157,200	1,605,200
	Part V. Common services and equipment			
	General expenses	5,330,000	243,700	5,573,700
	Printing, stationery and library supplies	2,127,200	(404.000)	2,127,200
	Permanent equipment	697,220	(184,220)	513,000
	TOTAL, PART V	8,154,420	59,480	8,213,900
	Part VI. Technical programmes Economic development	480,000		480,000
	Social activities.	925,000		925,000
	Human rights activities.	100,000	(13,600)	86,400
	Public administration	500,000	(100,000)	400,000
	Total, part VI	2,005,000	(113,600)	1,891,400
	Part VII. Special expenses Special expenses	2,649,500	_	2,649,500
	Total, part VII	2,649,500		2,649,500
	B. International Court of Justice	, ,		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	Part VIII. International Court of Justice			
	International Court of Justice	680,500	63,600	744,100
	Total, part VIII	680,500	63,600	744,100
	Grand total	60,802,120	854,980	61,657,100

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

 $\it Note.$ This check list includes all the documents mentioned during the consideration of agenda item 43 which are not reproduced in the present fascicle.

Document No.	Title	Observations and reference
A/4110	Budget estimates for the financial year 1960 and information annexes	Official Records of the General Assen bly, Fourteenth Session, Supple ment No. 5
A/4119	Progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation	Ibid., Fourteenth Session, Annexe: agenda item 24.
A/4132/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization, 16 June 1958—15 June 1959	Ibid., Fourteenth Session, Supple ment No. 1A.
A/4170	Tenth report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Supplement No. 7.
A/4212 and Add.1	Report of the Secretary-General	Ibid., Fourteenth Session, Annexes agenda item 31.
A/4223	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 44.
A/4239	Report of the Secretary-General	Ibid., agenda item 50.
A/4243	Report of the Fifth Committee	Ibid., agenda item 41.
A/4259	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 44.
A/4260	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid.
A/4264	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid.
A/4277	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 50.
A/4281	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 44.
A/C.5/777	Report of the Secretary-General	Ibid.
A/C.5/794	Report of the Secretary-General	Ibid.
A/C.5/796	Report of the Secretary-General	Ibid.
A/C.5/798	Report of the Secretary-General	Ibid.
A/C.5/L.574	Draft report of the Fifth Committee	Replaced by A/C.5/L.574/Rev.1.
A/C.5/L.574/Rev.1	Draft report of the Fifth Committee	Same text as A/4327.
S/4216	Resolution adopted by the Security Council at its 848th meeting, 7 September 1959	Official Records of the Security Council, Fourteenth Year, Supplemen for July, August and Septembe 1959.

JENERAL SSEMBLY fficial Records



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 44 : Budget estimates for the financial year 1960*

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^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 711th-th, 718th-722nd, 733rd-738th, 742nd-748th, 752nd-754th, 756th, 758th-760th meetings; and ibid., Plenary Meetings, 846th meeting.

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GENERAL STATEMENTS

DOCUMENT A/C.5/782

Statement by the Secretary-General at the 711th meeting of the Fifth Committee

[Original text: Engli [29 September 19

- 1. I welcome this opportunity not only to introduce the budget estimates for $1960 \ [A/4110]$, but to touch briefly on some of the important problems which will engage your close attention in the coming weeks.
- 2. I see no need for me at this stage to dwell over long on figures. You have the budget estimates before you which we have endeavoured to make as informative as possible, and you have the report of the Advisory Committee on Administrative and Budgetary Questions
- [A/4170]. Generally speaking, I believe that the visory Committee has, as usual, analysed the situal with lucidity and fairness. I am thankful, theref that there is little need for me to go into the details the estimate apart from two sections where I think Advisory Committee's recommendations are unduly strictive.
- 3. A word first of all on the main principles that I guided the process of budget-making. Despite the

ued expansion of most United Nations activities, for second successive year no request has been made for y addition to the Professional and higher categories the Secretariat. The balance that has to be struck ween the insistent demand for economy, on the one ad, and the efficient execution of programmes, on the ter, is a delicate one, and it is not open to the Secretary-neral to give preference, of his sole initiative, to one other of these considerations. I have had regard to the in framing the present estimates, but there still nains an element of uncertainty, since my proposals, d in particular those that have to do with the staffing the Secretariat, rest on two broad assumptions.

- 4. The first is that we shall be able in 1960 to give rther impetus to the policy, long in force, of promoting lexible deployment of staff and posts. Essentially, this licy seeks to develop the capabilities and efficiency of e staff by enlarging the scope of their experience and hancing their versatility. It is not primarily intended a means of reducing establishments or costs, although at may, in fact, emerge as a desirable by-product. I we thought it wise in any case to sound a note of caution garding the absorptive capacities of the consolidated anning-table. I have done so not only in the budget foreord but in a series of proposals that were laid before e Economic and Social Council at its twenty-eighth seson. I do so once more before this Committee.
- 5. Even as regards the coming year, the staffing prosals for the Secretariat are necessarily predicated on a ill measure of support in Councils and Commissions or the principle of a strict application of priorities. This the second of the assumptions to which I have just ferred. Where the Secretariat's authority is conrned, the position has been well summarized in the dvisory Committee's latest report on the revised conomic and Social Council estimates [A/4223]. Thus, referring to my decision not to request any addition the Professional establishment in 1960, the Committee oints out that this policy has been dictated not only by onsiderations of economy, but equally by a desire to take a selective review of the continuing staff resources f the Secretariat, with a view to their redeployment on ne basis of priority needs. A temporary period of staility in the Professional cadre will afford an opportunity f studying how best to use the existing establishment, oth of persons and of posts, in order to render the ecretariat as a whole more effective.
- 6. The observations of the Advisory Committee are, 1 my opinion, most timely. They serve to demonstrate hat, while interim measures such as those I have outlined 1 may usefully be adopted for the coming year and may 1 ndeed have a salutary and lasting effect, it is not possible indefinitely to maintain a policy of budgetary stabilization unless the task of concentrating efforts and esources and applying priority standards is actively 1 nursued by each and every organ upon which it has been aid.
- 7. It is true that in my 1960 proposals I have not been able to extend this "standstill" policy to every category of staff. Yet the modest increase proposed in the number of General Service posts entails an expenditure far lower han a cursory glance at section 6—Salaries and wages might suggest. Thus, the cost of establishing some of these seventy-five posts is offset by corresponding decreases in other budget items, while as regards the remainder the immediate monetary outlay would in the long run yield savings which, though indirect and not easily measured, would be far from negligible. I consider

- it to be a prudent measure of economy which, by providing adequate secretarial and clerical assistance, assures a higher output of work on the part of the internationally recruited staff.
- 8. In part V of the budget estimates, which provides for common services and equipment, there has also been a restrictive treatment of the estimates. Thus, on section 13—General expenses, it is easy to trace a direct relationship between 1959 and 1960 in the matter of expenditure and to measure the validity of my present proposal. It exceeds by roughly \$100,000 the revised estimate for 1959. But this difference is attributable almost entirely to wage and rate increases for which, under existing contractual arrangements, I have no alternative but to make provision.
- 9. The burden of what I have so far said will, I trust, be patent: this is a budget which I feel that I can with confidence recommend to the Fifth Committee. It has as low an expenditure figure as is consistent with the aims and work programmes of the Organization and with the responsibilities of the Secretary-General. Admittedly, there are many areas in the estimates in which the appropriate level of expenditure remains a matter of subjective judgement and—by that token—of divergent opinions. But the scope for such differences is, I believe, extremely slight. The recommendations which the Advisory Committee has made would seem to bear me out.
- 10. It is indeed gratifying that the sections on which the Advisory Committee takes a divergent view are so few in number. My comments can therefore be limited at this stage to three sections; namely section 6—Salaries and wages, section 8—Travel of staff and of members of administrative bodies, section 13—General expenses. First, however, I shall say a few words regarding section 10—Economic Commission for Africa, where the divergence of views concerns the method of financing rather than the amount to be appropriated.
- 11. For the secretariat of ECA, the Advisory Committee concurs with my proposal for a Professional establishment of fifty posts, but, in so doing, has reduced the money provision by some 20 per cent, on the ground that "the practical pace of building up the secretariat of the Commission and, especially, of an adequate staff might well be somewhat less rapid than is assumed in the estimates" $[A/4170 \ para.\ 183]$, and on the express understanding that the Committee will review the situation during 1960 and, as necessary, authorize additional funds. It follows that supplementary provision may be called for in that year in order to finance the authorized establishment of the African Commission's secretariat.
- 12. I now turn to section 6, where the Advisory Committee has recommended a reduction of \$235,000. Of this amount, \$135,000 would be applied to the General Service posts to which I have already referred and necessitate a reduction of their number from seventy-five to fifty. It seems to me doubtful whether, on the longer view, this immediate monetary saving represents a true economy. I do not, however, wish to contest this particular recommendation.
- 13. The balance of \$100,000 would affect the adjustment for turnover of staff. For 1960, I have proposed a turnover factor of about 3 per cent, providing for a deduction of \$900,000. It is the view of the Advisory Committee that this figure can be raised to \$1 million. I have had occasion in the past to explain to the Fifth Committee the grounds on which I believe it to be indispensable for the Secretary-General to utilize to the fullest

extent practicable the manning table which the General Assembly authorizes. If the Professional establishment is to be maintained through 1960 at its current level while at the same time new work is to be absorbed and geographical distribution further improved, it will obviously follow that the number of vacant posts will have to be held to a minimum. In these circumstances there can be no assurance that the Advisory Committee's assumption as to likely turnover savings will, in fact, be borne out.

- 14. On section 8 (Travel of staff and of members of administrative bodies) the reduction of \$60,000 recommended by the Advisory Committee would, if approved, fall largely on chapter III-Travel of staff and dependants on home leave. The estimates for the remaining chapters are submitted at a lower aggregate figure than for 1959, although that fact does not, by itself, exclude the possibility of revision. I base myself on other grounds. Expenditure under chapter I, Travel of staff to meetings, has for over ten years been an object of closest scrutiny on the part of the Advisory Committee. The factors to which reference is made in paragraph 166 of the report [A/4170] were specifically discussed with the Committee in the years 1950 to 1953, with particular reference to the Geneva sessions of the Economic and Social Council. While I agree that this matter calls for constant review, I would not judge it possible to reduce the present estimate of \$130,000 without lowering the standard of service or infringing on established rules of procedure. The expenditure under chapter II—Travel on other official business, comes under my immediate, and indeed personal control, and I can give the assurance which the Advisory Committee seeks: the existing procedures for critical review will not be relaxed. I have explained in my budget submission the reasons for the increase over the 1959 figure, and it would seem to me unwise to withhold from the overseas offices the slight additional provision (beyond the increase in travel costs) which the expansion of their activities necessitates. On chapter IV, I can see no scope for reducing the estimates without at the same time curtailing the activities of the administrative bodies in question.
- 15. There remains for consideration, chapter III. Here the Advisory Committee considers that, in the light of the 1958 experience, some reduction can be made in the initial estimate. In calculating these costs, we have to take account of three elements: the first two are factual, namely, the entitlements to home leave in a given year and the level of current travel costs. The third is a variable element, namely, the proportion of cases in which the entitlement may not be exercised, for reasons such as the exigencies of the service, the voluntary deferment of leave, or changes in the composition of the staff. The first two elements admit of fairly exact calculation (barring of course further fare increases). As regards the proportion to be deducted for non-exercise of entitlements, we are guided by the accumulated experience of past years. This we consider to be the sole reliable factor, and on that basis a deduction of close to 20 per cent of the estimated cost for staff at Headquarters has been made. The requested provision is, in my opinion, as reasonable an estimate as it is possible to make, and for this and the other reasons that I have outlined here, I find it necessary to maintain my proposal.
- 16. As regards the general expenses that are budgeted for in section 13, I have already touched on the situation that will arise in 1960. With increased costs of an unavoidable nature, it will obviously not be possible to get by with less money than in 1959; for that is what the

- Advisory Committee's recommendation amounts to effect. For my part, I have sought, by means of detail analytical tables covering the three years 1958 to 196 to afford the Fifth Committee the opportunity to expre itself on the method which it wishes to apply in determi ing the sums to be appropriated. An item-by-item exar ination would disclose the precise nature of speci. changes that are proposed in the level of services. C these, the views of the Committee would be welcome and I would only add at this point that I would depreca any attempt at further lowering the standards of the maintenance or cleaning services in the interests economy. That would, I believe, defeat its own ends, at merely tend towards an accumulation of heavier expe diture in the future. On this section, also, I must adhe to my proposal.
- 17. May I now invite special attention to two majoroblems of organization to which much time at thought have been given during the year. The first co cerns the administration of the technical assistance actities of the United Nations, the second, public information activities.
- 18. The creation of the unified Department of Ec nomic and Social Affairs, in which the technical assis ance activities of the Organization are being integrate with the Secretariat's substantive work in the econom and social field, has proceeded in accordance with tl steps outlined in my report to the thirteenth session (the General Assembly. On 1 February 1959 the unific Department came into being, composed of organization units of the Department as it had previously existed to gether with a Commissioner for Technical Assistance (who assumed his duties on 1 March 1959) and a Burea of Technical Assistance Operations. At the same tin an Office for Public Administration was established, which the functions of the Public Administration Div sion of the Technical Assistance Administration we. transferred.
- 19. The first objective of the merger has bee achieved. There is now a single centre for the determination of basic policy in the economic and social field whether the questions arise from normal research and the servicing of the Council and its Commissions or whether they arise from technical assistance operations including our dealings with individual Governments and with the Technical Assistance Board (TAB) and the Technical Assistance Committee (TAC). The timing of this policientralization is fortunate, since it can extend now the participation of the United Nations in the operation of the newly established Special Fund.
- 20. Another major objective also is being served in creasingly well. There is a noticeable improvement in the extent of involvment of the substantive staff in technical assistance programming and technical assistance questions generally. This applies especially to the areas condustrialization and resource development.
- 21. On the procedural side, our progress is slowe than I had hoped, but with the basis for detailed orgar izational and procedural revisions having been laid, thorough administrative study has been embarked upor In evolving the new plans full account has been take of the views expressed by the Fifth Committee and th Advisory Committee. This internal review has proved t be of a comprehensive and time-consuming nature, an many of the procedural aspects will require concentrate attention over the coming months. However, it has bee

¹ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda items 43 and 44, document A/C.5/75.

ssible to reach conclusions on matters of organization d delineation of responsibilities. Accordingly, it is my ention, in the near future, to submit to the Advisory mmittee and the Fifth Committee a progress report ting forth in detail the reorganization of the Organizan's technical assistance activities within the unified partment of Economic and Social Affairs. At this ge I would confine myself to reporting that experience date indicates that a marked improvement of the ganization's technical assistance programme can be pected to flow from the new co-ordinated approach d more extensive contribution to the operation by all mpetent areas in the Secretariat.

- 22. The second problem of organization concerns the blic information activities of the United Nations. You we before you the report requested by the General Asnbly of the Secretary-General [A/4122], concerning progress he has made in implementing resolution 35 (XIII) on public information activities of the ited Nations. You have also before you the related nments of the Advisory Committee [A/4170, paras. -60].
- 23. Before making this report I appointed a special cretariat Committee consisting of Mr. Andrew W. rdier, Executive Assistant to the Secretary-General, r. Anatoly F. Dobrynin, Under-Secretary for Political d Security Council Affairs and Mr. Philippe de Seynes, ider-Secretary for Economic and Social Affairs, with r. Alfred G. Katzin, at present Acting Head of the fice of Public Information, serving as Executive cretary. The task of this Secretariat Committee was to port recommendations to me, taking into account the port of the Committee of Experts on United Nations blic Information² and the debate thereon in the Fifth mmittee at the thirteenth session, in implementation the Assembly's resolution. My report results from this idy.
- 24. There is no need at this time for me to repeat what said in the report except to recall that the Assembly structed me to seek to give effect, to the extent pracable, to "the objectives set out in the preambular paraiphs of the present resolution with a maximum of ectiveness at the lowest possible cost" [resolution 1335 III)]. Members will recall that these objectives, inter z, called upon the Secretary-General, pursuant to reution 13 (I) of 13 February 1946 and resolution 595 T) of 4 February 1952 setting forth the basic prinles and policy of the United Nations public informan programme, to "make available objective and facd information concerning the United Nations and its ivities to all the peoples of the world through any propriate media" within budgetary limitations set by General Assembly; to give "priority to the use of media of information which ensure a maximum of ectiveness at the lowest possible cost"; to place eater emphasis than heretofore upon enlisting the operation of Member Governments, privately owned ss media of information, private institutions, nonrernmental organizations, and educators"; and to place eater emphasis "upon the operations and the effectivess of Information Centres in relation to OPI at Headarters without impairing the over-all central direction the United Nations information programme or the esent facilities for the representatives of media of mass nmunication".

- 25. The policy reflected in my report for the implementation of the General Assembly's resolution and in the budget estimates submitted for 1960 is one which aims at providing a restrictive and practical approach to the mandate of maximum effectiveness at the lowest possible cost in implementing the aims of General Assembly resolution 1335 (XIII). In times of rising prices, and in view of the increasingly important role of the Organization, I believe most of us would now agree that a budgetary approach based on a fixed and predetermined monetary limit is neither practical nor manageable. In paragraph 18 of my report there is set out a policy of stabilization which presents a viable framework for the development of the information programme. It provides a practical but restrictive approach. The budget estimates for 1960 have been presented in line with such a policy.
- 26. I hope that the Secretariat can now be given a clear mandate on the budgetary policy for these expenses so that it may concentrate upon developing the information programme itself within the restrictions proposed. It is possible to plan ahead with increasing effectiveness only if there is a reasonable understanding as to the resources which will be available. I am convinced that if such a stabilization policy can be endorsed by the Assembly, the Secretariat will be in a better position than before to carry out the wish of the General Assembly to serve the objectives of the resolution it adopted last year.
- 27. There is another matter regarding which I am much exercised. I regret that once again I must bring to the attention of Members the unsatisfactory situation confronting the Organization as regards its cash resources.
- 28. It may be recalled that a year ago, in my report on the Working Capital Fund,3 I expressed concern at the then dangerously low cash position of the Organization and put forward a number of proposals designed to safeguard its solvency. I said in that report that there was a demonstrated need for a Working Capital Fund at a level of some \$30 million and that, in addition, it would be prudent to authorize the Secretary-General, in the event of urgent need during the first half of 1959, to have recourse to the use of cash in special funds and accounts in his custody. It was fortunate that the General Assembly, while limiting the increase in the Working Capital Fund to \$23.5 million for 1959, granted authority to utilize cash from special funds and accounts in my custody since it became necessary in June and early July of this year to borrow \$2 million in order to pay the bills of the Organization.
- 29. Serious as the situation appeared a year ago it is today even more disturbing. I have already reported that within the one-year period from 1 January 1958 to 1 January 1959 available cash resources fell by \$7.4 million from a level of approximately \$22 million to \$14.6 million. As a result of the continued arrears in payments of assessments both for the regular budget and for the United Nations Emergency Force we can now anticipate that the cash balance available for both purposes at the end of 1959 will have been reduced by another \$2 to \$3 million.
- 30. In these circumstances I can only repeat what I have said in the foreword to the 1960 budget estimates [A/4110, para. 68], namely: that "In the absence of any present grounds for assuming that the pattern of contributions will change appreciably from that which has prevailed for the past twelve years, I am forced to con-

³ Ibid., agenda items 43 and 44, document A/C.5/743.

clude that the proposals I made to the General Assembly last year are still worthy of serious attention."

- 31. Members of the Fifth Committee may find it useful if I attempt, as in past years, a forecast of the level on which the contributions of Member States are likely to be assessed for 1960. At this stage, any such forecast must necessarily be of a tentative character. If you will turn to paragraph 27 of the budget foreword, you will find an estimate made some three months ago, together with the corresponding figures for 1959. That forecast indicated an assessment level of some \$58.5 million, on the basis of possible 1960 revisions to the initial estimates totalling \$1.5 million and supplementary estimates for 1959 of \$1 million.
- 32. As regards additional requirements for 1960 still to be submitted the figure of \$1.5 million as foreseen in July 1959 may prove to be somewhat on the low side. There is, for example, the addition of the contingent increase of some \$500,000 in salaries and wages under section 6, to which reference is made in paragraph 23 of the budget foreword. I may also find it necessary, as I have recently indicated, to seek some increase in the level of the OPEX programme under section 19, for the provision of operational, executive and administrative personnel. The temporary relocation of the Library Services and other capital improvement items would necessitate some expenditure in 1960. If the Assembly so decides, a modest expansion of the present work programmes of the Committee on Outer Space and the Scientific Committee on the Effects of Atomic Radiation may need further provision. Any additional cost of organs meeting away from Headquarters in 1960 at the request of certain Member States would, in accordance with the existing practices of the United Nations, be met by additional income but continuation in 1960 at the European Office of the special meetings of the United Nations on the discontinuance of nuclear tests, or of the work of some field missions not provided for in estimates currently submitted, must be reckoned with. If, as would appear probable, it should be necessary to seek support for the United Nations International School at New York and of the International School at Geneva, I know that such a request will be carefully considered.
- 33. With these points in mind and taking into consideration the decisions recently reached by the Fi Committee on the supplementary estimates for 1959, assessment basis for 1960 of some \$59 million emery as a possibility. Compared with 1959 there is a reduct of some \$2.5 million. This forecast relates to the level the estimates as submitted by the Secretary-General. The basis of the recommendations made so far by Advisory Committee, the assessment base for 1960 wor be some \$3 million lower than in 1959. These facts shown to be without encouragement, for rarely perhaps is Fifth Committee faced with such a prospect at the out of its deliberations.
- 34. Before concluding my remarks I feel it a privile to announce that the Ford Foundation has made a groof \$6.2 million to the United Nations for the construct of a new library. The Foundation has indicated that objective in making the grant in response to our requivas to assure the United Nations of a building of highest quality, aesthetically designed, furnished, a equipped in conformity with the most modern librationards. The gift of \$6.2 million plus possible interactual is deemed by the architects and by myself to adequate to cover all costs as set forth in the absorbjective.
- 35. The formal announcement of this gift is set fo in my report [A/4231]. In addition, I have felt that importance of this action by the Ford Foundation p vided justification for the inclusion of an additional it on the agenda of this session of the General Assemt Accordingly I have circulated document A/4232, wh is a request for the inclusion of an additional item titled "The United Nations Library: Gift of the Fo Foundation". Since the normal procedures for the clusion of the item and for its allocation to commit remain to be undertaken, I withhold any further co ment on this matter except to say that members n wish to read my report, which gives a detailed story developments in this matter. I am sure that at the app priate time the States Members of the United Nation will reflect the same satisfaction that I feel with reg: to the generosity of the Ford Foundation's action.

DOCUMENT A/C.5/783

Statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions at the 711th meeting of the Fifth Committee

[Original text: Englis [29 September 19:

- 1. I am grateful for this opportunity to introduce the report of the Advisory Committee on Administrative and Budgetary Questions [A/4170] on the budget estimates for 1960 [A/4110], and to say a few words both on those estimates and on certain related matters.
- 2. The function of budget review in which the members of the Fifth Committee are about to engage is central to the work of the General Assembly. There is, indeed, very little that comes out of the work of the organs of the United Nations which is not reflected in some form or other in the budget of the Organization and, consequently, in the work of the Fifth Committee. It is the task of the Advisory Committee, over which I have the honour to preside, to assist the General Assembly—specifically the Fifth Committee—in its important function of considering the budget estimates
- submitted by the Secretary-General and arriving appropriate decisions in regard to them.
- 3. The report of the Advisory Committee which now before you is the result of a careful, painstak and detailed examination of the Secretary-General estimates.
- 4. The budget of the Organization, I beg to subn cannot stand in isolation from the programmes which desires to undertake. The budget is the financial refl tion of these programmes; it is also something methan that. It constitutes the financial framework, blue-print, to guide and control the execution of the p grammes. That is to say, the budget, in addition to be a translation of programmes into the costs of fulfill them, must also provide a guide for the wise spendiof funds.

- 5. The funds available to the Organization are not thout limit. But, even if they were, it would still be a se and desirable thing to establish a hierarchy among a numerous elements in the Organization's work proamme in order to ensure a maximum return on exnditure. When, in addition, available resources are nited—as is the case in international organizations—a task of assigning priorities to programmes becomes t merely desirable but essential.
- 6. The primary responsibility for working out a sysn of priorities and for applying that system to prosed programmes clearly rests with the programme dies of the Organization. The Advisory Committees reflected this thought in paragraph 27 of its report tere it is stated that

"This task can only be accomplished through the conscious and concerted efforts of all programme organs as well as of the Secretariat. Since by far the largest segment of current expenditures in the United Nations is related to the economic, social and human rights fields, the commissions and committees in which programmes in these fields originate have a special responsibility in regard to the application of priorities."

- 7. As I have just indicated, the Secretariat also has sponsibility in this matter. And here I am happy to y that, in view of the Advisory Committee, the cretary-General has facilitated the work of the varis organs as regards the application of priorities, by inging to their attention ways and means of streaming the Organization's work in their areas of interest. has also assisted them in a continuing process of tailed examination of their work programmes, with a ew to a deferral of projects that are less urgent and mination of others which have ceased to be of imrtance. As may be seen from the Secretary-General's port,4 he again this year submitted to the Economic d Social Council and its subsidiary bodies specific servations and suggestions with regard to the work ogrammes in their respective fields. The Advisory mmittee hopes that the Secretary-General will conue his efforts in this regard and that these efforts will ceive fuller support from the inter-governmental dies to which they are directed.
- 8. In addition to facilitating the application of prioris at the time of formulation of programmes, the cretary-General has a further responsibility in assign; priorities to the work of the Secretariat after pracal work plans have been developed. A number of ctors and situations are bound to arise in the course the actual administration of programmes, which suld require a continuing exercise of judgement in gard to specific work plans. The Advisory Committee's received evidence to indicate that the Secretariat is ve to this need.
- 9. Let me now turn to the Secretary-General's budget imates for 1960 [A/4110] which amount to a gross al of \$61,863,200. The Advisory Committee, after ving reviewed these estimates in detail, has recomnded a total appropriation of \$61,213,300, which resents a reduction of some \$650,000 in the amount juested by the Secretary-General.
- 10. May I say at this point that the basic interest of Advisory Committee and also of the Secretary-

General—and indeed of the General Assembly—is to provide the Secretariat with adequate resources to carry out duly approved programmes of the utmost importance and urgency with maximum effectiveness and economy. Why then, it may be asked, does the Advisory Committee's recommendation differ from the estimates submitted by the Secretary-General?

- 11. The reason for this lies in the somewhat differing approaches — and I repeat approaches, not the basic position—which the Secretary-General and the Advisory Committee take in regard to budgetary matters. The Secretary-General's estimates have as their initial basis proposals submitted by the spending departments and offices of the Secretariat. It is but natural that spending departments, however careful and prudent they may be, would seek to ensure that they have resources which are comfortably adequate to their needs. I know, of course, that the proposals submitted by the departments are subjected to close scrutiny and some pruning by the Secretary-General or, under his authority, by the Controller. Nevertheless, the estimates that result are the estimates of the executive arm of the Organization and there is a limit of caution against difficulty and strain beyond which no executive would normally go.
- 12. I would like at this point to inject another thought. The degree of conservatism which guides the various segments of the Organization in submitting their requirements naturally varies from segment to segment. The Secretary-General himself and his senior officials charged with budgetary matters are, of course, keenly aware of the need for economy consistent with effectiveness. What is equally important is that this sense of economy should pervade the entire Secretariat at all levels. I am sure that we have made considerable progress in this regard; I am equally confident that I will not be contradicted when I say that this is a continuing process in which there is always scope for improvement.
- 13. The Advisory Committee's approach to budgetary matters is somewhat different from that of the executive. The Advisory Committee is an emanation of the General Assembly and, as such, it must look at the Secretary-General's estimates primarily from the point of view of the General Assembly, that is to say, of the eightytwo States Members of the Organization. In its consideration of the estimates, the Advisory Committee, if it is to serve the collective interests of Member States faithfully and realistically, has to take account of the over-all financial burden which international activity within the ambit of the United Nations places upon such States. The Advisory Committee also believes that the provision of adequate resources—but without a margin for comfortable adequacy-would continuously encourage efficiency as well as a constant examination of the urgency of the various items of work and of the effectiveness of the procedures followed in the Secretariat. This approach would help the Secretariat to avoid the possibility of accumulating or preserving uneconomical work or procedures. It would also serve as a gentle brake on areas of expenditure where costs may have a natural tendency to rise.
- 14. Having said this I want to assure the Secretary-General and the representatives sitting in the Fifth Committee that the present situation in the Secretariat gives ground for satisfaction in this regard. There is fresh evidence of this again this year in the fact that the total reductions recommended by the Advisory Committee only amount to some \$650,000 in a budget of nearly \$62,000,000, or just a little above one per cent.

Official Records of the Economic and Social Council, venty-eighth Session, Annexes, agenda item 4, document 3274

- 15. I have listened with close attention to the observations which the Secretary-General has just made on the reductions recommended by the Advisory Committee. Those observations—as indeed the other comments made by the Secretary-General—will no doubt be subjected to serious and careful study on the part of the distinguished representatives in this Fifth Committee, in the light of the relevant comments and recommendations of the Advisory Committee given in detail in its report. As usual, I will hold myself ready and available for any further information or comments on these detailed recommendations when we come to them.
- 16. I should like at this stage, however, to refer to three or four budget sections, to which, I believe, the Secretary-General has also invited specific attention.
- 17. The first of these is section 6 which constitutes by far the most significant single section of the budget, since it includes provision for the salaries and wages of practically the entire Secretariat. Both in its main budget report [A/4170] and in its report on the revised estimates resulting from decisions of the Economic and Social Council [A/4223], the Advisory Committee has welcomed the Secretary-General's policy of not requesting any additional Professional posts for 1960 (with the exception of the needs relating to the Economic Commission for Africa), pending a review of the utilization of the present establishment. The Secretary-General has, however, found it necessary to request some seventy-five additional established posts in the General Service category, apart from an increase in the local level staff at the Economic Commission for Africa and the Far East, the Economic Commission for Latin America and information centres. The cost of these additional requirements would amount to some \$460,000 under section 6 (Salaries and wages) and some \$90,000 under section -Common staff costs. The Advisory Committee has concurred, in substantial measure, in the Secretary-General's proposals. At the same time, since the Committee was not entirely convinced that the available secretarial and clerical complement of staff was being utilized to maximum advantage, it has recommended limiting the number of additional posts in the General Service category to fifty instead of the seventy-five requested by the Secretary-General. It is my understanding that the Secretary-General does not contest this particular recommendation.
- 18. A second element in the Advisory Committee's recommendation under section 6 relates to the question: How much money will in fact be required to maintain the authorized establishment subject, of course, to the practical factors relating to movements of staff, which arise in any establishment? The Advisory Committee recognize that it is not easy to compute the anticipated cost of the establishment: there are a great number of imponderables in this situation, factors which do not readily lend themselves to precise anticipation and evaluation. Nevertheless, the Advisory Committee believes that the total effect of these factors could well be assumed at the current level unless there was evidence in the analysis of the several factors to indicate that their incidence would vary decidedly in the future. I should like here to refer to the fact that for 1959, according to the Secretary-General's report on the supplementary estimates [A/4198], not only would the reduction recommended by the Advisory Committee on this account under section 6 of the initial 1959 budget and approved by the General Assembly be met but, in addition, there would be a further substantial saving. I recognize that

- there might have been special reasons which might plain at least part of these savings. At the same tim believe that it would be safe to conclude that the Advis Committee's recommendations in this regard with rest to 1960 are not unreasonable.
- 19. Turning now to section 8—Travel of staff and members of administrative bodies, I would first like say that the Advisory Committee appreciates the effect that have been made in the Secretariat to keep expertures relating to travel on official business under clattention. At the same time this is one of the areas whexpenditures have a natural tendency to rise unless c stant care is taken.
- 20. If we consider for a moment the 1959 experie under this section, we find that as regards chapters I: II, that is travel of staff to meetings and travel on ot official business, savings of some \$33,000 are anticipa even after taking into account the incidence—no do small, perhaps some \$9,000, as regards these two par ular chapters—of the reduction which was made in initial estimates. This is indeed a happy situation, a while there might have been special reasons to expl some of the savings, I am inclined to assume that close control of these expenditures which is exerci within the Secretariat has also been a contribut factor. The Advisory Committee is confident that existing procedures for critical review will be strice maintained, and the Committee hopes that this will I to some savings in 1960 also.
- 21. On the specific question of the number of s assigned to meetings, it is true that this matter was c sidered in detail several years ago. At that time, Advisory Committee recommended that the number substantive staff members assigned from Headquart to the session of the Economic and Social Council h yearly at Geneva should be limited to twenty-five. T target was almost attained in the years 1955-1956; he ever, the number has subsequently increased, and th were thirty-four substantive staff members assign from Headquarters to the Council session in 1959. Advisory Committee has examined this question ag this year. The recent increases in regard to the Econor and Social Council are not wholly without justificati but they do point to the need and importance of giv close and year-by-year attention to a situation which the view of the Advisory Committee, offers scope improvement.
- 22. As regards travel on home leave, the Advis Committee would agree that the question here is basic; one of estimating. Home leave being a statutory entiment, expenditures arising from the exercise of tentitlement cannot be avoided. It was the Advisory Comittee's belief that, in the light of the most recent "ev year" experience, and allowing for certain factors variation between 1958 and 1960, as indicated in report [A/4170, para. 169], the estimate for this purp would permit of some reduction.
- 23. I now come to the third section to which I wo like to invite attention. And that is section 13 in whis included provision for the general expenses of Organization. The composition of these expenses d not vary significantly from year to year. On the ot hand, they may change in amount depending, in la measure, on the contractual arrangements that are ma There is no substantial difference between the Secreta General's position on this section and the Advis Committee's recommendations. The Advisory Committee has taken into account the situation with regard

se expenses as it was known in summer 1959, includthe Secretary-General's estimate at that time of the uirements under this section for 1959. In fact the ount recommended by the Advisory Committee for 0 is practically the same as the most recent estimate of uirements in 1959. The Advisory Committee believes, ecially where contractual arrangements are involved, : it would be unwise to provide in advance for possible iations in the terms of those arrangements. To so vide would not facilitate the negotiation of the best sible terms that could be secured. I believe that this nciple, which we have followed in the past, would still sound even when, in the best judgement of the Secre-7-General, certain contractual increases may seem voidable. I believe also that this approach cannot be 1 to be inconsistent with the desire to keep suppleitary estimates other than for unforeseen expenses to inimum. Furthermore, it would encourage efforts to et any necessary contractual increases, as far as sible, without an equivalent increase in the appropria-

- 4. The last section on which I should like to offer ment at this stage is section 10 which relates to the momic Commission for Africa. The reduction of some 3,000 which the Advisory Committee has recomnded under this section may appear to be substantial the surface; but this is not a reduction in the tradiial sense. Normally when the Advisory Committee ommends a reduction in an estimate, and if that retion is approved by the General Assembly, the retary-General is under an injunction to try to hold particular programme or expenditure within the limit t is approved. In the present instance, however, the visory Committee fully supports the substance of Secretary-General's proposals regarding the organion and staffing of the secretariat of ECA. What the visory Committee's recommendation means is that, ur present belief and judgement, the practical pace of lding up the secertariat of the Commission in a sound mer might well turn out to be somewhat less rapid n is assumed in the estimates.
- 5. We had a similar situation in 1959. On the basis he full cost of the authorized establishment for 1959, estimates for that year amounted to some \$700,000. vertheless, the initial appropriation was limited to 0,000 on the understanding that should additional ds prove necessary, the Advisory Committee would iew the situation and concur in such additional exditures. In the actual event, the 1959 expenses are ly to be below even the appropriated amount of 0,000—and that even after taking into account some 1,000 of unforeseen expenses.
- 6. The Advisory Committee has merely recomided that the same approach be taken in regard to
 0. The Committee would indeed be gratified if the
 e of building up the Commission secretariat along
 ind lines—and consequently of placing the Commisi on a full working basis—were to prove faster.
 build the General Assembly approve the Advisory
 inmittee's recommendation as it stands, it would be
 ig so on the clear understanding, as spelled out in
 agraph 183 of the Committee's report, that "the Comtee would review the situation during 1960 and
 horize additional funds as necessary".
- 7. I have taken note that the Secretary-General acts this approach. If, nevertheless, I have touched n it at some length, it is both to underline the Advry Committee's interest in the sound building-up of

- the Commission's activities and to explain the Committee's budgetary recommendation beyond doubt.
- 28. As you will have seen, the Advisory Committee has invited attention in its report to a number of other matters which have a bearing on the budget. Indeed, the Committee has tried, in chapter I of its report, to isolate and review the more important administrative and budgetary issues before the Organization at the present time.
- 29. I have already referred to the Advisory Committee's views on work programmes and priorities. These are set out in greater detail in paragraphs 27 to 33 of our report, while questions relating to the work and organization of the secretariat are dealt with in paragraphs 39 to 48
- 30. On the organizational side, the Fifth Committee will, no doubt, wish to devote special attention to two major questions which were the subject of extensive discussion last year and on which the Secretary-General has submitted—or will present—separate reports. The first of these questions has to do with the administrative arrangements in the United Nations in regard to technical assistance activities; and the second relates to the public information activities of the Organization.
- 31. As regards the first—that is, technical assistance—a preliminary review of the situation, based on an interim report from the Secretary-General, is given in paragraphs 61 to 70 of the Advisory Committee's report. The Committee awaits with interest the further report of the Secretary-General on this subject.
- 32. On public information, the Advisory Committee has, in accordance with operative paragraph 2 of General Assembly resolution 1335 (XIII), confined its attention to the financial aspects of the report which the Secretary-General has submitted on this question. It will be seen from paragraphs 49 to 60 of our report that the Advisory Committee recognizes the budgetary policy for public information now enunciated by the Secretary-General as a step forward; at the same time, it is the Committee's view that a policy of stabilization could well have been related to a lower level of expenditure and that the Secretary-General's proposals represent, at best, a possible slowing down of further increases of expenditure on public information activities.
- 33. On the question of the form of the budget—a matter which is referred to in paragraph 14 of our report—the Advisory Committee will shortly submit its observations on the report recently presented by the Secretary-General [A/C.5/776].
- 34. I believe that I should also invite the special attention of the representatives on the Fifth Committee to the sections in chapter I of the Advisory Committee's report [A/4170], which refer to common premises and services [paras. 71 to 74], capital improvement [paras. 75 to 79], liquidation of the United Nations Observation Group in Lebanon [paras. 80 to 85] and expansion of internal printing facilities [paras. 86 to 93].
- 35. While the Advisory Committee shares the Secretary-General's concern about the unsatisfactory situation that seems to have developed in regard to the availability of cash resources to meet authorized expenditure, it has, as indicated in paragraph 97 of its report, postponed submitting any recommendation concerning the Working Capital Fund, pending the presentation of proposals by the Secretary-General.

- 36. Before concluding, I would like to refer to one other matter. We have just heard from the Secretary-General the happy news of the generous gift of more than \$6 million from the Ford Foundation to enable the United Nations to construct an adequate building to house its valuable library. I join the Secretary-General in expressing, on behalf of the Advisory Committee, our deep-felt appreciation to the Ford Foundation for this munificent action.
- 37. It now remains for me to fulfil a very pleasant duty. And that is to convey to the Secretary-General, on behalf of the Advisory Committee and in my own name, our sincere gratitude for the invaluable assistance and co-operation which it has been our pleasure to receive from him at all times.
- 38. The Controller, Mr. Turner, has been our constant companion; naturally our association with him is very

- close and, if I may say so, almost a continuous one should like to voice the Advisory Committee's deep a preciation of the able and willing assistance which he I given us throughout the year.
- 39. There are two other senior officials on the a ministrative side of the Secretariat, who are also f quently associated with our work, and I refer to M Hamilton, Director of Personnel, and Mr. Vaugh: Director of the Office of General Services. To them also extend the Advisory Committee's thanks.
- 40. Lastly, I wish to take this opportunity of placi on record the Advisory Committee's appreciation of a services of their Secretary. We are fortunate in havi with us this very able, loyal and hard-working offici He, his assistant and the secretarial staff have served a Committee effectively and devotedly and I take to opportunity of thanking them.

PARTICULAR QUESTIONS RELATING TO THE BUDGET

Standards of travel accommodation for staff members

DOCUMENT A/C.5/788

Report of the Secretary-General

[Original text: Englis [14 October 19:

- 1. At the General Assembly's thirteenth session the Fifth Committee agreed⁵ that the question of standards of travel accommodation for staff members should be reviewed at the fourteenth session of the General Assembly, on the basis of reports to be submitted by the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions.
- 2. All travel undertaken by staff members at the expense of the United Nations falls within one of the following three categories, for which budget provision (for 1960) has been made in the sections indicated:
- (a) Travel on duty......Section 8, chapter I (Travel of staff to meetings); chapter II (Travel on other official business)
- (b) Travel on home leave. Section 8, chapter III
- (c) Travel on appointment, transfer or separationSection 7, chapter III, item (i)
- 3. The following are the standards of accommodation now authorized:
- (a) Travel on duty

Travel by air: Staff members at all grades are entitled (subject to the exceptions listed below) to standard first-class accommodation when travelling on official business. Sleeping berths may be authorized, depending on circumstances, for officials at the Under-Secretary level. Use of jet flights on a standard first-class (but not de luxe) basis has recently been authorized, for trans-Atlantic journeys. Travel within Europe is normally limited to tourist class. In the case of groups of staff members travelling to conferences, and provided that circumstances so warrant, either charter arrangements or other arrangements of a standard lower than first-class

are made, to the extent feasible. This was done in conexion with the 1959 sessions of the Economic Commision for Asia and the Far East in Broadbeach (Atralia), the Economic and Social Council in Mexico Ciand the Economic Commission for Latin America Panama City.

Travel by sea: Travel by sea is normally not auth ized. Particular cases may be approved on an exceptio basis. In such cases, minimum first-class accommodat is allowed. Subject to the exigencies of the service, st members may, however, elect to travel by sea provic that any extra costs involved are reimbursed to Organization, and that the difference in travel time tween air and sea travel is charged to annual leave.

Travel by rail: As a general rule, first-class accommutation is allowed for all personnel. Sleeping accommutation is authorized as follows: For travel in No America: Under-Secretary level, compartment; D-2 a D-1 levels, single bedroom; P-5 level and below, rocettes. For travel in Europe: D-1 and above, single cupancy; P-5 and below, double occupancy.

(b) Travel on home leave

Travel by air: For staff members at the D-1 level a above, standard first-class accommodations. For st members at the P-5 level and below, tourist class economy class when tourist class is not available) flights of less than sixteen hours—and first-class flights of more than sixteen hours. Staff members travling by tourist or economy class are granted an exc baggage allowance equivalent to that applying to fit class flights.

Travel by sea: Minimum first-class accommodation staff members at D-1 level and above. Cabin-class equivalent for those at the P-5 level and below.

Travel by rail: As for duty travel.

⁵ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda items 43 and 44, document A/4061, para. 9.

) Travel on appointment, transfer or separation Travel by air: Standard first-class accommodation for staff.

Travel by sea: Minimum first-class accommodation all staff.

Travel by rail: As for duty travel.

- 4. While the Staff Regulations of the United Nations ovide that the conditions and definitions for the paynt of the travel expenses of staff members shall be escribed by the Secretary-General, the question of vel standards has been studied on two occasions by pert committees of the General Assembly. In 1949, : Committee of Experts on Salary, Allowances and ave Systems expressed the opinion⁶ that "it would be ore compatible with the dignity and position of the ganization for such officials (senior and intermediate icials) to travel first-class when on official business in to be restricted to cabin (or equivalent) class acmmodation, as is now the practice whenever such commodation is available". The Fifth Committee deled, however, on the recommendations of the Advisory mmittee⁷ that discretion in meeting the needs of the ganization should continue to be left to the Secretaryeneral. The second occasion arose in 1956, when the lary Review Committee suggested8 that "the practice the various organizations is in some respects unduly pensive, and that worthwhile economies could be found thout introducing undue complexity into the rules", d that for many journeys in certain parts of the world, iff below the Director and Principal Officer level might ell travel by second-class. The Fifth Committee conrred in that suggestion9 and in a parallel recommendain of the Advisory Committee¹⁰ that the Secretaryeneral should prepare revised travel rules calculated to oduce savings in 1957 in over-all travel costs.
- 5. The Secretary-General took the position in the Fifth ommittee at the eleventh session (585th meeting) and so at the twelfth session (638th meeting) that the setig of travel standards, as one of the elements of the mmon system of salaries and allowances, was a matter r prior consultation among the participating organizaons, with a view to attaining the maximum possible iformity of standards. There was, in his opinion, little ope for appreciable savings through a further lowering the standards applied to international officials.
- 6. Consultations have accordingly been held, since that ne, with the specialized agencies. The specific question standards of accommodation and mode of travel of aff members of the United Nations and the specialized gencies was considered at the 1959 session of the Con-

¹⁰ *Ibid.*, document A/3505, annex.

sultative Committee on Administrative Questions on the basis of a report submitted by the International Civil Aviation Organization on the practices of the organizations and of certain foreign services in respect of cost standards, allowable travel time, and level of accommodation. This shows that the standards of accommodation authorized by the United Nations for its staff, either on official travel or on home leave travel, are in no case more generous, and in many cases appreciably lower, than those provided by most Member Governments for their foreign service officers.

- 7. It is to be noted in this connexion that the standards of travel accommodation now authorized for home leave represent a progressive lowering of standards since the early days of the United Nations—a fact which is of increasing concern to the staff. In 1946, staff members, irrespective of grade, were authorized to travel firstclass by sea or air. In 1947, these standards were revised to allow, in the case of staff members below the level of Principal Officer, for sea travél at cabin-class standard or its equivalent, and for air travel between New York and Western Europe, at tourist-class standard. The standards of air travel are being further lowered in many cases as a result of the reduction of tourist-class accommodation.
- 8. The CCAQ also paid special attention to problems created by the introduction of jet-plane travel and the trend for commercial airlines to replace existing first and tourist classes by "de luxe" and "economy" classes. The Committee recognized that each organization had to meet these problems in the light of its own particular pattern of travel requirements either on duty or on home leave, and concluded that it was hardly feasible to attempt a reconciliation of practices under the prevailing conditions. It agreed to revert to this question at a later date when developments in the field of jet-travel and the pricing policies of the airlines might be seen in clearer
- 9. The travel costs financed under sections 8 and 7 include amounts in respect of per diem allowances payable during periods of absence from a duty station. For the purpose of a comparative analysis of travel standards, such payments may reasonably be brought into account. In so far as perhaps 90 per cent of the staff are concerned, the rates of per diem are substantially below those authorized for independent members of expert committees travelling at United Nations expense, the difference in most cases being between 30 and 40 per cent, and in some cases reaching as high as 50 per cent.
- 10. In the light of the foregoing, the Secretary-General believes that further review of the standards of accommodation should await a time when the major changeover to jet travel will have taken place and basic adjustments in the different classes of service and fares have been more firmly and uniformly established by the airlines. It would seem reasonable to anticipate this occurring within the next two years.

DOCUMENT A/4251

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [29 October 1959]

- 1. In accordance with a decision of the Fifth Comittee at the thirteenth session of the General Assembly,11
- 11 Ibid., Thirteenth Session, Annexes, agenda items 43 and 44, cument A/4061, para. 9.
- the Secretary-General has submitted a report (A/C.5/ 788) on the standards of travel accommodation which are currently authorized for staff members.
 - 2. Details of the standards now in force are given in

⁶ Ibid., Fourth Session, Fifth Committee, Annexes, vol. II, cument A/C.5/331, para. 100.

⁷ Ibid., Fifth Session, Supplement No. 7a, paras. 59 and 60.

⁸ Ibid., Eleventh Session, Annexes, separate fascicle, docuent A/3209, para. 277.

⁹ Ibid., Annexes, agenda item 51, document A/3558, para. 121.

¹⁰ Ibid. document A/3505 annex

- paragraph 3 of the Secretary-General's report. The standards are classified according to the following three categories of travel: (a) Travel on duty; (b) Travel on home leave; (c) Travel on appointment, transfer or separation. Subject to certain exceptions, as indicated in the Secretary-General's report, the following would appear to be the main lines of the present policy:
- (a) For travel of individual staff members on duty, the normal mode and standard of travel is standard first class by air for all staff. In the case of group travel to conferences, either charter arrangements or other arrangements of a standard lower than first class are sometimes made;
- (b) For travel on home leave of all staff below the Principal Officer level, the standard by air is tourist class (or economy class when tourist class is not available) for other than extended journeys, while the standard by sea is cabin class or equivalent;
- (c) For travel on appointment, transfer or separation, staff members are allowed standard first-class accommodation by air, or minimum first-class accommodation by sea.
- 3. On the basis of a preliminary consideration of this question in July 1959, the Advisory Committee, in its report on the 1960 budget estimates (A/4170, para. 171), stated:

"While the Advisory Committee will comment on this matter after the Secretary-General has submitted his report, the Committee has obtained the impression

- from preliminary information provided to it th downward adjustments have been made during the pa few years in the standards of travel accommodation for staff members, especially in respect of travel (home leave."
- 4. The Committee's earlier impression has been co firmed by its further study of the detailed provisio which at present apply to travel undertaken by sta members. The Committee accordingly believes that may not be advisable to make further modifications the present stage in the standards of travel now in force The Committee would, however, suggest the wider us wherever practicable, of the economy class of air trav in preference to tourist class, in cases where the latt standard is now authorized.
- 5. The standards now in force will doubtless ne to be reviewed when the major change-over to jet trav has taken place, and when basic adjustments in the di ferent classes of services and fares have been mo clearly and uniformly established by the airlines. As f as trans-Atlantic routes are concerned, it appears that j aircraft will be in general use by the middle of 196 The Advisory Committee would urge that the suggest review should be undertaken without delay following tl change-over and basic adjustments in classes and far mentioned above. Meanwhile, every effort should 1 made in the Secretariat to keep expenditures on trav to the essential minimum, especially through the contin ance of proper planning and strict control of the journe to be authorized.

Department of Economic and Social Affairs: organizational changes and review of interna procedures relating to the Technical Assistance Programme

DOCUMENT A/C.5/801 Report of the Secretary-General

[Original text: English [13 November 1959

I. Progress to date

- 1. At the thirteenth session of the General Assembly, the Fifth Committee decided12 to take note of the report of the Secretary-General on the organization of the Department of Economic and Social Affairs and the Technical Assistance Administration¹³ as amplified in his oral statement to the Committee (690th meeting) and in his written replies to the questions addressed to him by the Advisory Committee,14 as well as the observations of the Advisory Committee in its thirty-sixth report to the General Assembly at its thirteenth session.
- 2. In his report the Secretary-General had indicated his belief that the time had come for the establishment of a unified Department encompassing both the substantive and the operational side of the Secretariat's work in the economic and social field. He proposed, therefore, to vest in a unified department the functions being discharged at that time by the Department of Economic and Social Affairs and by TAA. The Department would be headed by an Under-Secretary and, within the Department, a Commissioner for Technical Assistance with the rank

14 Ibid., document A/4038, annex.

- of Under-Secretary would also be appointed, to who special responsibilities would be assigned in all matte concerning technical assistance. The plan further e visaged the establishment of a separate entity, heade by a Director, which under the supervision of the Cor missioner, would carry out the operational tasks. A Pla ning Board, under the Chairmanship of the Unde Secretary and composed of the Commissioner and senie officers of the Department, would be entrusted with the consideration of all major decisions relating to the tecl nical assistance programme, as well as to other activities of the Department concerned with economic and soci development. The internal administrative responsibilities for the Department as a whole would be consolidate under one Executive Officer. Finally, following amalg. mation, a detailed review of internal procedures wou be undertaken for the purpose of streamlining the ac ministration of the Department.
- 3. In view of the special nature of the Organization activities and responsibilities in respect to public admir istration, it was proposed, for the time being, to mainta a separate unit, under the direction of a senior office reporting directly to the Secretary-General, to deal wit substantive problems in this field. The operational aspec of the public administration activities would, howeve

¹² *Ibid.*, document A/4070, paras. 46 and 47. ¹³ *Ibid.*, document A/C.5/752.

ntinue to be handled as an integral part of the technical sistance programmes of the United Nations and dealt th within the unified Department.

- 4. Having taken note of the Secretary-General's plan d the various observations thereon (paragraph 1 ove), the Fifth Committee decided to request the cretary-General: (a) To share with the Advisory mmittee the results of his review of internal produres to be undertaken after amalgamation, in order at he may have the advice and guidance of that Comttee before completing the detailed administrative and ocedural changes required; (b) To submit a progress port on the amalgamation of the Department of Ecomic and Social Affairs and TAA for the consideration the Advisory Committee and the Fifth Committee at e fourteenth session of the General Assembly.
- 5. On 1 February 1959 the unified Department came to being, composed of the organizational units of the epartment as it had previously existed, together with Commissioner for Technical Assistance (who assumed s duties on 1 March 1959) and a Bureau of Technical ssistance Operations (BTAO); the latter consisting the units which had comprised the Programme Divion of TAA, together with the part of the Administive Office of TAA responsible for administrative d budgetary functions in respect of projects and oject funds.
- 6. Concurrently with the above organizational changes, FAO assumed responsibility for providing the necesry administrative support, and also for operational and ison duties, including communications with Governents through Resident Representatives as these affect ogramme formulation and implementation, in respect projects and project funds relating to public adminisation activities of the Office of Public Administration. Division of a Technical Assistance Administration were transred to this new Office on 1 February 1959. The Bureau so continued to provide administrative and budgetary rvices in connexion with other technical assistance tivities of the Secretariat.
- 7. At the same time, responsibility for internal adinistrative matters for the unified Department as well for the Office of Public Administration was centralized the Executive Office already existing in the Departent of Economic and Social Affairs.
- 8. An appropriate departmental framework for techcal assistance activities having thus been achieved, a tailed review of the internal organizational and produral arrangements of the unified Department was itiated under the direction of the Under-Secretary for conomic and Social Affairs, with the assistance of the ommissioner for Technical Assistance and the Deputy ontroller.
- 9. In accordance with the decision of the Fifth Comittee (para. 4 above), the Secretary-General presented interim progress report to the Advisory Committee its 1959 summer session.
- 10. The review of organization and procedures has nee continued, with the assistance of the Administrative anagement Unit of the Office of the Controller, in ose association with officers directly concerned with chnical assistance operations at all levels.
- 11. In working out the details of the reorganization an, special attention has been paid to the assurances ven by the Secretary-General to the Fifth Committee at the main objective of the reorganization plan—which ould include the preservation of a clearly identifiable

unit for technical assistance—was to improve the quality of the programme. Similarly, due account has been taken of the views expressed by representatives in the Fifth Committee and the principles enunciated by the Advisory Committee. Of particular significance has been the latter's recent report on administrative and budgetary coordination between the United Nations and the specialized agencies, with particular reference to the Expanded Programme of Technical Assistance (A/4172). In paragraph 33 of that report, the Advisory Committee, as a result of its special studies of the operation of the Expanded Programme and of technical assistance activities in the specialized agencies generally, reaches the conclusion that, subject to flexibility and adaptation to the circumstances of each organization, the arrangements in regard to technical assistance activities should provide: (a) That all substantive programme functions and responsibilities related to technical assistance and its technical support should be the duties of the relevant substantive divisions; (b) That normal personnel budgetary, financial and accounting functions in respect of the programme should be handled by the regular administrative and financial services of the organization; (c) That there should only be a relatively small unit to take care of the strictly operational and liaison responsibilities, including those relating to communication with Governments and Resident Representatives, participation in TAB and other central organs of the programme, and central reporting functions.

12. As will appear from the following detailed account of the reorganization of United Nations technical assistance machinery, it has been the Secretary-General's endeavour to apply, as closely as would be possible under the particular circumstances, the principles referred to in the preceding paragraph.

II. OBJECTIVES GOVERNING FURTHER ACTION

13. As indicated in paragraphs 5, 6 and 7 above, the general objective of creating an appropriate departmental framework for activities supported and strengthened by substantive elements was achieved in early 1959. The further changes now decided upon are related to and governed by the following specific objectives which were found to be of paramount importance:

Precise delineation of the role of the Commissioner

- 14. Leadership and co-ordination of the United Nations Technical Assistance Programme is required at a level which secures maximum co-operation from all sources of support within the Organization and which permits effective representation of programme interests as far as Governments, Committees of the General Assembly, the Economic and Social Council, the Technical Assistance Board and other multilateral and bilateral programmes are concerned. Experience has shown, and the current review has confirmed, that the responsibilities involved are such as to require the full-time attention of a high-ranking official to collaborate with the Under-Secretary in charge of the Department.
- 15. It was for this reason that the Secretary-General during 1958 modified earlier proposals by introducing the post of Commissioner of Technical Assistance with the rank of Under-Secretary. In the short period during which this post has been filled, appropriate functional relationships have been developed, and the Commissioner has begun to assume the major load of representational activities. During the period immediately ahead, increasing emphasis will be placed on an equally important phase

of his work, namely, that involving the supervision and co-ordination of all of the resources of the Department of Economic and Social Affairs, as they relate to technical assistance matters, as well as the provision of continuing support and guidance for programme operations from the highest departmental level.

16. While there are obvious advantages (as indicated in para. 19 below) in preserving a clearly identifiable entity for technical assistance under any reorganization plan, any such arrangement must be accompanied by a precisely developed means of stimulating full-scale interest and support throughout the Department. The post of Commissioner would seem to offer an ideal instrument for this purpose.

17. It is also clear that the Commissioner's important duties, while not operational in nature (and not requiring the assignment of a large directly attached staff), will nevertheless call for the provision of some immediate staff assistance, in order to aid him in the effective fulfilment of his role as the internal stimulator, co-ordinator and supervisor and in discharging his representational functions.

Development of proper relationship between BTAO and substantive areas of the Department

18. The case for amalgamation of the Department of Economic and Social Affairs and the Technical Assistance Administration has rested in the first instance on the need to organize the total work of the United Nations in the economic and social field in such a way as to respond more effectively to the needs and requests of the developing countries. Over the years, there has been an increasing involvement of the substantive areas of the Department in technical assistance matters as well as a growing measure of inter-dependence between these areas and the Technical Assistance Administration. The manner in which amalgamation has been carried out reflects the Secretary-General's desire, by maintaining a separate and identifiable entity for technical assistance, to continue to give full effect to the principles and policies relating to the technical assistance programme as laid down by the legislative organs of the United Nations. However, it is clear that the interests of the programme demand a greater integration of the substantive support and research activities and the assistance activities of the Organization, under the joint leadership of the Under-Secretary of the Department and the Commissioner for Technical Assistance. In this manner, the full resources of the Department will be mobilized in the interests of the technical assistance operation and over-all advance planning and decisions on priorities will be facilitated.

19. The achievement of the full benefits of the amalgamation scheme will involve, furthermore, the fostering of a growing measure of orientation of the substantive areas towards technical assistance and the development therein of a body of competence, knowledge and experience which will ensure in turn that the Organization can develop real substantive support and guidance to under-developed countries requesting assistance in all the major fields in which the United Nations assumes responsibility. With the diversity of projects undertaken by the United Nations in the field of technical assistance, there is obviously a limit to the effective "programme support" which the present staff is qualified to provide. These limitations should be assessed and frankly recognized, and the possibility of using competent external sources of guidance and advice will be considered whenever appropriate.

20. The responsibilities and functions of substanti officers vis-à-vis those of the programme officers in t Bureau of Technical Assistance Operations are bein clearly defined in order to stress greater participation by substantive officers in the technical assistance oper tion. Direct contact between the substantive and the pr gramme areas is becoming increasingly the rule as bett understanding of respective duties is developed. Furthe more, an operational technique is being developed where by specially designated substantive and programm officers, in addition to their normal functions, are called upon to give joint attention, under the direction of t Director of BTAO, to particular programme problem

Separation of programming function of BTAO from administrative and budgetary functions

- 21. At present the Bureau of Technical Assistan Operations is organized on the following basis:
 - (a) A Director assisted by a Deputy Director;
- (b) The Office for Europe, Middle East and Afric the Office for Asia and the Far East and the Office for Latin America, each consisting of an Area Chief, a nur ber of country officers and an administrative officer plassistants. Each Office deals with the operational aspec of the country and regional programmes within its ge graphical scope and maintains liaison in respect to susupport as is required from the substantive areas of the Department of Economic and Social Affairs and oth areas of the United Nations Secretariat. In addition these Offices perform numerous administrative an financial functions;
 - (c) A Fellowship Placement Unit;
- (d) A Senior Officer and staff for the exercise over-all budgetary control;
- (e) A Technical Assistance Office at the Europea Office of the United Nations, Geneva.
- 22. In respect to the functions of the three area offic under (b) above, a study of procedures has revealed th the basic functions of these units and of their programm officers call for programme management and impleme tation which will take into account, on the one han the more active part to be played by the substantive are of the Department (as referred to in paragraphs 18 at 19 above) and, on the other hand, the desirability relieving these units of purely financial and administr tive functions. As far as programme officers are co cerned, they are to be charged with the duty of pr gramme management of such country programmes are assigned to them, and they must ensure that count requests are acted upon and that approved programm are implemented.

Centralization of administrative services

- 23. The administrative and budgetary functions BTAO have heretofore been deployed as follows:
- (a) A Senior Officer and staff, exercising over-abudgetary control:
- (b) Area Administrative Officers with dual resposibility to their Area Chiefs and the Senior Officer metioned above;
- (c) Country officers, who assume certain budgeta and administrative functions in collaboration with tl Area Administrative Officers.
- 24. The basic defect of the present system is a diff sion of functions and responsibilities and a lack of centr

ontrol. It is clearly desirable to create a structure which vill permit strict supervision of fiscal control activities n close relationship with the Controller and which will nable consolidation of administrative services in contexion with field activities.

Consolidation and strengthening of fellowship operations

25. The Fellowship Unit at Headquarters and the Pechnical Assistance Office at Geneva conduct all negoiations with the host authorities for the placement of ellows for the implementation of programmes of obervation and training requested by the recipient counries on behalf of the fellows nominated by them. Expeience has shown that improvements in this work can e made in four ways. First, a closer liaison and followp with training programmes already existing in many ountries would help in a more speedy placement of ellows. Secondly, a grouping of fellows from one or everal countries in the same subject of study would nable more effective programmes of observation and raining to be negotiated with the prospective host counries. Thirdly, the Unit should be more closely associated vith the "pre-placement" activities of Programme Offiers (i.e., the work of analysing requests and reviewing ominations), so that there is full awareness of the tatus of all negotiations with Governments and other hases of the nomination process. Fourthly, the leaderhip of the Unit has needed strengthening in the interests f improving the quality of the training provided.

Establishment of over-all control over preparation of reports and maintenance of records

26. Legislative and executive requirements involve the reparation of various reports for submission to TAB, AC, the Economic and Social Council and the regional conomic commissions. In view of the present georaphical delineation of functions as well as the wide liversity of projects involved, there is a need for central ontrol, at an authoritative level, over these reporting reponsibilities. The main objective to be achieved is the o-ordination of effort of all participating units, for urposes of compilation of material with a view to uniorm presentation, control of drafting style and stand-rdization of publication. It is also necessary to devise n effective and reliable scheme for the maintenance of ecords on which reports are based.

III. DESCRIPTION OF REORGANIZATION NOW IN PROGRESS

27. To accomplish the objectives outlined in pararaphs 14 to 26 above, some rather important structural hanges have been accomplished or are in process. These re illustrated by the following charts; the first indicates as general supervisory and co-ordinating structure, as rell as the functional relationships on a broad basis, and as second covers the reorganization of the internal structure of the Bureau of Technical Assistance Operations.

Under-Secretary and directly affiliated staff

28. The Under-Secretary will exercise supervision nd control over all activities of the Department of Ecoomic and Social Affairs, on behalf of the Secretary-ieneral. This will include general responsibility for the ffective functioning of all technical assistance activities f the Department. The Under-Secretary will depend pon the Commissioner for control and guidance in techical assistance matters, but he will ensure that cordinating and operational machineries are working

effectively and will establish and participate in special co-ordinating devices when required.

- 29. The Commissioner will act for and fully represent the Under-Secretary in all technical assistance matters, especially with regard to representation, co-ordination, and supervision. In his representation role, the Commissioner will be the main channel of verbal and written communication with external bodies, although this responsibility will be exercised on a shared basis with the Under-Secretary as circumstances require. In his coordinating role, the Commissioner will be the Under-Secretary's chief agent for ensuring that all Secretariat technical assistance activities are properly linked and expedited, regardless of place of performance within the Organization. By grant of authority from the Under-Secretary, he will see that responsibilities in all areas are clearly defined and that duplications and delays in processing and communication are removed. He will advise the Under-Secretary with regard to major failures or delays in departmental support, and will develop ways and means of improving such supporting services. In his supervisory role, the Commissioner will oversee all technical assistance activities of the Department, including especially the work of the Bureau of Technical Assistance Operations, the Director of which will report to him. The importance of preserving that Bureau as an entity has already been stressed; it is the Commissioner's task to ensure its successful continuation in this form by providing effective leadership at a high level and by translating general policy into direct programme terms for action by the Director and the Bureau. The concept of a Planning Board, as envisaged by the Secretary-General under his original amalgamation plan (para. 2 above) has been replaced by the more informal and less rigid device of weekly meetings of key departmental personnel for co-ordination purposes. Such meetings will normally be chaired by the Commissioner, although the Under-Secretary may assume this function on appropriate occasions.
- 30. The Executive Office will continue to function, under the Executive Officer, as the centre for provision of administrative services to the entire departmental establishment at Headquarters, including the Bureau of Technical Assistance and the Office of Public Administration.
- 31. The Commissioner's staff, consisting of a small number of Professional and clerical staff, while exercising no active substantive responsibilities, will assist the Commissioner in providing the high-level co-ordination and operational support required of his post and in keeping over-all control, not only of the technical assistance operations as a whole, but also of the effectiveness of the substantive support. Moreover, in order to achieve the objective stated in paragraph 26 above, it is proposed that the Commissioner's staff should assume the function of co-ordination and final editing of external reports (such as those to the Economic and Social Council, TAC and TAB).

Bureau of Technical Assistance Operations

32. This Bureau will be headed by a Director responsible to the Commissioner and operating under broad delegations of authority from him. The Director will act for the Commissioner in the latter's absence. He will have the task of ensuring that policy decisions from higher levels are implemented, and the Commissioner will rely on him for developing and supervising the operational activities. He will also co-ordinate substantive work for

FUNCTIONAL RELATIONSHIPS AFFECTING TECHNICAL ASSISTANCE ACTIVITIES IN THE SECRETARIAT Secretary-General Economic and Social Council -→ Delegations of Member States Technical Assistance Board ◆ ➤ Other United Nations secretariats ► Multilateral organizations Committees of the General Assembly -► Bilateral organizations Economic Policy Board -Under-Secretary for Economic and Social Affairs Commissioner for Technical Assistance ECOSOC Secretariat Special Fund Regional Executive Commissioner's Projects Commissions Office Staff Unit $P_{ubli_{\mathbf{C}}}$ Administration Social Affairs Office Technical Assistance Operations A_{Sia} Far

technical assistance within the Department for operational purposes.

- 33. A Deputy Director will serve as second-in-charge of the Bureau and will assist the Director in the whole range of his functions. The Deputy Director will give particular attention to the administrative services, and will function as the chief management arm of the Director in this connexion.
- 34. The Bureau will be organized into three geographical area units, a Training Section, a Fiscal Control Section, and a Central Administrative Section. A description of the organization and functions of these units and sections follows.

Geographical areas

- 35. Programme functions will continue to be allocated on the basis of three geographical areas. This is merely a structural device which facilitates the management of the programme, satisfies the legislative requirements of TAC and the Economic and Social Council and conforms to the executive practices of TAB, which has adopted country programming rather than project programming.
- 36. The staff of the three units will serve as an elite corps—small in number but competent in operations. This will not only result in higher quality of performance, but should eventually lead to a reduction in the number of country officers.
- 37. The basic function of programme management in the Area Units will be supervised and carried out in such a way as to ensure proper consideration of requests from Governments and the expeditious implementation of approved programmes. The primary duties of individual programme officials will be (a) over-all programming for countries allocated to them and (b) fulfilment of operational tasks related to projects included in the programmes. Thus, the programme officer should familiarize himself with the components of the programme in his charge and contribute to the smooth implementation of each phase. He should develop his knowledge of general conditions in each country as they affect technical assistance including awareness of the extent to which its requirements have been or are being met by such assistance from all sources. Moreover, under the guidance of his superiors, he should draw on the substantive sources to provide support for the experts in the field. He will be relieved of certain peripheral duties (para. 22 above), in order to permit greater concentration on programming work.

Training Section

38. This Section will carry on the duties of the Fellowship Placement Unit, but the scope of its activities will be expanded as described in paragraph 25 above. Its role in pre-placement operations will be greatly strengthened, and it will participate actively in the entire selection and supervision process involved in the fellowship programme. Programme Officers will necessarily continue to exercise responsibilities with respect to nomination and selection of fellows, but there will be constant and complete participation by this Section. As the point for general co-ordination and control, the Section, under stronger leadership, will assume responsibility for the successful implementation of the entire programme. As an initial step towards a strengthened activity, a First Officer was recently appointed to take charge of the Section, the necessary post being made available from elsewhere in the Department.

Fiscal Control Section

- 39. This Section will be charged with the budget con trol functions now exercised by the Senior Officer (para 23 above) as well as with those functions relating to budgetary and financial policies affecting the technica assistance programme which are now exercised in the Office of the Controller.
- 40. In line with the general principles of integration as outlined by the Advisory Committee (para. 11 above) the budget control function, although remaining an integral part of the Bureau, will be under the supervision of a senior officer outposted by the Controller from his Office. This will permit the Controller to give more direct and effective attention to budgetary control matters and will clarify responsibilities for financial decision-making
- 41. The functions of the Section will be broadly as follows:
- (a) To exercise budgetary control over all funds provided for United Nations technical assistance activities
- (b) To assist the Controller in the formulation of budgetary and financial policies in respect of technica assistance programmes;
- (c) To act as a liaison on behalf of the Controller with all departments and services in the Secretariat as well as with external organizations, such as the Technical Assistance Board, the specialized agencies, etc. on budgetary and financial matters concerning the technical assistance programmes;
- (d) To maintain financial and budgetary statistics in respect of technical assistance programmes.

Central Administrative Section

- 42. This Section will consolidate the functions performed heretofore by the following personnel: Administrative Officers and supporting staffs presently attached to the Area Offices; Programme Officers, in so far as their work relates to administrative and budgetary operations; the Senior Officer and his supporting staff (para. 23 above) in respect of functions not covered by the Fiscal Control Section described above.
- 43. The functions of the Section will be broadly as follows:

In collaboration, as required, with the Area Offices, the Training Section of the Bureau of Technical Assistance Operations and with the Fiscal Control Section:

- (a) To prepare estimates of costs of continuing and proposed country and regional projects for presentation to the Fiscal Control Section;
- (b) To certify all financial transactions of the Bureau in accordance with the allotments made by the Fiscal Control Section on behalf of the Controller;
- (c) To be responsible for all administrative correspondence with experts, Resident Representatives and other sources;
- (d) To prepare agreements with host countries for the provision of administrative services and support for regional projects;
- (e) To provide operational statistics relating to the implementation of approved technical assistance programmes.
- 44. The centralization of administration will eliminate the present unsatisfactory practice of dual responsibility and should relieve the programme officers of day-to-day administrative matters which, in the past, have given rise to some divergence of views regarding relative

gencies and priorities to be followed in respect of the lministrative and financial responsibilities of the ureau. Moreover, it should be possible to establish andard operating procedures, expedite servicing of exerts in the field, determine status of project expenditures ith minimum delay and eliminate various duplication records. To this end, possibilities for consolidating tivities of this Section with those of major administrave servicing centres in the Secretariat (e.g. the Field perations Service, Office of General Services) will be ept under constant review.

Division for Public Administration

45. The Office of Public Administration has just been ought into the Department of Economic and Social ffairs as a separate substantive unit re-titled "Division or Public Administration", under the supervision of the nder-Secretary and the Commissioner. This action impletes the process of organizational integration. The nalgamation not only brings public administration into logical relationship with the other advisory services in the Department but also enables the operational and liministrative control of all forms of technical assistance be placed under cohesive leadership.

Director for Special Fund Activities

46. With the existence of the Special Fund as a new 1d distinct arm of the United Nations, it has become parent that the operational responsibilities of the Deertment of Economic and Social Affairs can be more fective if the activities of the Special Fund and the epartment are brought into a close planning and operaonal relationship. Accordingly, a Director for Special und activities has been appointed to represent the epartment in its relations with the Special Fund and, 1 behalf of the Under-Secretary, to supervise the Deartment's work in Special Fund matters. The Director ill prepare and negotiate plans of operation; receive and arrange for the handling of requests submitted by ie Special Fund to the Department for substantive or chnical appraisal and evaluation; and arrange on occaon and as appropriate for provision to Governments f assistance in preparation or revision of requests to e Special Fund. The staff of the Bureau of Technical ssistance Operations will provide the facilities for imementation and administration of projects.

IV. REVIEW OF ADMINISTRATIVE PROCEDURES

- 47. Now that the new organizational structure has sen firmly established, concentrated attention is being rected towards internal administration with a view to be formulation, subject to the demands of proper concol, of simpler and more effective operational procesures. A number of these issues have received scrutiny hile the broader lines of reorganization were being orked out; it has, however, not yet been possible to ve all of them the prolonged and expert attention equired.
- 48. Chief among the goals to be sought are the folwing:
- (a) Curtailment of the recruitment period leading to le appointment of experts;
- (b) Maintenance of complete and up-to-date expert indidate rosters;
- (c) Institution of effective administrative controls for the servicing of experts, elimination of delays in arrangement of travel, answering of queries, processing of terminations, etc.;

- (d) Greater utilization of the Resident Representatives' offices on administrative routines concerning experts;
- (e) Improvement of existing lines of communication between BTAO and other offices and between BTAO and field, etc.;
- (f) Reduction of administrative paper work and encouragement of verbal and horizontal clearance instead of vertical and written communications;
- (g) Standardization of forms for uniformity of practices;
- (h) Simplification of financial administration and control of projects;
- (i) Improvement of the registry system and establishment of procedures for expeditious handling of correspondence;
- (j) Establishment of task forces at the working level, consisting of substantive and programme officers, under the direction of the Director of BTAO, for the purpose of handling specific programme management problems (see para. 20 above).

V. General staffing requirements

- 49. In considering the details of the reorganization plan, emphasis was given in the first instance to the achievement of maximum efficiency of the technical assistance operation by the establishment of a closer working relationship between BTAO and the substantive offices of the Department as well as other appropriate organs of the Secretariat and by the redeployment of the resources of BTAO itself. As an integral part of the review process, attention was naturally given to the number and type of staff required for the adequate handling of each phase of the operation. It was felt, however, that any possible reduction of the number of posts in this field should be regarded as an end product rather than as an objective of the over-all reorganization scheme to be decided upon. In the light of the plan as it now stands. an appraisal of eventual economies has become possible.
- 50. From the departmental standpoint, there is no doubt that the assumption of full responsibility for the substantive support of the programme will increase the workload of the substantive offices concerned. While it is too early to assess its ultimate effect, it is believed that the selective review of the available staff resources in the substantive offices, with a view to the redeployment on the basis of professional qualifications as well as the priority of project needs, could result in a smooth absorption of such additional duties.
- 51. As regards BTAO, the redefinition of the functions of country officers, with emphasis on the high qualifications and competence these posts demand, will probably lead to some reduction of the professional posts in this area. With respect to administrative and financial activities, increased efficiency, as a result of the centralization and consolidation efforts, could also lead to an eventual reduction in staffing requirements. The strengthening of the other phases of the Bureau's activities such as the Training Section (para. 38 above) and supporting services for Special Fund projects may call, on the other hand, for certain modest personnel increases.
- 52. To propose at this stage a specific reduction in the over-all establishment of the Bureau would be premature and inadvisable, since much will depend on the results of the current procedural studies and on the course of events in this swiftly changing area of activity. It is important, however, to have a target goal, in terms of post require-

ments for the Bureau, as an impetus and general guide to action during the coming months. Annex I of the 1960 budget estimates of the United Nations (A/4110) reflects a provisional allocation of 118 posts for the Bureau, and the target should be related to this figure. In the light of all the known circumstances, and on the basis of the existing level and scope of the Bureau's responsibilities, the Secretary-General would endeavour

to work towards a reduction in this establishment on the order of 10 per cent. Efforts will be made to achie such a target as soon as possible after completion of the initial trial period of the reorganization in 1960. As an when posts become available, they will be allocated other areas which are critically in need of bolstering at which would otherwise require the introduction of ne posts.

DOCUMENT A/4302

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English [25 November 1959]

Introduction

- 1. At the thirteenth session of the General Assembly, the Fifth Committee, in taking note of the Secretary-General's proposals¹⁵ concerning the amalgamation of the Department of Economic and Social Affairs and the Technical Assistance Administration decided to request the Secretary-General¹⁶ (a) To share with the Advisory Committee the results of his review of internal procedures to be undertaken after amalgamation, in order that he may have the advice and guidance of that Committee before completing the detailed administrative and procedural changes required; (b) To submit, prior to the opening of the fourteenth session of the General Assembly, a progress report on the amalgamation of the Department of Economic and Social Affairs and the Technical Assistance Administration for the consideration of the Advisory Committee and the Fifth Committee.
- 2. In accordance with the first part of the decision of the Fifth Committee, the Secretary-General submitted an interim report to the Advisory Committee in July 1959. That report, which was recognized to be of a very preliminary character, was taken into account by the Advisory Committee in its report on the budget estimates for 1960 (A/4170, paras. 61-70). The present report of the Secretary-General (A/C.5/801) may be regarded both as a further step under the first part of the Fifth Committee's decision and as the progress report mentioned in the second part of that decision. While the Advisory Committee recognizes that the Fifth Committee had asked for the submission of the progress report prior to the opening of the fourteenth session of the General Assembly, the delay has at least enabled the Secretary-General to take into account certain related comments which the Advisory Committee has presented in its over-all report on technical assistance operations in the specialized agencies (A/4172).
- 3. The Advisory Committee notes also that, while the new organizational structure within the Secretariat for the management of the technical assistance programme has been worked out, the review of internal procedures connected with that programme will be continued. Thus, the first part of the Fifth Committee's decision of 1958 might be fulfilled in greater measure by a further report to the Advisory Committee during 1960 on the results of the review of procedures.
- 4. The comments that follow are related to specific points arising from the Secretary-General's report and should be read in conjunction with that report. They are,

¹⁵ *Ibid.*, document A/C.5/752.

further, arranged under the major sectional heading used in the Secretary-General's report.

Progress to date

- 5. The steps that have already been taken in furthe ance of the amalgamation are narrated in paragrapl 5 to 12 of the Secretary-General's report. This inform tion was included, in a preliminary form, in the repo of the Advisory Committee on the budget estimates for 1960. The Committee notes that the Secretary-Generation developing his plans for the reorganization of Unite Nations technical assistance machinery, has endeavoure to apply, as closely as would be possible in the particula circumstances, the principles which the Advisory Committee has enunciated in its over-all report on technic assistance (A/4172, para. 33). Under those gener principles, subject to flexibility and adaptation to the circumstances of each organization, the arrangement in regard to technical assistance activities should provide
- (a) That all substantive programme functions an responsibilities related to assistance projects and the technical support at headquarters should be vested in the relevant substantive divisions;
- (b) That normal personnel, budgetary, financial an accounting functions in respect of the programme shoul be handled by the regular administrative and financiservices of the Organization;
- (c) That there should only be a relatively small un to take care of the strictly operational and liaison responsibilities including those relating to communication wit Governments and Resident Representatives, participation in the Technical Assistance Board and other centrorgans of the programme, and central reporting functions.

Accordingly, the Advisory Committee's examination of the measures proposed by the Secretary-General has also been undertaken in the light of the principles cited above.

Objectives governing further action

6. The objective governing further action, outlined i paragraphs 13 to 26 of the Secretary-General's repor would appear to be in consonance with the basic purpos of the amalgamation, that is to combine in one departmer and under comprehensive leadership the substantive an operational responsibilities of the Secretariat in regar to the technical assistance programme, with a view t making that programme more effective and economica The Advisory Committee was informed of, and woul particularly underline, the fact that the role of the Cormissioner for Technical Assistance has been develope

¹⁶ Ibid., document A/4070, paras. 46 and 47.

such a way that he is not merely a supervisor of the perational segment of the Department but is also in a position to mobilize the entire resources of the Department to meet both the substantive and operational needs technical assistance. It should also be noted that there in progress a reorientation of the substantive units the Department towards the requirements of the opational programme.

7. When the question of the amalgamation of the Deartment and the TAA was under discussion in the Fifth ommittee at the thirteenth session, some misgivings ere expressed about the possible impact of such an nalgamation both on the efficient conduct of the techni-1 assistance programme and on the relations between cipient Governments and the new unified Department. he Advisory Committee is informed that the Secreriat has been able, under the new system, to respond the needs of recipient Governments more effectively id expeditiously. At the same time, the revised arrangeents have in no way diluted the primary control by cipient Governments over the type of projects to be quested in their country programmes. Furthermore, e reorganization is being implemented, as indeed it has be, without any interruption in the conduct of the ogramme.

Reorganization in process

- 8. The organizational changes which have been acmplished, or are in process, are illustrated by the two arts that are given in the Secretary-General's report, llowing paragraph 27. The first chart, which indicates e general supervisory and co-ordinating structure as ell as the functional relationships on a broad basis, flects the reorientation of the entire Department toards the substantive and operational needs of technical sistance. The proposed internal structure of the opational segment of the Department, namely the Bureau Technical Assistance Operations (BTAO), is shown the second chart.
- 9. The basic approach to the reorganization, reflected the Secretary-General's report, would seem to be asonable, although the proposed level of staffing of e Bureau might, at any rate over a period of time, rmit of some further reduction beyond the target ensaged at present. The Advisory Committee deals with is point later in the present report (para. 18). The mmittee would here comment only on four specific
- 10. In the first place, the Committee has received nfirmation that the functions of the Fiscal Control ection in BTAO—which will be under the supervision an outposted officer of the Office of the Controller ll be confined to matters of budgetary control of the chnical assistance programme and that the present sponsibilities of the central office of the Controller in spect of the broader financial and budgetary policies fecting that programme would remain unchanged. The mmittee believes, in accordance with the principles nich it has suggested (para. 5 above), that the Fiscal introl Section might be regarded from the organizaonal point of view as somewhat similar to the Technical ssistance Recruitment Service which is an outposted oup of staff members from the Office of Personnel, sponsible for the recruitment of technical assistance perts.
- 11. The second point to which attention might be vited relates to the omission from the Secretary-eneral's report of any reference to the above-mentioned

Recruitment Service. Although this Service is an integral part of the Office of Personnel and, accordingly, is not directly affected by the reorganization, it represents an important element in the operation of the programme. Any attempt to streamline the programme and its operation must, of necessity, take into account, the procedures for recruitment of experts and must ensure that those procedures preclude avoidable delays. Furthermore, in practice, TARS is so deeply involved in the conduct of the programme that its relationships with the substantive divisions of the Department, on the one hand, and BTAO, on the other hand, constitute a significant aspect of the total operation. The Advisory Committee infers from paragraph 48 of the Secretary-General's report that this matter will be taken into account in the review of internal procedures that is currently in prog-

- 12. Thirdly, a further point which might appropriately have been considered in relation to the amalgamation concerns the participation of the regional economic commission secretariats in the conduct of the technical assistance programme. The Advisory Committee trusts that, in the review of operational procedures, attention would be given to this matter as well.
- 13. Fourthly, the Advisory Committee has noted the establishment of a new post of Director for Special Fund Activities, attached to the Office of the Under-Secretary of the Department. The Committee is informed that, apart from this post, it is not contemplated that a special organizational unit be created in respect of the responsibilities of the United Nations in this regard, both as an executive agency for Special Fund projects or in broader terms.

Review of administrative procedures

14. The Advisory Committee will wait a further report in 1960 on the progress and results of the review of internal procedures that is now in progress.

General staffing requirements

- 15. The authorized manning table for the Technical Assistance Administration immediately prior to the reorganization, comprised a total of 133 posts, if account is taken of the fourteen posts for the Public Administration Division. This latter Division though previously attached to TAA, has always been considered more similar to a substantive division than to the operating units of TAA or BTAO. On 1 February 1959, this Division was redesignated as the Office of Public Administration, a unit reporting directly to the Secretary-General. More recently, effective 4 November 1959, the Office of Public Administration was again reorganized as a substantive division in the Department, but outside BTAO. Thus, if the Division of Public Administration is not taken into account, the old Technical Assistance Administration had 119 posts.
- 16. It is envisaged that the reorganized BTAO will start with 118 posts, that is the 119 posts mentioned above less one post of Under-Secretary which had been provided for the Director-General of TAA. On the other hand, an additional post at the Under-Secretary level has been established, in the Office of the Under-Secretary of the Department, for the Commissioner for Technical Assistance.
- 17. As regards the group of 118 posts in BTAO, the Secretary-General has suggested that he would endeavour to work towards a reduction in that establishment of the order of 10 per cent. It is anticipated that such a reduction would be achieved as soon as possible after comple-

tion of the initial trial period of the reorganization in 1960.

18. The Advisory Committee believes that, over a period of time some further reduction in the BTAO establishment should prove possible, although the necessary staffing adjustments may have to be effected gradually so as not to interfere with the smooth operation of the programme. It would further depend on the pace at which the substantive divisions of the Department assume an increasing role in various substantive and semi-substantive aspects of the programme. The Committee notes in this regard that the representatives of

the Secretary-General are aware of the further objetives to be sought; they have informed the Committee their intention to explore the possibilities of achieving even closer approach to the model structure which the Advisory Committee has suggested on a general base (para. 5 above).

19. The Advisory Committee will keep this matt under review, particularly in connexion with the budg estimates for 1961. As stated in paragraph 3 above, tl Committee expects at that time to have the benefit of further report of the Secretary-General on the resul of the current review of internal procedures.

Working Capital Fund

DOCUMENT A/C.5/809

Report of the Secretary-General

[Original text: English [30 November 1955]

- 1. In various reports¹⁷ to the General Assembly at its thirteenth session the Secretary-General indicated the probability that the United Nations would not have sufficient funds during the second quarter of 1959 to meet its payment obligations, unless its Working Capital Fund was substantially increased or recourse was had to borrowing.
- 2. In his report 19 September 1958 on the Working Capital Fund (A/C.5/743) the Secretary-General set forth the considerations which, in his judgement, demonstrated the need for a Working Capital Fund at a level of some \$30 million. The General Assembly agreed an increase in the level of the Fund to \$23.5 million for the financial year 1959. At the same time in resolution 1341 (XIII) it authorized the Secretary-General, in the event of urgent need in 1959, to borrow cash from special funds and accounts in his custody for purposes which normally relate to the Working Capital Fund, subject to conditions set out in the Secretary-General's report and on payment of normal current rates of interest.
- 3. As anticipated, during June and early 1959 it was necessary for the Secretary-General to exercise this borrowing authority in order to maintain minimum cash balances in operating bank accounts to cover salary payments to the staff and other pressing payment obligations of the Organization.
- 4. Despite the fact that \$1 million had been borrowed on 17 June 1959 from the Special Account of the Expanded Programme of Technical Assistance there was a cash balance of only \$178,000 in the Working Capital Fund as at 30 June 1959 and it became necessary on 3 July 1959 to borrow another \$1 million from the Special Fund. The borrowed amounts were repaid on 6 July 1959 when a large contribution was received.
- 5. There has been no significant improvement during the first six months of 1959 in the previous pattern of payments of contributions. It is therefore necessary on the basis of past experience to face a situation in which the Working Capital Fund may be entirely depleted as early as March/April 1960.
- 6. In these circumstances the Secretary-General has no alternative but to request the General Assembly to continue the authority during 1960 which he has had in
- ¹⁷ Ibid., document A/C.5/743; ibid., Thirteenth Session, Supplement No. 5; ibid., Supplement No. 6.

- 1959, to borrow cash from special funds and accoun in his custory for purposes which normally relate to tl Working Capital Fund. He would further suggest, sin all the evidence, particularly if the needs of the Unite Nations Emergency Force are to be provided for, poin to the likelihood of the Organization having to rely an increasing extent on short-term accommodations, th consideration also be given to the desirability of removir the present restriction which limits such recourse funds temporarily available in special accounts under tl Secretary-General's custody.
- 7. If, however, as the Advisory Committee and tl General Assembly has urged, such authority is to be co sidered as an exceptional measure and not be treated. a normal financial practice—a concept which the Secr tary-General unreservedly supports—some more pe manent solution must obviously be found. There is, course, no doubt that the most logical and economic solution would be the earlier payment, or at least parti payment of certain contributions. In the absence, how ever, of any firm assurance that present difficulties of constitutional and administrative nature with which some Member States are confronted can be overcom the necessity would seem inescapable to the Secretar General of objectively reappraising the adequacy of Fund of \$23.5 million. Certain of the factors which har a bearing on the cash position of the Organization ar which therefore need to be taken into account in at such reappraisal are indicated in the annex to this repor
- 8. The Secretary-General, for his part, considers th experience over the past twelve months has not modificult, on the contrary, has reinforced the judgement r ferred to in paragraph 2 above, to the effect that the is a demonstrated need for a Working Capital Fund a level of some \$30 million. Given, however, a continution and, desirably, an expansion of existing borrowin authority, he would not consider it imperative that the target increase to \$30 million be accomplished in 196 but rather that it again be planned as a progressive of eration, on the understanding that he would reported developments to the General Assembly at its fifteent and, as necessary, subsequent sessions, and that, in the light of the situation then prevailing, the Assembly would have the opportunity of either confirming modifying its decision on the matter.
 - 9. On this basis, the Secretary-General believes th

tere is not merely ample justification, but urgent need, the financial solvency and integrity of the Organizaon is to be regarded as of top priority, for an increase the level of the Working Capital Fund in 1960 of the rder of \$3 to \$4 million. Since, however, responsibility or safeguarding the Organization's cash position rests of with the Secretary-General alone, but equally with Iember States through their individual and collective assembly action, the Secretary-General refrains from

submitting a formal recommendation at this time, pending further review of the situation by the Advisory Committee on Administrative and Budgetary Questions and subsequent expression of opinion in the Fifth Committee of the General Assembly. At this stage, the Secretary-General wishes only to call attention to the fact that his report to the thirteenth session indicated an alternative way in which any increase that might be agreed upon could be given effect.

Annex

FACTORS BEARING ON THE CASH POSITION OF THE UNITED NATIONS

Table 1. Pattern of payment of contributions

There has been no basic improvement in the pattern of payment of contributions over the past few years. The following table shows, at specified dates, the cash receipts from Members against current year assessments as a percentage of net* contributions due.

	1955	1956	1957	1958	1959
			Percentages		
31 March	6.41	5.83	5.51	6.54	8.51
30 April	13.27	7.73	10.81	12.30	14.78
31 May	16.61	12.92	15.23	15.19	17.60
30 June	28.55	19.61	18.36	21.69	19.03
31 August	73.30	75. 4 8	62.67	63.21	61.06
30 September	74.97	76.22	66.09	68.92	74.94
31 December	90.31	88.89	85.83	88.70	

[•] Contributions due in cash after application of credits at time of assessment.

Table 2. Arrears in contributions

The total amount of contributions outstanding at the end of he financial year has remained at a high level for a number of ears and constitutes an automatic reduction in the cash available 1 the Working Capital Fund for the next year. The outstanding alances at the end of 1959 may again be as large as at the end f 1957.

11937.		Unpaid	d contrib	utions
	-	urrent year	Prior years	Total
			States d	
1 December 1955	3.7	2.	4	6.1
1 December 1956	4.9	2.	2	7.1
1 December 1957	6.1	2.	7	8.8
1 December 1958	5.3	2.	5	7.8

Table 3. Cash and investments in the General Fund and the Working Capital Fund*.

The following table shows, at specified dates, the cash balances f the Organization available for regular budgetary purposes.

- the disputation are		o 08 a.a.	. Juagon	ar y Punp.	
	1955	1956	1957	1958	1959
			led States d unts in mi		
1 March	11.9	7.7	8.7	7.7	6.3
0 April	11.3	4.6	7.4	6.7	7.5
1 May	9.2	4.2	7.1	5.5	5.1
0 June	11.1	4.9	5.7	4.6	2.4
0 September	19.0	17.8	16.0	15.0	20.7
1 December	16.0	16.9	15.0	12.9	

*Approved level of the Working Capital Fund: 1955, \$21.5 milion; 1956, \$20 million; 1957, 1958, \$22 million; 1959, \$23.5 million.

Despite a \$1.5 million increase in the level of the Working Capital Fund and a \$1 million loan from the funds of the Expanded Programme of Technical Assistance, the cash balances on 30 June 1959 were substantially lower than those at the same date in 1958.

The improvement in the position at 30 September 1959 in comparison with the position one year earlier arises from the fact that certain Governments who normally pay in December made appreciable contributions in September 1959.

Table 4. Budgetary disbursements

The following table shows the disbursements to the end of each month specified as a percentage of the year's total budgetary disbursements. The pattern of disbursements remains fairly constant.

	1955	1956	1957	1958
		Perce	ntages	
31 March	22.03	22.61	23.52	21.45
30 April	31.95	32.80	31.10	28.63
31 May	39.47	40.88	39.28	36.15
30 June	47.00	48.23	46.41	43.45
30 September	73.41	74.88	74.39	70.38
	Un	ited States d	ollars (millio	ns)

Total of annual bugetary disbursements...... 49.8 51.6 53.6 59.3

Table 5. Contributions due and received as at 31 October 1959

	Total amount assessed	Amount received (including credits)	Balance due
		(In United States dollar	s)
Working Capital Fund	23,500,000	23,438,858.00	61,142.00
1957 contributions	49,088.050	49,022,397.28	65,652.72
1958 contributions	51,500,000	48,862,044.82	2,637,955.18
1959 contributions	61,500,000	49,449,964.60	12,050,035.40
UNEF 1957 assessments	15,028,988	10,656,351.49	4,372,636.51
UNEF 1958 assessments	25,000,000	16,531,627.00	8,468,373.00
UNEF 1959 assessments	15,205,000	8,578,930.00	6,626,070.00

DOCUMENT A/4317

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English [2 December 1959

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/C.5/809), in which he states his belief that there is "urgent need, if the financial solvency and integrity of the Organization is to be regarded as of top priority, for an increase in the level of the Working Capital Fund in 1960 of the order of \$3 to \$4 million' from the present amount of \$23.5 million.
- 2. The Advisory Committee, in its report on the Working Capital Fund to the General Assembly at its eleventh session¹⁸ outlined the basic considerations that are involved in the determination of the appropriate level at which the Fund should be maintained. More recently, in reporting on the question at the thirteenth session¹⁹ the Advisory Committee examined the position of the Fund at that time, in the light of the basic considerations involved.
- 3. Basing itself generally on the recommendations of the Advisory Committee, the General Assembly, at its thirteenth session, in addition to seeking earlier payment of contributions, decided on two measures to improve the cash resources of the Organization:
- (a) To increase the level of the Working Capital Fund from \$22 million to \$23.5 million in 1959; and
- (b) To authorize the Secretary-General, in the event of urgent need in 1959 and subject to certain conditions²⁰, to borrow, on payment of normal current rates of interest, cash from special funds and accounts in his custody, for purposes which normally relate to the Working Capital Fund.
- 4. The Advisory Committee would generally agree with the Secretary-General's conclusion that while the above measures have proved useful in meeting cash requirements in 1959, the over-all position has not shown any improvement but has continued to deteriorate. The following would appear to be among the more important factors contributing to such deterioration:
- (a) Despite regulation 5.4 of the Financial Regulations of the United Nations, the pace of receipt of contributions in relation to the pace of expenditure has continued to be unsatisfactory. Thus, while some 45 per cent of total annual budgetary disbursements occur by 30 June, only about 20 per cent of net contributions due are received by that date (A/C.5/809, annex, tables 1 and 4).
- (b) The year begins with a sizable amount of unpaid contributions from previous years. On 1 January 1959, unpaid contributions in respect of the regular budget of prior years amounted to \$7.8 million; at 30 November 1959, an amount of some \$2.7 million was in arrears in respect of 1958 and 1957 and some \$11 million in respect of the current year. The total amount of arrears of contributions in respect of the regular budget at the yearend has remained of the order of between \$7 and \$9 million in the last three years (*ibid.*, annex, table 2).
- 18 Ibid., Eleventh Session, Annexes, agenda item 43, document
- A/3455.

 19 Ibid., Thirteenth Session, agenda items 43 and 44, document
 - ²⁰ Ibid., document A/C.5/743, para. 8.

- (c) There has been a substantial call on the Workir Capital Fund in order to meet the cash requirements of the United Nations Emergency Force (UNEF), as result of the unsatisfactory situation in respect of th payment of UNEF contributions. The situation in th regard could be further aggravated if and when actu payments had to be made from the reserve for comper sation in respect of contingent-owned equipment the might be worn out or destroyed.
- 5. The Advisory Committee would reiterate here that the earlier payment of contributions—and indeed strict adherence to the provisions of financial regulatio 5.4—is the most logical and economical way of meetin the cash requirements of the Organization, and that a other approaches are at best practical supplementar arrangements. Subject to this consideration, it woul still be necessary to take account of some minimum delay from the beginning of the year, in payment of contribu tions and also of difficulties of a constitutional or admir istrative nature, which confront some Member States There would thus be need for a Working Capital Fun of a basic amount which would have a significant relatio to the total amount of the budget.
- 6. In addition, the further measure of delay in pay ment of contributions and the requirements of UNE and unforeseen expenses accentuate the situation gener ally and give rise to a particularly acute seasonal shortag of cash during the months of May and June. This prob lem could be largely met if Member States found it pos sible to pay at least a substantial portion of their con tributions in the first half of the year and preferabl before the end of April. To the extent that the acut situation still remained, the basic amount of the Working Capital Fund would need to be increased, although th special seasonal problem might be met through short term accommodations. This latter approach to the season al problem would at best be only an alternative to in creasing the Fund by a still greater amount.
- 7. The Advisory Committee notes that generally th pattern of the receipt of contributions by the specialized agencies seems to be substantially more satisfactory than in the case of the United Nations. This has enabled mos of the agencies to meet their cash requirements withou substantial or regular recourse to advances from thei working capital funds.²¹ The specialized agencies and the International Atomic Energy Agency have among them a total of some \$13 to \$14 million in the nature o working capital. The Advisory Committee recognizes that the possibility of a combined working capital func for all organizations of the United Nations system is a question which requires careful study and, more im portant, an effective measure of co-ordination at the national level among governmental delegations to the different organizations. A somewhat more immediate step might be to explore the possibility of the agencies making short-term advances from their cash resources to the United Nations to meet the critical mid-year shortages.

²¹ For an outline of recent experience in the specialized agen cies, see Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 50, document A/4032, paras. 20

- 8. As regards the basic situation outlined in paragraph as affected by the continued unsatisfactory position scribed in paragraph 4, there appears to be a strong se for some increases in the present level of the Workg Capital Fund. The Advisory Committee would here call its recommendation of 1958 that the Fund should increased to \$25 million in 1960.²² While the General ssembly at that time limited its action to the level of e Fund for 1959 and approved the Fund for that year \$23.5 million, as recommended by the Advisory mmittee, the considerations which prompted the mmittee's recommendation for a \$25 million Fund in 160 still remain valid and have indeed become even ronger.
- 9. The Advisory Committee recognizes that an inease of the order suggested above will still leave isolved, to some extent, the more acute problem which we arises towards the end of the first half of each ar. The Committee notes in this regard that in 1959 became necessary to seek \$2 million, on a short-term isis, from special funds. The cash situation after April 160, according to the Secretary-General's report A/C.5/809, para. 5), is likely to be precarious; it is so possible that the situation in regard to the special inds and the related programmes as of a particular date hen cash is needed may be such as to preclude adequate course to those funds under the conditions established this regard. It would be appropriate in these circumances to extend the Secretary-General's present author-

- ity to seek short-term accommodations to permit also loans from Governments and, exceptionally, from commercial sources.
- 10. On the basis of the foregoing considerations, the Advisory Committee would recommend that the General Assembly, having regard to financial regulation 5.4, should:
- (a) Urge the Member States concerned to give attention to the payment of the outstanding arrears of their contributions;
- (b) Request the Secretary-General, in addition to continuing his efforts to obtain earlier payment of contributions, to address a special communication in this regard to Member States and to report on the replies received to the General Assembly at its fifteenth session;
- (c) Decide to increase the level of the Working Capital Fund from \$23.5 million to \$25 million in 1960, by the transfer to the Fund of the balance on surplus account still available for credit to Members as at 31 December 1958 (\$527,988) (A/4116, part I, para. 5) and by direct additional cash advances in the amount of \$972,012;
- (d) Extend the authorization granted to the Secretary-General under paragraph 4 of resolution 1341 (XIII) of 13 December 1958, to cover also short-term loans from Governments and, exceptionally, from commercial sources.

Form of the budget

DOCUMENT A/C.5/776

Report of the Secretary-General

[Original text: English]
[11 August 1959]

Introduction

- 1. The present form of the budget was approved by e General Assembly at its eleventh session on the nanimous recommendation of its Fifth Committee 667th meeting, para. 68), for an experimental period of vo years. The question whether this form should be tained on a continuing basis will accordingly be conlered by the General Assembly at its fourteenth session. s indicated in the Foreword to the 1960 budget estiates (A/4110), it is the Secretary-General's concluon that the advantages foreseen at the time of the loption of the present form of the budget have been ogressively realized without sacrifice of the detailed id informative data necessary to a proper evaluation the budgetary proposals. This is not to say that a state perfection has been reached, but indications point to creasingly successful use of the existing form as it is ing developed.
- 2. The present form is based on proposals made by the ecretary-General²³ in 1955 and 1956 and reviewed by e Advisory Committee on Administrative and Budge-
- ²² Official Records of the General Assembly, Thirteenth Sesm, Annexes, agenda items 43 and 44, document A/3939, para.
- ²³ Ibid., Tenth Session, Annexes, agenda items 38 and 47, cument A/C.5/639; ibid., Eleventh Session, Annexes, agenda m 43, document A/C.5/662.

- tary Questions.²⁴ The Secretary-General's proposals reflected the experience gained over the years 1946 to 1956 in the preparation, review and administration of the annual budget of the Organization, and were calculated to improve budget presentation, review and administration through the grouping together of like objects of expenditure and the avoiding of proliferation of budget items as the activities of the Organization expanded. Thus, the budget estimates for 1960 comprise a presentation in eight parts and twenty sections, as compared with twelve parts and forty sections in 1957.
- 3. Further advantages expected to accrue from the revised form of the budget are set out in the Secretary-General's foreword to the 1958 budget estimates.²⁵ Briefly these are:
- (a) The General Assembly and its subsidiary bodies would be enabled to obtain a clearer picture of the precise purposes for which the estimates were presented, and to exercise a more effective control over the total of particular expenses in relation to the aggregate budget figure. At the same time, the Secretary-General's transfer authority in respect of like items would be enlarged,

²⁴ Ibid., Tenth Session, Annexes, agenda items 38 and 47, document A/3081; ibid., Eleventh Session, Annexes, agenda item 43, document A/3372.

²⁵ Ibid., Twelfth Session, Supplement No. 5, paras. 10-12.

and the old anomaly of transfers of funds between totally unrelated items within the same section curtailed.

- (b) The Secretary-General would be better able to carry out the established policy of a flexible interchange of staff not only between departments at Headquarters, but between all United Nations offices.
- (c) Since the General Assembly would be voting funds for larger units, the Secretary-General would have the responsibility of undertaking a second critical review of actual needs at the time funds are allotted.
- 4. As already stated, these expectations are progressively being realized. Within the limits of annual budgetary appropriations, the Secretary-General has been able to reassign staff to areas where programme needs are of proven urgency, and to meet at least partially, from existing resources, certain extraordinary demands on the Organization such as those arising from the events in the Middle East. With this flexibility in the deployment of staff resources, the Secretary-General in the estimates for 1960 has been able to avoid a request to the Assembly for any increase in the Professional establishment at Headquarters. Revisions of the initial budget estimates for 1958 and 1959 were limited to the essential minimum required to meet high-priority work programmes called for by actions of the General Assembly or the Councils.
- 5. Again, there is not only a "second critical look" at the actual needs of the various work areas at the time allotment of funds is made, but the new form makes possible, and perhaps even necessary, a continuous review of programmes and priorities throughout the working year on the basis of departmental needs as these emerge and, in the process, stimulates a review and streamlining of current practices affecting other fields of administrative and financial management.
- 6. The Secretary-General has given careful thought to the constructive observations expressed during the general discussion of the budget estimates in the Fifth Committee at the twelfth and thirteenth sessions of the General Assembly. One frequently expressed observation was to the effect that the information provided in the budget text was not sufficiently comprehensive and that, unless it were further developed, the new form of the budget might not prove conducive to an adequate understanding and appraisal of the annual estimates, especially where requests for additional posts or other resources to meet new projects were involved. A related and perhaps more substantial criticism was the feeling that the general explanation of the budget figures should be much more closely identified with the approved programmes of the Organization. It was hoped that the direction, priority and cost of these programmes might emerge in bold relief in the budget document, thereby facilitating the review by the General Assembly of broad administrative and budgetary problems and sustaining a continuing effort on the part of the Assembly, the Councils and the Secretariat to produce a rational programme of activities financed within limits which would be kept within reasonable bounds.
- 7. As to the provision of more comprehensive information on the estimates, attention is drawn to the inclusion in the 1960 budget estimates of certain statistical tables and explanations designed to facilitate the General Assembly's detailed scrutiny of the estimates, particularly, the tables appended to sections 6, 13, 14 and 15, where an attempt has been made to present proposed budgetary credits both by location, and by major area of activity. There is also included in the foreword to the 1960 budget estimates a detailed analysis of the

total budgetary situation with particular reference 1 variations in the level of budgetary credits proposed for 1960 as compared with those approved for 1959. The Secretary-General would hope furthermore that the recent issue of the revised "Organization of the Secre tariat" and the amplification of the 1960 budget forewor to indicate the anticipated shifts in emphasis of certai work programmes, go some way towards meeting th requirements of Member States. In the latter case, th purpose is to direct the attention of the Assembly t general trends and likely developments in particula programmes based on the experience of the past year rather than to focus attention on specific projects. N attempt is made in the budget document to duplicate th description of the work programmes of the Secretaria as fully set forth in the annual reports of the Council to the General Assembly and in the report of the Secre tary-General on the work of the Organization. The listin of the conference programme which has been presente to the General Assembly for approval during the pas two years also serves to indicate the general nature of substantial volume of the Secretariat's annual workload Further thought has also been given to an improvemer of the presentation of annex II of the budget estimate showing the projected costs of programmes falling withi broad fields, in addition to which a study correlating main fields of activity with actual expenditures for th period 1956 to 1958, following a pattern similar to tha presented in annex II, is now being made with a view to testing the validity of the methods and assumption used in the preparation of the project estimates. Ac cordingly, the Secretary-General believes that, taking these various innovations and improvements into ac count, the presentation of the 1960 estimates is not only a somewhat more detailed, but at the same time a mor rational one than that of previous years. Besides th additional material that has been incorporated in th budget document itself, mention might also be made o the supplementary reports furnished by the Secretary General to the Advisory Committee, both written and oral, in furtherance of that Committee's detailed review of the estimates.

Experience with the current form of the budget

- 8. At the time the present form of the budget wa approved, one of the more fruitful areas foreseen fo greater flexibility in the direction and use of resource was that relating to section 6 (Salaries and wages) and its associated section 7 (Common staff costs). Inasmucl as these sections together comprise almost two-thirds of the total appropriations, the direction of these resource affects the direction and nature of other expenditure provided for in the total annual appropriations.
- 9. It will be recalled that under the old form provision was made in separate sections for the number and costs of established posts and for overtime expenditures for each department or office. Temporary assistance and common staff costs were provided for in separate appropriation sections for each main established office. It a budget prepared some eight or nine months prior to the commencement, and some twenty months prior to the close, of the financial year to which such estimates related, this involved a rigidity not fully consistent with the fluidity of United Nations operations. Moreover the credits voted for particular sections inevitably lend themselves to a utilization by the mere fact of availability and were less subject to central control both as to direction of resources and to clear accounting distinction between objects of expenditure. The grouping together

I budgetary credits for the same object of expenditure, gardless of location or field of activity, contributes to reater flexibility together with more central control, and icilitates the rapid transfer of available budgetary edits and staff to areas where the need is of proven rgency.

10. The new form of the budget originally envisaged section for salaries and wages excluding the Field ervice, the Technical Assistance Administration, the cretariat of the Permanent Central Opium Board and rug Supervisory Body, the secretariat of the Joint taff Pension Board and Staff Pension Committee, and the Office of the High Commissioner for Refugees. Except for the first and the last of these units, ways of the staff and other costs in the consoliated budget form have been found, while by means of the estimated costs of the incorporated units. The torm of presentation of the estimates for the Field ervice remains under review, but, at the present time the balance of advantage would seem to rest with connuing to show them separately.

11. Maximum effectiveness in the use of established osts on a priority basis necessarily demands continuous onsultation and co-operation between the various organzational units. The consolidated manning table is being dministered on the basis of such consultations involving *uter alia* a post-by-post adjustment between one departent or office and another. More recently and as an xperiment, attempts have been made to assign priories to permissible recruitment against the totality of stablished-post vacancies. This involves the assignment f existing and anticipated vacant posts to the various rork-areas on the basis of a determination of priority eeds, and an advance planning for recruitment to fill 10se posts.

12. In view of the fact that under current arrangements the cost of established posts, temporary assistance nd overtime are comprised in one appropriation section, ne Advisory Committee on Administrative and Budgeary Questions has attached importance to the development of procedures for centralized control over the use f established posts, and budgetary credits for temporary ssistance and overtime. As a corollary, this involves the evelopment of definitions and procedures looking towards a clear differentiation of established posts and emporary assistance costs. Such definitions and proedures have been worked out in consultation with the advisory Committee and are now being applied.

13. The Secretary-General feels that, from the oprational point of view, the present form of the budget as advantages over the earlier form, and is contributing owards a general improvement in administrative and inancial controls and procedures. It has, to a certain xtent, facilitated a rationalization of the administration nd management of the major parts of the annual estinates, namely staff salaries and wages. Centralized conrol of temporary assistance and travel expenditures has een rendered more effective; and progress is being made owards the evolution of reasonable standards for comnon services expenditures, both at Headquarters and at offices away from Headquarters. It has served to highight common services requirements in the different offices and to promote common administrative arrangenents at overseas locations. By providing for a more entralized control over like items of expenditure, the resent form of the budget contributes also towards reieving departmental administrative workloads. It has nade it possible, furthermore, to undertake organizational and procedural rearrangements to meet changing requirements and to achieve maximum economy and efficiency in operation without the difficulties and delays that unavoidably stem from a rigid budgetary structure. But principally, it has promoted the idea of the Secretariat as a fully integrated unit, rather than one compartmentalized into departmental and divisional segments.

Possible future improvements

14. The detailed study of the separate items comprising a budget is the only road to economy and the best possible method of ensuring proper financial control. A logical grouping of the items for which expenditure is proposed is necessary, together with an adequate explanation of total requirements for similar purposes. The one point helps the other. There will be a progressive development in the normal course of events, but already certain further improvements in the presentation of budgetary requirements for particular purposes might be envisaged. Such improvements could, for instance, include: a review of the precise composition of section 7 (Common staff costs), and section 8 (Travel of staff); a more rational re-grouping of the items comprising sections 13 (General expenses), 14 (Printing, stationery and supplies), and 15 (Permanent equipment). The estimates for general expenses and more particularly the estimate for maintenance of premises and equipment (section 13, chapter I) might distinguish clearly between the costs of contractual services, supplies, alterations and rental. Provision for stationery and office supplies might also be made in this section rather than in the section for printing, stationery and library supplies—which could be related solely to the costs of external printing and internal reproduction. With the increasing acquisition by the Organization of assests of a capital nature, such as land and structures, it might be desirable that the situation should be reflected in the annual budget, perhaps by an amplification of section 20 of the 1960 budget estimates (A/4110) to show the existing capital assets of the organization, together with improvements to these assets as they are made (such as the modernization of the Palais des Nations at Geneva, and the capital improvement programme at Headquarters).

15. A further improvement could be to supplement the present analyses of the estimates on the basis of (a) object of expenditure and (b) fields of activity, by an additional annex, which would show the tentative allocation of resources to each particular office location. Such an information annex would provide all the information given in prior years under the old form of the budget, without affecting the existing basis for appropriating budgetary credits for similar purposes in different sections, leaving unimpaired the advantages of administering such credits as integral units in a consolidated budget.

Conclusion

16. From the foregoing it will be noted that in the Secretary-General's opinion the existing form of the budget has, from an operational point of view, clearly proved more advantageous than the old form. He would accordingly recommend its continuance for the future. Further improvements in the presentation of the detailed estimates, such as those referred to in paragraphs 14 and 15 above, will be carried out by the Secretary-General in consultation with the Advisory Committee on Administrative and Budgetary Questions. Such additional suggestions and observations as may be made in the course of the Fifth Committee's further consideration of this subject will also be taken fully into account.

DOCUMENT A/4228

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English [30 September 1959

Introduction

- 1. In his report on the form of the budget (A/C.5/776), the Secretary-General has reviewed the experience of the last two years with the current form of the budget which has governed the estimates presented for 1958, 1959 and 1960 and the actual execution of appropriations for 1958 and 1959. The Secretary-General has expressed the opinion that this form has, from an operational point of view, clearly proved more advantageous than the old form; he has accordingly recommended its continued use for the future.
- 2. The Advisory Committee gave preliminary consideration to this question during its summer 1959 session (A/4170, paras. 14-19); of the Secretary-General takes into account the discussions held at that time.
- 3. The essential element in the current form is the grouping together in a single section of all estimated costs in respect of a given object of expenditure, regardless of the organizational segment, field of activity of geographical location in which such expenditure arises. There are, of course, a few exceptions to this where special programmes or projects are concerned. Among the advantages foreseen in the revised presentation were opportunities for improvement in three directions: (a) greater flexibility in the utilization of staff resources which constitute by far the largest proportion of all resources; (b) increased facility for the application of priorities among the several areas of work in the Secretariat and (c) added scope for the improvement of administrative management and procedures.²⁶

General considerations

- 4. The budget of the Organization may be constructed and presented in a number of ways. The more appropriate of these involve the grouping of expenditures (a) by object of expenditure (salaries, other staff costs, travel, printing, general expenses, etc); (b) by main fields of activity (political, economic and social, public information, administrative, etc.) which, to a large extent, parallels a sub-division by organizational segment (Department of Political and Security Council Affairs, Department of Economic and Social Affairs, etc.); (c) by geographical location of office (Headquarters, European Office, Economic Commission for Asia and the Far East in Bangkok, Economic Commission for Latin America in Santiago, etc.). Clearly, no one of these or other forms of presentation would give a complete picture of budgetary proposals; in each case, it would be found necessary to have an analysis of the figures by one or more of the other sub-divisions as well.
- 5. The choice of a particular form for the budget of the United Nations must be governed, first, by the extent to which it facilitates the understanding, review and basic control of the budget by the General Assembly and its budgetary organs; secondly, by the scope which it offers for a continuing application of priorities and an increasingly flexible utilization of staff and other resources; and thirdly, by the simplicity and effectiveness with which it can be administered by the Secretary-
- ²⁶ For details, see Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 43, document A/3372, paras. 11-14.

General with due regard to the financial prerogative of the General Assembly.

- 6. The previous form was essentially a combinatio of a sub-division by organizational segment (see para 3 (b) above) and a grouping by office location (para. (c) above). There was also an element of the "object of-expenditure" type of grouping of expenditures i regard to such items as common staff costs, commo services, permanent equipment and printing. This forr had a number of disadvantages. In the first place, i tended to give the impression of a Secretariat divide into a number of water-tight compartments, the require ments for each of which were provided more or les independently of the others. Such a situation was natu rally uneconomical especially in a Secretariat which, from this point of view, was relatively small. Secondly, unde the old form, once departmental credits had been voted there was little occasion for a further and continuing review of priorities in the Secretariat as a whole. A third disadvantage was that, in the absence of a centra control of resources, financial administration became largely a matter of keeping accounts of obligations and expenditures.
- 7. An attempt was made to remove these disadvantage to some extent in the revised form of the budget. The fact was also recognized that resources for the same type of expenditure should be made available to the Secretary General in one total amount so that he could utilize them most economically and to the best advantage as urgen needs varied. This consideration also precluded a subdivision by fields of activity apart from the fact that certain overhead costs which constituted a substantia part of the total expenditure were, in any event not easily susceptible of any rational allocation among different fields of activity.

Experience with the present form of the budget

- 8. As regards the experience with the new form of the budget, the Advisory Committee would agree that there has been some, but not enough, progress in the direction in which improvements had been anticipated. Thus, for instance, there have been periodical adjustments in the resources allocated to different parts of the Secretariat in the light of priority needs. The flexible utilization of staff resources has been illustrated by the manner in which certain critical needs relating to the maintenance of peace and security were met, at least during emergency periods, with little or no additional resources. A further evidence of this facility lies in the fact that, for 1959 and 1960, the Secretary-General has, with the exception of needs relating to the Economic Commission for Africa and the Office of the High Commissioner for Refugees, refrained from seeking additional posts in the professional and higher categories.
- 9. Naturally, the Secretary-General's experience, which he considers satisfactory, of the new form of the budget is from an operational and administrative point of view. It is equally important, however, that the new form should facilitate the understanding, review and control of the budget by the General Assembly and its budgetary organs. The Advisory Committee has taken into account, in this regard, the views that were expressed

in the Fifth Committee at the twelfth and thirteenth sessions of the General Assembly. The Secretary-General has referred to these views in paragraph 6 of his report (A/C.5/776) and has invited attention to the improvements which have been made in the presentation of the 1960 budget estimates. The Advisory Committee, in paragraphs 15 to 17 of its report on those estimates (A/4170) has welcomed the new features which constitute a helpful improvement.

Possible further improvement

10. At the same time the Advisory Committee would suggest that the presentation might be further improved, somewhat along the lines of paragraph 15 of the Secretary-General's report, by the inclusion of more detailed information annexes showing analyses of budget proposals and estimates by organizational segment and by location. This may be done by consolidating the information relating to each area of activity or each office rather than exclusively by a series of summary tables appended to the several budget sections. It must, of course, be clearly understood than any such analyses are, of necessity, of an informative character and do not detract in any way from the Secretary-General's authority, and indeed responsibility, for the best flexible use of the resources provided in each appropriation section. By the same token, these indications of the possible allocations of resources among the several organizational segments or locations do not in any way establish firmly for the year the actual needs of these units.

11. The Advisory Committee has taken note of the possible modifications in regard to the detailed content of individual budget sections envisaged in paragraph 14 of the Secretary-General's report. The Committee understands that the Secretary-General will consult the Committee further on these detailed matters, after the discussion of the broader question in the Fifth Committee.

Advisory Committee's recommendation on the form of the budget

12. In the light of the foregoing considerations, the Advisory Committee recommends that the existing form of the budget should for the present continue to be followed in its broad lines, with somewhat amplified information annexes showing the details of estimated costs (a) by main fields of activity and (b) by organizational segment and, as appropriate, by office location. In the light of the forthcoming discussion of this subject in the Fifth Committee, the Advisory Committee will revert, with the assistance of the representatives of the Secretary-General, to the precise scope of the material to be included in the information annexes and the detailed adjustments to the coverage under the different appropriation sections. In this connexion, it is hoped that the study, mentioned in paragraph 7 of the Secretary-General's report, correlating main fields of activity with actual expenditures for the period 1956-1958, when completed, will facilitate a closer and more meaningful analysis of future estimates by field of activity.

Revisions in the initial estimates

13. There is a further point to which attention might be invited. It has been the practice to revise the initial estimates for a given year on the basis of additional "project estimates" covering new programme items that might be approved, in particular by the Economic and Social Council, subsequent to the preparation of the initial estimates. The Advisory Committee has previously commented²⁷ that under the new form of the budget, the addition of budgetary provision for staff on a project basis in respect of individual projects might not be altogether consistent with the concept of a total staff for an over-all volume of work in the Secretariat as a whole. In the practical circumstances in which the financial implications of additional projects have to be worked out under pressure of time, it would be difficult to embark upon a considered review of the total workload of the Secretariat as a whole and to assess the strictly additional resources that would be necessary for undertaking the new projects after allowing for readjustments in the deployment of already available or requested resources.

14. It would be appropriate, therefore, to undertake, in the financial year for which estimates have already been submitted, the new projects only to the extent that they could be accommodated within those estimates and to defer the balance of the work, unless it is of major and urgent importance, until the year following. Thus, except to the extent noted above, new projects that might be approved by the Economic and Social Council in the summer of 1960 would not be reflected in a revision of the 1961 estimates, which would already have been submitted by that time, but would be taken into account in preparing the estimates for 1962. The Advisory Committee had made a somewhat similar suggestion in 1956.28 It should be added that some progress towards this approach is reflected in the Secretary-General's revised estimates for 1960 following the decisions of the Economic and Social Council at its 1959 sessions (A/C.5/ *777*).

Time-table for submission and review of estimates

15. The Advisory Committee has also given further consideration to the suggestion in paragraph 71 (e) of the Secretary-General's foreword to the 1960 budget estimates (A/4110) concerning the desirability of advancing the time-table for the submission, and review by the Advisory Committee, of the annual budget estimates. A somewhat longer period of time than the five weeks that are available now between the issuance of basic budget documentation and the opening of the General Assembly could be helpful to Governments in reviewing the budget estimates and relating them to approved programmes. Furthermore, under present arrangements, the preparation and review of the budget estimates take up the period practically from March to the end of July, leaving rather inadequate time thereafter for the effective preparation of other important administrative and budgetary documentation for the General Assembly. The Advisory Committee accordingly believes that it might be useful to advance the time-table for the submission and review of the budget estimates.

16. In the event that such an earlier time-table were to be tried, it is understood that the estimates could be submitted for review by the Advisory Committee in April, in which case the basic budget documentation, including the Advisory Committee's report on the estimates, could be made available to Members substantially in advance of the limiting date of five weeks prior to the opening of the regular session of the General Assembly, stipulated in regulation 3.4 of the Financial Regulations of the United Nations.

²⁷ Official Records of the General Assembly, Twelfth Session, Annexes, agenda item 41, document A/3679, para. 12; ibid., Thirteenth Session, Annexes, agenda items 43 and 44, document A/3933, paras. 4 and 5.

²⁸ Ibid., Eleventh Session, Annexes, agenda item 43, document A/3430, paras. 5 and 6.

Major maintenance and capital improvement programme at Headquarters

DOCUMENT A/C.5/802

Report of the Secretary-General

[Original text: English] [16 November 1959]

Introduction

- 1. The Secretary-General submitted to the General Assembly at its thirteenth session a three-year plan for major maintenance and capital improvement at Head-quarters.²⁹ The projects included in the plan constituted major non-recurring or periodic requirements and were therefore exclusive of the annual and standard replacement repairs or maintenance items normally provided for in the regular budget. They covered work in three areas: (a) major improvements to the premises; (b) major replacement requirements; and (c) major buildings requirements.
- 2. The Advisory Committee on Administrative and Budgetary Questions considered³⁰ that there would be advantage, before long-term plans were finalized, in making an over-all examination, from the point of view of the annual incidence of costs, of such major undertakings as the programme of modernization of the Palais des Nations at Geneva, the construction of a United Nations building at Santiago and the major maintenance and improvement programme at Headquarters. In consequence approval was given in 1958 only to the more urgent items under the last-named programme.
- 3. The developments which led the General Assembly to decide in November 1959 to construct a new library building (resolution 1354 (XIV) and the Secretary-General to postpone until 1960 the engineering and architectural survey of the requirements of the Organization at Headquarters (A/4110, foreword, para. 19), substantially modify even the minimum programmes approved for 1959.
- 4. These developments together with those outlined in reports on the modernization of the Palais des Nations (A/C.5/775) and the United Nations building at Santiago (A/4239) enable the question of major maintenance and capital improvement to be viewed rather more closely along the lines envisaged by the Advisory Committee. The present report, which does not call for action by the General Assembly at the current session beyond that already proposed in separate reports contains information on three aspects of the question: (a) the approved programme, (b) the future programme and (c) the financial perspective of the programme.

The approved programme

5. The 1960 estimates provide \$40,000 for an engineering and architectural survey to be undertaken early in 1960. A like sum is surrendered in the 1959 supplementary estimates. This technical survey will provide the Organization with a sound guide as to the best manner in which maximum use of existing facilities can be assured as well as to the most suitable means by which they might be expanded to meet the possibility of a future increase in the membership of the Organization. Although the major problem would appear to be in the conference rooms and allied facilities, the study will also

document A/C.5/738.
30 Ibid., document A/4004, para. 4.

- embrace lounge and dining facilities as well as other requirements of the delegations and servicing staff.
- 6. The Secretary-General has explained in his report on the 1959 supplementary estimates (A/4198) that as a result of experimental changes in the operation of the refrigeration equipment, it has been possible to retard, at least during 1959, the corrosion of the refrigeration condenser tubes. In consequence, only \$7,000 of the sum of \$37,000 provided for the replacement of such tubes will be required in 1959 and the balance of \$30,000 can be released. The provision in the 1960 estimates of \$67,000 for repairs to the refrigeration condensers must, however, stand.
- 7. All but the most urgent repairs to the structure now housing the Library were delayed pending the outcome of negotiations regarding the Ford Foundation gift for the construction of a new Library building. Hence, expenditure for repairs during 1959 has been limited to approximately \$1,000, leaving a balance of \$60,000. This amount will be surrendered in 1959 in addition to the sum of \$36,500 initially included in the estimates for 1960.

The future programme

- 8. The projects for major improvements to premises must await the outcome of the architectural survey. Meanwhile further thought has been given to the development of the basement area, regarding which the Secretary-General's earlier proposals were limited to the construction of a television and film studio and production and processing centre.
- 9. The existing arrangements are inadequate and unsatisfactory and, in the opinion of the Secretary-General, cannot be indefinitely continued. After further study the Secretary-General doubts whether the limited and provisional arrangements previously proposed would in fact be technically satisfactory and in the long run provide the most efficient and economical solution. Although cogent arguments can be adduced in support of a full development of the area, he feels that it would not be reasonable to expect Member States to pass judgement at short notice on a much more ambitious and necessarily costly proposal. In the circumstances Member States should have an opportunity to appraise during 1960 the considerations (set out in the annex to the present report) which have led him to the conclusion that, in the long run, advantages would result from a fuller development of the basement area. It would also be a wise course if the development of the area could be independently reviewed at the time of the contemplated survey of Headquarters facilities.
- 10. As regards major replacement requirements, no proposal is made for 1960 to replace the carpeting on the second floor or to proceed with re-landscaping the First Avenue perimeter area. The need to carry out either of these projects in 1961 will be re-examined before the end of 1960.
- 11. The two principal items of major buildings maintenance included in the report to the thirteenth session

²⁹ Ibid., Thirteenth Session, Annexes, agenda items 43 and 44,

of the General Assembly (A/C.5/738) have now been adequately provided for. Individually, none of the remaining items under this heading is very costly. Unless earlier, urgent need arises, it would be reasonable to provide for them in the estimates for either 1961 or 1962.

The financial perspective of the programme

12. While it is too early to give precise information, a forecast of the likely trend of future costs can be attempted. The following table accordingly contains a five-year projection of the cost elements which emerge from the several proposals and reports relating to capital expenditures. To make this projection as comprehensive as possible the table includes the expenses arising from General Assembly resolution 250 (III) on the transfer of assets of the League of Nations to the United Nations and from resolution 242 (III) on the amortization of the Headquarters Construction Loan.

Projection of capital and major maintenance expenditures

	Annual payments				
	1960	1961	1962	1963	1964
Transfer of assets of the League of Nations to United			United States dollar.	5	
Nations	649,500	649,500	649,500	649,500	649,500
Amortization of Headquarters Construction Loan	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Modernization of the Palais des Nations	121,000	121,000	121,000	131,000	311,000
United Nations Building in Santiago	382,500	382,500	382,500	382,500	
Major maintenance and capital improvement at					
Headquarters					
(i) General maintenance	107,000	31,000	_		
(ii) Development of basement area		440,000	440,000		
(iii) Other major improvements		a		_	_
(iv) Major replacement requirements (carpeting)			125,000	180,000	160,000
(v) Special maintenance requirements		17,500			_
Interim arrangements for the Library	114,000	54,000		_	
	3,874,000	4,195,500	4,218,000	3,843,000	3,620,500

It is anticipated that the architectural survey to be undertaken in 1960 will result in additional costs for 1961 and subsequent years.

Annex

DEVELOPMENT OF THE BASEMENT AREA

- 1. The development of the basement area is among the questions to be considered under the maintenance and capital improvement programme. The original plans for the Headquarters site include an excellent basement space (now known as the hangar area) beneath the Assembly Hall. The development of this area was, however, abandoned mainly because the television services, for which the area had been intended, were then working on too limited a scale to justify the cost. The space was left unfinished and is virtually unusable at present except for
- 2. It is however, clear that the use of this area should not be reserved exclusively for the housing of television facilities since, although the services will show still further expansion and are already in urgent need of a studio, it is not planned to enlarge the services to the point where the use of the whole area would be warranted.
- 3. Furthermore, with the growth of the Secretariat, other pressing demands for space have arisen. The development of the hangar area should be viewed in this broader context and be based on a comprehensive plan, in preference to costly, piecemeal arrangements.
- 4. The plans now under consideration would provide for the transfer in 1960 to the hangar area of the film editing, cutting and other services which now occupy space in the south basenent area needed for the new library building. This transfer should eventually be linked to the additional use of the hangar area for the storage of the film library and for other Visual Services operations. Measures of that kind would represent a nuch needed improvement in the conditions under which the Visual Services are at present working, in cramped and widely dispersed quarters, and would release space for other necessary ourposes. It would therefore be logical to regard the construction of a television studio and a Kinescope processing room, which s considered indispensable, as part of a wider plan according :o which the Visual Services as a whole would be grouped together in the basement area. Such a rearrangement would combine efficient operation with economy.
- 5. In view of the expansion of the Guided Tours programme, provision should also be made for an adequate briefing-room

- for visitors. At present, Conference Room 4 is used for this purpose. This offers two disadvantages: first, that only intermittent use (depending on the schedule of meetings) can be made of the room; and second, that the daily influx of an average of 2,500-3,000 visitors (rising on occasion to over 6,000) entails a heavy addition to the cost of wear and tear.
- 6. Proposals which were submitted to the Fifth Committee at the General Assembly's twelfth session and approved in principle envisaged the construction of (a) a television studio and a temporary control room (but without adequately permanent electric lighting power of air conditioning); and (b) a Kinescope processing centre with temporary air conditioning tapped from the available supply. No provision was made for the finishing of the walls, floors or ceilings in the space to be occupied in the hangar area.
- 7. The full development of the basement area, with the incorporation of the television studio and the transfer of other working areas referred to above (including the merger of the Radio and Film Libraries in a single unit) and the installation of a briefing room for the Visitor's Service is estimated to cost about \$880,000.
- 8. The general construction costs have been estimated by multiplying the number of square metres in the area (2,251 square metres: 24,231 square feet with a unit construction cost per square metre of \$322, based on the rates prevailing in New York for the remodelling of existing structures, which are higher than those applying to new construction:

United States dollars

These costs include:

Construction of walls, finished floors ceilings, soundproofing and insulation, etc.....

393,000

Mechanical work, plumbing, heating, ventilation, air conditioning, dust control, fire protection equipment and electrical work (40 per cent of general construction costs) 261,000

(iii)	Restoration of site: breaking through the wall of the basement area to allow for construction traffic and the closing of the wall; restoration of sandon area offseted.	United Sta	tes dollars
A a b :	storation of garden area affected by construction	73,000	727,000
	itect's and engineer's fees as well as e-prints (10 per cent of above costs)		73,000
Cont	Sub-total ingencies (at a minimum of 10 per cen	t of above	800,000
	ts)		80,000
	Gra	ND TOTAL	880,000

9. The development of the basement area should not, in the Secretary-General's opinion, await the detailed over-all study of Headquarters needs which, as he has proposed, should be postponed until 1960. It might be advantageous to start at at early date on the basic work, such as air conditioning, plumbing heating, dust control and fire protection. A part of this worl has in any case to be undertaken in connexion with the immediate transfer of certain working areas which the construction of the new library necessitates. Hence it would be neither economical nor orderly to incur expenditure on a piecemeal basi instead of planning and providing concurrently for the engineering needs of the whole development.

DOCUMENT A/4296

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[23 November 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has given preliminary consideration to the report which the Secretary-General has submitted on the major maintenance and capital improvement programme at Headquarters (A/C.5/802). The report is intended at this stage for the information of Member States, and does not call for action at the current session of the General Assembly. Accordingly, the Advisory Committee, during 1960, will consider in detail the matters covered by the report.
- 2. For the present, the Advisory Committee gives below a summary statement of the existing situation under the major maintenance and capital improvement programme at Headquarters. Questions concerning the modernization of the Palais des Nations, Geneva, and the construction of the United Nations building at Santiago, Chile, have been covered in other reports (A/4157 and A/4277).
- 3. At its thirteenth session, the General Assembly, on the recommendation of the Advisory Committee,³¹ approved a specific provision of \$138,000 in the 1959 budget (section 13), for the 1959 portion of the following three items of work which were regarded as urgent:

		1959	1960	1961
		Un	ited States de	ollars
(a)	Modification of windows in			
	the Library building	61,000	36,500	
(b)	Repairs to refrigeration con-	•	,	
	densers	37,000	67,000	31,000
(c)	Engineering and architectural	•	•	•
•	survey of the Headquarters			
	buildings	40,000		

- 4. As explained in the Secretary-General's report (A/C.5/802, paras. 5-7), item (a) became unnecessary, except for an expenditure of \$1,000 for urgent repairs in 1959, in the light of the Ford Foundation gift for the construction of a new library building; expenditure in 1959 under item (b) has been limited to \$7,000 as a result of experimental changes in the operation of the refrigeration equipment, and item (c) has been deferred to 1960.
- 5. Thus the 1960 budget estimates include provision (section 15, chapter III) for an instalment in respect of repairs to refrigeration condensers (\$67,000), and for the deferred engineering and architectural survey (\$40,000). In addition, an amount of \$114,000 has also been included in the 1960 estimates in connexion with

- the interim arrangements for the temporary housing of the Library while the new building is under construction. There is also a consequential elimination of \$36,500 which had been initially included in the 1960 estimates for further repairs to the windows of the existing Library building, and a saving of \$52,000 in 1960 on operational costs of maintenance.
- 6. The further development of the capital improve ment programme at Headquarters in terms of improve ments to the premises is envisaged by the Secretary General in two directions. First, attention would need to be given to the changes that would have to be made in the light of the engineering and architectural survey in the existing physical facilities (meeting rooms, loung and dining facilities, other requirements of delegates and servicing staff) to provide for a possible further increasin the membership of the Organization. The Advisor Committee understands in this regard that the survey will be completed in the first half of 1960 and the result ing report and proposals will be made available to th Governments of Member States as early thereafter a possible, although action by the General Assembly migh wait until the sixteenth regular session in 1961.
- 7. The second element of improvement to premise envisaged by the Secretary-General relates to the ful development of the basement area (A/C.5/802, para. and annex). The earlier proposals of the Secretary General in regard to this area had been limited to the construction of a television and film studio and production and processing centre, at an estimated cost of som \$165,000. The Secretary-General now believes that, it the long run, advantages would result from a fulle development of this area. Such a comprehensive im provement, under the Secretary-General's new plar would include:
- (a) A television and film studio and production an processing centre;
- (b) The consolidation, in the basement area, of a visual services operations, including the storage of th film and radio libraries;
 - (c) An adequate briefing room for visitors; and
- (d) Appropriate finishing of the walls, floors an ceiling of the area, including the installation of necessar utilities. The total cost of this plan is estimated by th Secretary-General at \$880,000 including \$80,000 fo contingencies.

⁸¹ Ibid., para. 16.

8. While not desiring at this stage to express a view on the revised and enlarged plans for the basement area, he Advisory Committee will consider them during 1960, aking account also of the proposals resulting from the engineering and architectural survey of other facilities. For the present, the Committee would invite attention o the statement of projected capital and major mainenance expenditures, given in paragraph 12 of the Secretary-General's report. This projection covers, in

addition to improvements of the Headquarters premises, capital expenditures for other purposes, notably the annual instalments in respect of the Headquarters construction loan, the transfer of assets of the League of Nations, the modernization of the Palais des Nations at Geneva and the United Nations building in Santiago, Chile. On the other hand, the tabulation does not take account of possible expenditures on modifications that may result from the engineering and architectural survey.

Modernization of the Palais des Nations

DOCUMENT A/C.5/775

Report of the Secretary-General

[Original text: English] [22 June 1959]

- 1. By resolution 1101 (XI) of 27 February 1957 the reneral Assembly:
- (a) Approved the programme for the modernization f the Palais des Nations as set out in the reports of the becretary-General;³²
- (b) Authorized the Secretary-General to accept the ffer of the Swiss Federal Council of an interest-free loan f 4 million Swiss francs (\$930,250 at current exchange ates);
- (c) Authorized the Secretary-General to proceed ith the execution of the programme; and
- (d) Instructed him to include in his budget estimates or the years 1957 to 1966 provision for ten equal installents of \$121,000 per annum to finance the programme nd repay the loan.
- 2. In accordance with the above resolution, the Secretry-General entered into an agreement on 3 January 958 with the Swiss Federal Council for the loan to the inited Nations of Swiss francs 3,625,000 (\$843,000), hich could be increased by Swiss francs 374,800 \$87,250) to Swiss francs 4 million.
- 3. The preliminary plans and estimates for the proramme of modernization were prepared by the Building lanagement and Engineering Division of the European of the United Nations. After approval of the rogramme by the General Assembly, however, it was elt that its importance and the public and historical charter of the Palais des Nations made it desirable to seek le advice both of eminent architects and of the major sers of the building, namely the International Labour rganisation and the World Health Organization, and so to consult the Genevese authorities. To that end, a ommittee was set up under the chairmanship of the irector of the European Office comprising the Coniller d'Etat, President of the Department of Public Torks and Messrs. E. Beaudoin, C. Broggi and J. Carlu, chitects, 33 and assisted by representatives of the Direcrs General of the International Labour Office and the 'orld Health Organization.
- ³² Ibid., Eleventh Session, agenda item 43, documents A/C.5/9 and Add.1.
- ³³ Mr. Beaudoin is the Director of the School of Architecture Geneva, Mr. Broggi is the only surviving member of the group architects originally charged with the construction of the lais des Nations, and Mr. Carlu is the architect in chief to the ench Government and Inspector-General of French Public illdings.

- 4. The Committee was requested to consider and advise on that part of the programme which raised questions of an architectural character.
- 5. In answer to additional requirements which further study brought to light, or by the need to maintain the normal activity of the Palais without interruption, it became necessary to make certain adjustments in the substance and timing of the programme originally submitted to the General Assembly. The most important changes were made however on the recommendations of the Committee when, after thorough examination, it appeared that the implementation of certain parts of the programme involved very serious difficulties of an architectural or technical nature and in consequence other solutions had to be found.
- 6. The various projects for the modernization of the Palais des Nations fall readily into two main groups according to the importance of the work involved, the time element and the other related problems. The first category comprises the projects for improvements to the conference rooms and ancillary services, including the catering services. The second category includes all the reconstruction work planned for the Assembly Hall block. For the purposes of this report the programme of modernization will hereafter be dealt with according to those two categories.

CONFERENCE ROOMS AND ANCILLARY SERVICES

- 7. The projects for the modernization of the conference room area and of the ancillary services are as follows:
 - (a) Expansion of the catering service;
 - (b) Improvements to Conference rooms;
 - (c) Modernization of reproduction services;
 - (d) Car parks and access roads;
 - (e) Provision of additional storage space.
- 8. The cost of these projects was estimated at \$590,000. It is contemplated that they will be completed within the time limit of three and a half years as originally proposed. The progress of this work is described in the following paragraphs. A summary showing the financial position and status of each project is contained in annex I.

Catering services

9. The original plan submitted by the Secretary-General provided for the cafeteria on the ground floor

of the Council building to be transferred to the eighth floor of the Assembly building to a point close to the central kitchens and to the delegates' restaurant and for its seating capacity to be increased from 160 to 350 places. However, having examined these plans, the Committee came to the conclusion that the initial project would be difficult to realize: existing eighth-floor space would be insufficient to accommodate a cafeteria of the requisite size, while the alternative of constructing a new floor would prove extremely costly. In addition either of these solutions would give rise to a serious problem of circulation and access. The mass movement through the conference wings of the Palais would not only be a source of inconvenience to delegates in those sectors but would make it necessary, in order to obviate congestion, to undertake a costly enlargement of the lift service. The Committee accordingly recommended that a new cafeteria be built under the front court (Cour d'Honneur) and that it be equipped with a kitchen separate from the one servicing the delegates' restaurant. Construction work was started in March 1958 and the new cafeteria was opened on 25 August 1958, in time for the opening of the United Nations International Conference on the Peaceful Uses of Atomic Energy. It has a maximum seating capacity of 450. Before proceeding with the decoration and furnishing of the cafeteria, it was decided to ascertain whether the layout was completely satisfactory. This has now been established and the decoration and furnishing will be completed by July 1959.

Conference rooms

- 10. The various projects for the enlargement and/or modernization of conference rooms are among those which, as previously indicated, have had to be adjusted in the light of the results of a thorough study by the Committee:
- (a) The Committee agreed that in view of its unfavourable location on a lower floor, improvements to conference room XIV should be limited for the present to the installation of interpreters' booths and a cinematograph projection booth. The room would be equipped with wireless simultaneous interpretation equipment, in order to maintain the maximum flexibility of use as a conference room or cinema.
- (b) The Committee recommended that the complete conversion of conference room XV should be postponed. If remodelled room XV would have a seating capacity of 450 (i.e., more than any other existing conference room in the Palais). Its location in the Library building, however, makes it even more remote than conference room XIV and for this reason it has not been used very much for meeting purposes. It therefore seemed prudent to limit alterations to a minimum.
- (c) The Committee strongly favoured the enlargement of room XII, which will become one of the main conference rooms in the Palais and will provide, in addition to room VII, a second large conference room in the immediate vicinity of the Assembly hall.
- 11. The structural alterations to conference rooms III, VIII, VIII, IX, XI and XII have been completed. As regards conference rooms XIV and XV, these, in accordance with the recommendations of the Committee, have been given second priority, but will be completed at the end of 1959 or the beginning of 1960. The question of the furnishing of conference rooms VII, XI and XII has been under study in consultation with the consulting architects and decorators. Final decisions are now being taken and the furniture will be installed in the course

of the present year. In addition, the study of interpretation equipment in rooms III, VII, VIII, IX and XII has been completed. The work has been contracted out and as the contractor has committed himself to specified dates of delivery, it is expected that the electronic fittings will be installed in these rooms during 1959 and the first quarter of 1960. The simultaneous equipment at present in room VII will be transferred to room XI and that previously in room XII will go to room XIV.

Reproduction Services

12. Part of the plan for the modernization of the reproduction services had to be implemented in 1958 ir order to meet the requirements of the United Nations International Conference on the Peaceful Uses of Atomic Energy. The costs, mainly for purchase of equipment were charged to the Conference budget and more thar offset by the savings in external printing costs for the Conference. Through the purchase of further equipment largely for composition, the internal reproduction facilities at Geneva are being expanded in such a way than et savings in contractual printing expenses will result As a result of these developments, on which a separate report is being submitted to the Advisory Committee, i is believed that an amount of \$7,000 may suffice for completing the modernization of the reproduction services

Car parks

13. New car parks have been constructed and have eased the parking problem around the Assembly building Another new park has just been completed in the vicinity of the entrance gate at the Palais des Nations. It is anticipated that these facilities will meet all needs in the fore seeable future.

Storage space

14. This project was given priority because of press ing needs during 1958. New storage areas of about 1,000 square metres have been developed and are already it use. The conversion into a large underground storag area of the basement which had been constructed unde the temporary buildings erected for the 1958 Atomi Exhibition has solved all storage problems for the Euro pean Office for a number of years. This project is there fore completed.

Lifts

- 15. The modernization of lifts 7A and 7B which forms the junction between the Secretariat and Council sector and the Assembly building has been completed.
- 16. Annex I, which sets out the amounts allotted spent and obligated for the portion of the modernization programme described under paragraphs 9 to 15 inclusive shows that total costs have been maintained within the limit of \$590,000 originally estimated. The Secretary General wishes to assure that General Assembly that costs will continue to be kept within that total figure is respect of all work falling within this section of the report.

ASSEMBLY HALL AREA

- 17. The initial programme for the modernization of the Assembly Hall area comprised the enlargement of the ground floor of the Assembly Hall; the adaptation of the various lifts in that part of the building to the need of increased traffic and the transformation of the Pres Room on the fifth floor into a large conference room
- 18. The study of the problem of the enlargement an modernization of the Assembly hall has been activel

pursued by the Committee ever since its first session in June 1957, with the following basic considerations in mind:

- (a) The ground floor should be enlarged in order to provide about 1,000 seats;
- (b) The Hall should be capable of being used in the most flexible manner, so that it can be adapted to the particular composition of the assemblies or conferences of each of the main international organizations using it;
- (c) The essential character of the Hall as a debating chamber should be preserved as far as possible;
- (d) The equipment and services associated with modern conference techniques should be installed in the Hall;
- (e) The present shape of the Hall and its main architectural characteristics should be preserved.
- 19. A number of preliminary plans were made for the Committee's consideration, which concentrated mainly upon increasing the size of the Hall. When the Committee began to study these in detail, it became more and more obvious that the considerable decrease in the surrounding areas due to the enlargement of the Hall would heavily impair access to it, unless sufficient room was found in the Assembly area to re-house those services essentially required to be located close to the Hall itself.
- 20. The consulting architects therefore agreed to seek a new solution which, while pleasing from the aesthetic and architectural aspects, would permit the necessary changes to be made both satisfactorily and at the minimum cost. These new studies have resulted in the plan which makes use of the second floor of the Assembly Hall and also takes into consideration the questions of circulation and the need to take every advantage of existing space in the Assembly Hall area. The principal characteristics of this plan are as follows:

Assembly Hall

21. The present rectangular form of the Hall would be retained; the floor would be extended on the two lateral sides of the Hall as well as into the present main entrance area, thus making possible the accommodation of about 1,000 persons as compared with an existing seating capacity of approximately 500. The press and public galleries would remain as they are, with a capacity of about 800 seats. The interpreters' and other technical cabins would be suspended all around the Hall above the public galleries. The podium and angles of the Hall would be modernized in order to achieve a complete architectural unity. New furniture would be installed on the ground floor and the technical equipment of the Hall (lighting, air conditioning, simultaneous interpretation equipment etc.) would be entirely modernized.

Vestibule, door 14 and terrace

22. The present door 14 would be closed to normal users and the entrance porticum together with the space between the door and the Assembly Hall would be transformed into a large lounge for delegates. A terrace would be constructed in front of this lounge.

Remodelling of the floor below the Assembly Hall

23. The main entrance to to Assembly Hall would be relocated on the second floor, i.e., the floor immediately below the Assembly Hall. All the space below the Assembly Hall which is now being used mainly as storage space would be rearranged to provide for essential meeting and delegates' services, such as cloak-rooms, documents distribution centre, postal services, bank, press area, delegates bar, etc.

Conference room XVI

- 24. As originally anticipated, a new conference room XVI would be created on the fifth floor in place of the press room.
- 25. The several projects envisaged in this new plan give complete satisfaction from the architectural point of view. The various difficulties which were evident in the original plans have been surmounted. It will be possible to carry out the construction in such a way as to permit the annual conferences of the ILO and WHO to take place without interruption, and, as far as it is possible to anticipate, any other conferences which may have to be held in that area. The work could be done in accordance with the following schedule:
 - 1 May to 31 December 1959: completion of work plans.
- 1 January to 30 June 1960: consultations with contractors, allotting of contracts for the main work and demolition work.

May/June 1960: halting of work because of ILO and WHO conferences.

1 July 1960 to 30 April 1961: completion of all work (except work on the second floor).

May/June 1961: halting of work because of ILO and WHO conferences.

- 1 July 1961 to 30 April 1962: completion of the work on the second floor.
- 26. From the financial point of view, it is to be noted that the cost of the scheme would be in the order of \$1.2 million and will therefore substantially exceed the 1956 estimates for the Assembly area (\$621,000). This is mainly because the new plan provides for the transformation of the hall at door 14 into a delegate's lounge, for the construction of a terrace, and for the remodelling of the floor below the Assembly Hall, items not provided for in the original plans, but subsequently found to be essential features of any scheme of modernization that is intended to yield maximum results. Comparative costs of the initial and revised plans are as follows:

		Present estimates
Assembly Hall	387,000	640,000
Conference room XVI	169,000	193,000
Lifts	40,000	47,000
Administrative costs	25,000	•
Second floor (floor below Assembly	621,000	894,000
Hall)		230,000
Vestibule, door 14, and terrace		76,000
	621,000	1,200,000

[•] Included in above figures.

The figure of \$1.2 million for modernizing the Assembly Hall, including provision of ancillary services and facilities, represents a conservative appraisal of estimated costs based on present price and wage levels. It does not take into account contingencies to meet any unforeseen expenses or possible rises in construction costs that may occur over the three-year period during which work will be in progress. While every attempt will, of course, be made to remain within the estimated costs, the possible need for some upward adjustment—perhaps of the order of 10 per cent—should be borne in mind in the event that the plans as now recommended are to be carried through to completion. The Secretary-General would continue, however, as heretofore to keep the Advisory

Committee and the General Assembly fully and currently informed as the work progresses.

Financing

27. As may be seen from paragraphs 16 and 26 above, the total costs of the modernization of the Palais des Nations would be established under the new plan as follows:

	United States dollars
Conference rooms and ancillary services (un-	
changed)	590,000
Assembly hall area	1,200,000
TOTAL	1,790,000

28. This exceeds by \$580,000 the earlier estimate of \$1,210,000 approved by the General Assembly for the modernization programme. The Secretary-General has considered various possibilities for the financing of this additional cost which would avoid the need for negotiating a new loan agreement with the Swiss Government. Following informal discussion with the Swiss authorities, it appears that it would be possible within the present agreement to increase the total of the loan to Swiss francs 4 million and to reimburse this latter sum starting in 1964. In view of existing commitments for capital ex-

penditure during the years 1960 to 1963, it is felt that the earlier arrangements concerning the financing of the original project should be maintained and that the additional expenditure involved should be financed by suitably increasing the last four of the ten annual budget provisions approved in principle by the General Assembly. To this effect, the Secretary-General proposes that (a) the number of annual budgetary appropriations be kept unchanged at ten; (b) the level of the appropriation be maintained at \$121,000 in the budgets for the calendar years 1960 to 1962, raised to \$131,000 for 1963, and to \$311,000 annually for the years 1964 to 1966: (c) the sums which may be required to finance the programme over and above the budget appropriations already available and the Swiss franc 4 million loan, be advanced from the Working Capital Fund; (d) the sums advanced from the Working Capital Fund be repaid from budgetary appropriations in accordance with the schedule shown in annex II.

29. Annex II sets out year by year the estimated total disbursements for the programme, the total financed through budget appropriations, the totals financed through the Working Capital Fund and the Swiss land, as well as the amounts to be repaid to the Working Capital Fund and the Swiss Government throughout the period 1957-1966.

Annex I

Financial position as at 22 May 1959 for the conference rooms and ancillary services

(Expressed in United States dollars)

Project	Obligations incurred at 22 May 1959	Yet to be obligated	Total expenditure to be incurred
Room VII	14,425	32,075	46,500
Rooms III, VIII, IX, XI	152	61,380	61,532
Room XII	78,877	34,568	113,445
Lifts 7A and 7B	49,054	, 6	49,060
Cafeteria	232,458	15,542	248,000
Reproduction services	<u>.</u>	7,000	7,000
Library sub-basement	3,209	<u>-</u>	3,209
Rooms XIV and XV	2,710	27,844	30,554
Storage space and grounds	13,677	23	13,700
Administrative expenses and fees	15,500	1,500	17,000
Total	410,062	179,938	590,000

Annex II
Financing of the modernization plan

	Total Financed disbursements by budget	77 1	Balance to be financed from	Financed	through	Amoun	ts repaid
		non-Budget sources (cumulative)	Swiss Loan (cumulative)	W.C.F.	W.C.F.	Swiss Loan	
			Unite	d States dollars			
1957	57,000	121,000					
1958	335 000	242,000	93,000	93,000	-		
1959	850,000	363,000	487,000	487,000	_		_
1960	1,160,000	484,000	676,000	676,000			-
1961	1,520,000	605,000	915,000	915,000	-	_	-
1962	1,740,000	726,000	1,014,000	931,000	83,000		
1963	1.790.000	857,000	933,000	931,000	2,000	81,000	_
1964	1,790,000	1,168,000	622,000	622,000		2,000	309,000
1965	1,790,000	1,479,000	311,000	311,000	_		620,000
1966	1,790,000	1,790,000	<u> </u>				931,000

DOCUMENT A/4157

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [22 July 1959]

- 1. A programme for the modernization of the Palais des Nations, Geneva, set out by the Secretary-General in his report to the eleventh session³⁴ and commented on by the Advisory Committee on Administrative and Budgetary Questions³⁵ was approved by the General Assembly in resolution 1101 (XI) of 27 February 1957, at a total estimated cost of some \$1,200,000. In terms of that resolution, the Secretary-General was authorized to accept the offer of the Swiss Federal Council of an interest-free loan of 4 million Swiss francs (\$930,250 at current exchange rates), to proceed with the execution of the programme and to include in his budget estimates for the years 1957 to 1966 provision for ten annual instalments of \$121,000 to finance the programme and repay the loan.
- 2. In October 1958 the Secretary-General submitted to the Advisory Committee a report on the progress of the work indicating that, as a result of a detailed architectural survey: (a) certain adjustments had had to be made in the initial plans for the improvements of conference rooms and ancillary services; and (b) certain extensive changes would need to be made in the plans concerning the Assembly Hall. In a supplementary report to the General Assembly at its thirteenth session, ³⁶ the Advisory Committee undertook to consider the question in detail in 1959 and to submit approximate recommendations to the General Assembly at its fourteenth session.
- 3. In the courses of its first session in 1959, held in part at Geneva in April the Advisory Committee examined the revised plans and cost estimates submitted in the Secretary-General's current report to the General Assembly (A/C.5/775). The Committee also took advantage of its presence in the Palais des Nations to make an on-the-spot survey of work completed to date as well as of proposed further structural changes and, notably, the latest plan for the Assembly Hall area.

Conference rooms and ancillary services

4. As regards the projects for the modernization of the conference room area and of the ancillary services, the Advisory Committee was able to ascertain that the work was now nearing completion and that considerable functional advantages would seem to have been gained. To the extent that certain details of the original plan were varied in actual execution, the Committee was satisfied that these had remained within the basic outlines of the programme approved by the General Assembly. The Committee has taken note also of the Secretary-General's assurance that costs under this part of the programme would be kept within the total amount of \$590,000 originally estimated for this purpose.

Assembly Hall area

5. As to the revised plan for the enlargement of the Assembly Hall and the related adaptation and transformation of adjacent areas, the Advisory Committee paid special attention to the extent to which the new scheme

³⁴ Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 43, document A/C.5/659 and Add.1.
³⁵ Ibid., document A/3379 and Add.1.

³⁶ Ibid., Thirteenth Session, Annexes, agenda items 43 and 44, document A/4003.

- would meet the principal objectives and requirements which the General Assembly had in mind when it agreed to the original plan.
- 6. The present plan is estimated to cost \$1,200,000, as compared with the amount of \$621,000 estimated for the purpose in 1956. The Advisory Committee notes that, within the existing limits of architectural possibilities, the plan would afford the maximum extension of the Assembly Hall. The Committee would submit in this regard that, from the long-term point of view, it would indeed be prudent and practical to achieve such maximum expansion on the occasion of the reconstruction scheme now contemplated. It was persuaded also that the related development of the adjacent areas would seem to be necessary for the proper functioning and servicing of the enlarged Hall. Accordingly, the Advisory Committee believes that the new plan is in accord with the general objectives of the General Assembly and would recommend its approval by the General Assembly.
- 7. The Advisory Committee notes that the present plan is generally acceptable to the International Labour Organisation and the World Health Organization, two of the principal users of the meeting facilities in the Palais des Nations, and, further, that the time-table for the execution of the plan would permit the annual conferences of those organizations to take place without interruption. There is, however, one point which may call for further continuing attention namely, the problem of adequate office space in the vicinity of the Assembly Hall. While it is proposed to remodel the second floor, that is the floor immediately below the Assembly Hall, with a view to accommodating such essential services and facilities as documents distribution centres, postal services, bank, press area and cloakrooms, the expansion of the Assembly Hall itself might result in a curtailment of currently available office space in that area. Any consideration of the problem of providing additional office space in the proximity of the Assembly Hall should also take account of the probable release, with the move of WHO from the Palais des Nations in three or four years, of a substantial amount of space in a part of the building which, however, is the farthest from the Assembly Hall. In other words, some extensive rearrangements involving office space may need to be made at that time with a view to freeing offices nearer to the Assembly Hall from regular secretariat use.
- 8. The Secretary-General states, in paragraph 26 of his report, that while every effort will be made to keep costs within the present estimate of \$1.2 million, the possible need for some upward adjustment—perhaps of the order of 10 per cent—cannot be ruled out "in the event that the plans as now recommended are to be carried through to completion". The Advisory Committee notes in this regard that the Secretary-General intends to keep the Committee fully and currently informed of the progress of the work with particular reference to the pattern of expenditures. This is especially important since, in the event of possible increases in costs, the Committee might have opportunities to recommend offsetting economies relating to certain less essential non-structural aspects of the plan.

Financing

- 9. The Secretary-General estimates the total cost of the entire modernization programme, as modified, at \$1,790,000. To meet this expenditure he made certain proposals (A/C.5/775, para. 28).
- 10. The Advisory Committee has considered these proposals from the point of view of its over-all burden

on Member States and has taken special note of the fact that the last annual instalment of \$200,000 for the United Nations building in Santiago, Chile, will have been included in the budget for 1963. The Advisory Committee believes that the Secretary-General's proposal represents a reasonable adaptation of financial arrangements already approved.

World Health Organization Headquarters accommodation

DOCUMENT A/C.5/810

Note by the Secretary-General

[Original text: English]
[30 November 1959]

- 1. The Secretary-General has been requested, in a letter dated 11 June 1959 from the Director-General of the World Health Organization, to bring to the attention of the appropriate bodies of the United Nations for their consideration the resolutions on the subject of Headquarters accommodation adopted by the Twelfth World Health Assembly and by the Executive Board of the World Health Organization at its twenty-fourth session. These resolutions (see annex) are brought to the General Assembly's attention in consequence of the provisions of paragraph 9 of the former and paragraph 5 of the latter, both of which deal with the question of a suitable reimbursement to the World Health Organization by the United Nations for its investment in the Palais des Nations in consideration of releasing the space which the World Health Organization now occupies in the Palais. The Director-General is expected to make a further report on this matter to the Executive Board at its twenty-fifth session scheduled for January 1960.
- 2. The preambles to both the Assembly and the Executive Board resolutions note that the World Health Organization has made an investment in the Palais des Nations of 4,425,763 Swiss francs (\$US1,029,252) inclusive of the grant made by the Swiss authorities of 3,000,000 Swiss francs (\$US697,674) for the purpose of facilitating the World Health Organization's accommodation in Geneva. The position of the representative of the Secretary-General before the World Health Organization Assembly and Executive Board has been that the Secretary-General was not in a position to commit the United Nations in any way but that he was ready to co-operate in the search of solutions satisfactory to Member States of both the United Nations and the World Health Organization. It should further be noted that the authorities of the Swiss Confederation and of the Republic and Canton of Geneva, subject to parliamentary approval, have offered to provide a building site for the new Headquarters and to assist in the financing by granting new loans to a total of Swiss francs 30,000,-000 (\$US6,976,744).
- 3. Under the Agreement of 15 February 1950,³⁷ concerning the premises to be used as World Health Organization Headquarters in Geneva, the United Nations agreed to extend the Palais des Nations with funds provided by the World Health Organization, title to the Palais, thus extended and transformed, remaining vested in the United Nations. In consideration of the funds provided by the World Health Organization, the United
 - ³⁷ See United Nations Treaty Series, Volume 46, 1950, No. 188.

- Nations leased the premises to the World Health Organ ization for ninety-nine years at a rental of one Swiss franc. The cost of utilities (e.g. gas, electrity, heating hot and cold water, telephone) and of conference and general services provided to the World Health Organization by the United Nations were to be proportionately borne by the World Health Organization. It was also agreed that repairs to the building were the responsibility of the United Nations except those minor repairs necessary to ensure normal use, the cost of which were chargeable to the World Health Organization. The World Health Organization's option as against other organizations on additional available space and the granting of the World Health Organization's request for further construction in the Palais were subject primarily to payment of cost thereof by the World Health Organization. The lease was subject to renewal on the World Health Organization's option.
- 4. Except for a nominal one Swiss franc annual rental no other rental is chargeable to the World Health Organization by the United Nations for the ninety-nine-year lease. The lease was due however "in consideration of the funds to be paid by the WHO to the UN" to cover the cost of construction of the World Health Organization's offices in the Palais.
- 5. The authorization to lease to the World Health Organization the premises located in the Palais, giver to the Secretary-General by the General Assembly ir resolution 360 (IV) was based on the fact that the World Health Organization will have full responsibility for the additional expenditures required to cover the total construction cost of the projected extension. Furthermore the Preamble of the Agreement mentions resolution 36((IV)) and acknowledges the conditions required by the General Assembly that "any extension or transformation of the Palais des Nations necessary to accomplish this purpose (the leasing to the World Health Organization of premises located in the Palais) is made by the UN a the expense of the WHO".
- 6. Following the receipt of the letter of 11 June 1959 from the Director-General of the World Health Organ ization, a report was made to the Advisory Committee on Administrative and Budgetary Questions at its sum mer session. At that time, the Secretary-General stated inter alia, that to assist the General Assembly in its consideration of this question, a more complete statemen setting forth the factual considerations involved, togethe with the consequences, budgetary and otherwise, which an eventual move by the World Health Organization

vould entail for the United Nations, would subsequently e prepared.

- 7. In the meantime, however, difficulties which have nly very recently been resolved were encountered by he Swiss authorities in finding a suitable site that could e made available to the World Health Organization for ts headquarters. In a letter dated 16 November 1959, owever, the Secretary-General was advised by the Deputy Director-General of the World Health Organization as follows:
- "In Dr. Candau's absence I write to let you know that we have now received from the Conseil d'Etat of Geneva a formed notification of its decision to place at the disposal of WHO a certain building site near the Palais, which is within the area approved by our Executive Board. I hasten to give you this information in relation to the conversations which have recently taken place between you and Dr. Candau on this subject and the interest you have shown in this matter."
- 8. In these circumstances, the Secretary-General oubts whether the General Assembly is in a position to each any conclusion at this session concerning "the uestion of a suitable reimbursement to the WHO by ne United Nations" for its investment in the Palais. Accordingly, he would propose that when all factors pernent to the final accommodation of WHO have matured ufficiently, the matter be further studied, in consultation is necessary with the Advisory Committee and a fuller eport (or reports) be submitted to the General Assembly tits fifteenth session.
- 9. Meanwhile, the Secretary-General desires to stress the fact that he fully shares the view already expressed y the Director-General of WHO, that the question is sentially one to be decided on by the Governments, tembers of the WHO and of United Nations respectively, and not one for negotiation between the heads f the organizations concerned.

Annex

RESOLUTION ADOPTED BY THE TWELFTH WORLD HEALTH ASSEMBLY

WHA12.12 22 May 1959 [Original English]

"Headquarters accommodation

"The Twelfth World Health Assembly,

"Having studied the report of the Director-General to the twenty-third session of the Executive Board and the report submitted to the present session of the Health Assembly,

"Considering resolution EB23.R52 adopted by the Executive Board at its twenty-third session,

"Considering that the present position regarding headquarters accommodation is not conducive to an efficient functioning of headquarters services, and therefore requires an urgent solution,

"Noting from the technical study made by the United Nations on the possibilities of extending the Palais des Nations that none of the several possible extensions could be considered as satisfactory,

"Noting the offers made by the authorities of the Swiss Confederation and of the Republic and Canton of Geneva, subject to parliamentary approval, to provide a building site and to assist in the financing of a new building, by granting loans to a total of Sw. fr. 30,000,000 (\$US6,976,744), and

"Noting that the World Health Organization has made an

investment in the Palais des Nations which includes a grant by the Swiss authorities intended to facilitate WHO's accommodation in Geneva,

- "1. Decides that there is a need for a headquarters building for WHO;
- "2. Decides that plans and specifications together with more precise cost estimates within a maximum limit of Sw. fr. 40,000,000 (\$US9,302,326) shall be laid before the Thirteenth World Health Assembly;
- "3. Accepts the generous offer of the Government of the Swiss Confederation and the Government of the Republic and Canton of Geneva and expresses its warmest thanks for their generous offers;
- "4. Decides to establish a special account entitled 'Head-quarters Building Fund' to which all sums appropriated, borrowed or contributed are to be credited and against which all costs for planning, construction and equipping of the Headquarters building are to be charged, the account to be maintained until the completion of the building project and, notwithstanding the provisions of the Financial Regulations, the balance of the account being carried forward from year to year;
- "5. Agrees that the choice of a building plan and an architect should be made through international competition, which competition shall be governed by rules to be established by the Executive Board including the value of the prizes to be offered;
- "6. Delegates to the Executive Board, subject to the provisions of paragraph 2, the following powers to act on behalf of the Health Assembly with regard to the development of plans, specifications and estimates for the construction of the Headquarters building;
 - "(a) To approve the building site;
- "(b) To approve the contractual arrangements with the authorities of the Swiss Confederation and of the Canton of Geneva for the credits offered;
- "(c) To approve the contract with the architect to be selected as referred to in paragraph 5 above;
- "7. Authorizes the Executive Board to delegate such of the above powers as it may find necessary to an ad hoc committee of the Board, which committee could be convened between sessions of the Board at such time as it might be considered necessary, and on the call of the Director-General;
- "8. Authorizes the Executive Board to accept, for the Headquarters building, on behalf of the World Health Assembly, in conformity with Article 57 of the Constitution, voluntary contributions, gifts and bequests from governments, foundations, individuals and others;
- "9. Requests the Executive Board and the Director-General to study the question of a suitable reimbursement to the World Health Organization by the United Nations, to bring the matter to the attention of the United Nations, and to submit a report to the next Health Assembly; and
- "10. Requests the Executive Board and the Director-General to submit a full report to the Thirteenth World Health Assembly on the status of the plans for headquarters accommodation, and on the financing of the expenditure over the years.

"Ninth Plenary Meeting, 22 May 1959 A12-VR/9"

RESOLUTION ADOPTED BY THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION AT ITS TWENTY-FOURTH SESSION

EB24.R30 Headquarters accommodation

"The Executive Board,

"Having regard to the authorities and responsibilities for headquarters accommodation delegated to it by the Twelfth World Health Assembly in resolution WHA12.12,

"Having considered the building site which the Canton of

Geneva generously proposes to place at the disposal of the Organization,

"Having examined the rules and programme proposed by the Director-General for the architectural competition,

"Having considered the names of various architects who might be invited to serve on the jury for the architectural competition and on the expert committee to suggest persons to be invited to compete, and

"Having noted that the World Health Organization has made an investment in the Palais des Nations which included a grant by the Swiss authorities intended to facilitate WHO's accommodation in Geneva,

"1. Approves the proposed building site, and requests the Director-General to present to the Executive Board at its twenty-fifth session the text of an agreement to be effected between the Organization and the Swiss authorities with regard to the terms under which the land would be made available:

- "2. Approves the rules and programme for the architectur. competition proposed by the Director-General as amended;
- "3. Accepts the list of architects proposed by the Directo General to be invited to serve on the jury of the competitic and authorizes the Director-General to supplement this li should this become necessary:
- "4. Accepts the list of architects proposed by the Directo General to be invited to serve on the expert committee suggest architects or firms of architects to participate in tl competition and authorizes the Director-General to suppl ment this list should this become necessary; and
- "5. Requests the Director-General to bring to the attentic of the Secretary-General of the United Nations resolutio WHA12.12, document EB24/21, and this resolution, and invite the Secretary-General to present to the appropria bodies of the United Nations for consideration the matter a suitable reimbursement to WHO for its investment in tl Palais des Nations.

"Fourth meeting, 2 June 1959"

DOCUMENT A/4319

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English [2 December 1959

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered the note by the Secretary-General (A/C.5/810) drawing attention to the resolutions adopted by the Twelfth World Health Assembly and the Executive Board of the World Health Organization (WHO) at its twenty-fourth session on the subject of the construction of a headquarters building for WHO and related matters. Of particular interest to the General Assembly are the provisions in these resolutions dealing with the question of "a suitable reimbursement to the World Health Organization by the United Nations" for the WHO investment in the Palais des Nations in consideration of releasing the space which WHO now occupies in the Palais.
- 2. It will be recalled in this connexion that, pursuant to an agreement entered into in 1950 between the United Nations and WHO, the latter provided Swiss francs 4,425,763 for the extension of the Palais, of which amount Swiss francs 3,000,000 represented a grant made by the Swiss authorities for the purpose of facilitating WHO's accommodation in Geneva. In consideration of the funds provided by WHO, the United Nations leased the new premises to WHO for ninety-nine years at a nominal annual rental of one Swiss franc.
- 3. The Advisory Committee gave preliminary consideration to the matters in question in the course of its 1959 summer session, and again in conjunction with its examination of the 1960 budget of WHO. In its report on the administrative budgets of the specialized agencies for 1960 (A/4257, para. 73), the Committee noted that consultations were still in progress between the Secretary-General and the Director-General of WHO, and deferred its comments and recommendations pending the submission to the General Assembly in due course

- of a detailed report on the subject by the Secretary General. Earlier, at its session at Geneva in April 195 the Committee had the opportunity of discussing with the Director-General of WHO various aspects of the proposed move of WHO to new premises, with speciemphasis on the question of common services.
- 4. The details of the arrangements under which WH has occupied space in the Palais des Nations are set o in some detail in the Secretary-General's note (para 3-5). The arrangements in question are such that tl question of a reimbursement to WHO by the Unite Nations needs careful study in terms largely of practic considerations, inasmuch as the two organizations hav in the main, a common membership.
- 5. It appears from the Secretary-General's note the progress of the new headquarters plan had been d layed by difficulties encountered by the Swiss authoritin finding a suitable site. This problem has now becresolved and the Conseil d'Etat of Geneva formal notified WHO on 16 November 1959 of its decision place at the disposal of that organization a building si in the immediate vicinity of the Palais des Nations.
- 6. The Advisory Committee shares the Secretar General's doubts whether, in the above circumstance the General Assembly is in a position to reach any co clusion at its present session concerning the question any reimbursement to WHO for its investment in the Palais. The Committee accordingly concurs in the proposal of the Secretary-General that the matter shound be further studied when all factors pertinent to the fin accommodation of WHO have matured sufficiently, consultation, as necessary, with the Advisory Committee and that a fuller report (or reports) should be submitted to the General Assembly at its fifteenth session.

REVISED ESTIMATES

Sections 1, 6, 7, 8, 14, 17 and 19a

Revised estimates resulting from decisions of the Economic and Social Council

DOCUMENT A/C.5/777

Report of the Secretary-General

[Original text: English] [25 August 1959]

A. Introduction

- 1. As in previous years, it is necessary, because the nnual work programme of the Economic and Social council does not coincide with the annual time-table for ubmission of initial budget estimates, to amend the nitial budget estimates for 1960 (A/4110) so that new rork requested by the Council for next year can be effected in the appropriations. In the present report, a eries of revisions in the budget estimates for 1960 are roposed which would add \$551,600 to the total approriations requested.
- 2. In the case of the requirements for ad hoc expert roups, the employment of individual short-term conultants, travel of staff on official business, and printing ppropriations to cover the full costs are requested.
- 3. In the case of established posts requirements, on ne other hand, the Secretary-General is applying to the nancial implications of the actions of the Council the ame policy as was followed in submitting the initial stimates. That is, no additional established posts are equested. Instead, it is proposed to stabilize the total evel of professional posts for one year during which time fforts are to be made to redeploy posts according to riority needs. This approach is not motivated simply y budgetary considerations; rather, it is designed to rovide a period of approximately one year in which ne Secretary-General and his senior staff may undertake further review of the professional establishment with ne purpose of achieving a maximum effective use of ne resources now authorized before formal requests for et requests for net additions to that establishment are ut forward. As described under part B of this report, ne full financial implications for increased staff in the reas of expanding activity come to approximately 390,000, relating to some thirty professional posts and supporting complement of some fifteen posts of secrearies, typists and statistical clerks. Since additional stablished posts are not being requested for 1960, some imp-sum provision for temporary assistance should be ande so that the Secretary-General will have an assured leans for dealing with those requirements of the highest rgency at Headquarters and in the regional economic ommissions. The temporary assistance provision proosed for this purpose is \$100,000, of which \$80,000 is or salaries (section 6) and \$20,000 is for related com-non staff costs (section 7). Even with a lump-sum temorary assistance authorization of \$100,000, it will not e possible in 1960 to meet some of the priority needs for example, those of the Economic Commission for atin America) to other than a nominal extent. Obviusly, also, new work emanating from Council decisions nis year will not be implemented with full and equal peed in all the priority areas involved.
- 4. Apart from the requirements for supplementing the staff resources of the regular establishment, the principal additional requests are for an increase in the budgetary provision for social welfare advisory services and the establishment of a small annual provision for technical assistance activities in the field of narcotic drugs control. Attention is called also to the fact that, in the case of the programme for provision of operational and executive personnel (OPEX), the adoption by the General Assembly of the policies recommended in Council resolution 739 (XXVIII) would remove for the future any numerical limitation upon the total number of OPEX nominations. This action would not in itself have financial implications. The Secretary-General intends, however, later in 1959, to present a financial analysis and forecast of the OPEX programme which could indicate a need for some upward revision in the level of appropriation for 1960.
- 5. Member States may wish to be aware of certain actions of the Council which, while not entailing alterations of the 1960 estimates, are of administrative or financial interest. Under Council resolution 743 D (XXVIII), the Secretary-General is authorized to revise his report on the scope, trend and cost of the programmes of the United Nations for 1959 to 1964 (E/3260, and Add.1 and 2), looking toward the Council's further consideration of this subject in 1960. Council resolution 724 A (XXVIII) terminates the Transport and Communications Commission. In the matter of the timing and related arrangements for the Plenipotentiary Conference for the adoption of a Single Convention on narcotic drugs, the advice of the Council was sought, as mentioned in paragraph 8 of the forward to the 1960 budget estimates, and, in the light of the views expressed in the Council, the Secretary-General has decided to convene the Conference for the period January-March 1961 at New York. Related financial provisions will be included in the initial estimates for that year.
- 6. In resolution 737 (XXVIII), dealing with the use of Special Account moneys to finance overhead costs of the organizations in respect of the Expanded Programme for Technical Assistance, a formula is laid down under which the miscellaneous income which the United Nations receives from the Special Account for overhead costs will be reduced progressively in 1961 and 1962 to the level recommended to the Technical Assistance Committee by the Advisory Committee on Administrative and Budgetary Questions. This formula will be taken into account in the estimates for miscellaneous income for 1961.
- 7. In connexion with the present report, reference may be made also to the detailed statements of financial implications submitted to the twenty-seventh and twenty-eighth sessions of the Council (especially E/3288 and

E/3301) and to chapter X of the Council's report to the General Assembly (A/4143).

8. In the detailed explanation of the revised estimates for 1960 which follows, certain standard costing formulas have been utilized. In the case of ad hoc groups of experts, the standard calculation is \$1,000 for travel and \$25 subsistence for each day of meeting. Printing costs are based on estimated length of the publication, number of languages and probable distribution. The printing estimates given are gross costs, without making allowance for the fact that, in the case of most of the publications, a sales revenue will result. Typing and translation costs will be incurred for every new document and report, and in most instances an estimate has been given as to what these costs would amount to if they were separately calculated; however, no budgetary request in respect of such costs is made at the present time. Although no request for an increase in the number of established posts for 1960 is made, full information is given on the post requirements associated with the new work for which the Council has asked, and, in the presentation, the cost of professional posts is calculated on the basis of one year's salary at step 2 of the grade plus 20 per cent for all associated common staff costs, plus post adjustment where appropriate.

B. Financial implications of decisions of the Council

Calendar of conferences for 1960 (section 1)

- 9. The calendar provides for the 1960 session of the Commission on the status of Women to be held in Buenos Aires, on invitation of the Government of Argentina. That Government, after being informed of the services it would be expected to provide and of the approximate level of additional budgetary costs it would be expected to reimburse, has confirmed its acceptance of the principle laid down in General Assembly resolution 1202 (XII). When the detailed negotiations with the Government have been completed, the proposed budgetary and related financial arrangements will be submitted to the General Assembly.
- 10. In resolution 728E (XXVIII), the Council increased the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from twelve to fourteen. This action necessitates adding the sum of \$3,100 to the provision for travel and subsistence of members of this Sub-Commission, now shown in section 1 (chapter III), so that the total provision in respect of the Sub-Commission is increased from \$22,000 to \$25,100.

Industrialization (section 6)

- 11. Council resolution 709 A (XXVII) welcomed the action of the Secretary-General in raising the status of the Secretariat's Industry Section to that of a Branch of the Bureau of Economic Affairs, urged him to consider strengthening further the organization and work programme in the field of industrialization, and supported the use of consultants either individually or as an advisory group.
- 12. Full implementation of the Council's request would require an increase in the basic strength of the Industrial Development Branch from the present level of nine professional posts to a total of approximately eighteen professional posts. As part of the programme of redeployment and maximum utilization of existing

posts referred to in paragraph 2 above, it is intended to provide four of these new posts from within the present establishment. It is most unlikely that the remaining five posts could be provided in 1960 in the same manner. The possibility of requesting up to five new professional post (initial cost, \$61,000) in the 1961 budget estimates if foreseen.

13. The additional budgetary requirement for 1960 i limited to the amount needed to permit the use of outsid consultants during the year. Assuming twenty-four con sultant man-months (some part of which may be applied to a meeting of a group of experts), the sum of \$26,000 is added to the temporary assistance requirements fo Headquarters contained in section 6. The proposal that seminars, consultations are training centres be en couraged will be implemented through the technical assistance programme in accordance with normal programming procedures.

Sources of energy and energy development (section 6)

- 14. In resolution 710 A (XXVII) the Council re quested the Secretary-General to take measures for hold ing a United Nations conference on solar energy, wine power and geothermic energy, if possible in 1961 but no later than 1962, and, in this connexion, to convene pre liminary meetings of experts not later than the las quarter of 1960. The 1960 costs for meetings of expert would come to \$16,975, assuming two groups of expert (one on geothermic energy and one on solar energy consisting of seven experts each, who would meet for period of about one week. As to the timing of the pro posed international conference, the Secretary-Genera would contemplate convening the conference in 1961. I the conference were held at New York and appropriately timed, and assuming that participants bear their own travel and subsistence costs, the only additional appro priations in respect of it would relate to printing of th report of the conference, estimated at \$5,000.
- 15. Council resolution 710 B (XXVII) requests th Secretary-General to develop a methodology for apprais ing energy resources, and also to arrange, at the reques of the Governments of interested Member States, for th preparation of seminars at the regional or other appro priate level to promote better understanding of th economic problems connected with energy developmen in under-developed countries. On the assumption tha the development of methods of energy development ap praisal could be done with the help of a panel of expert and the co-operation of technically interested interna tional organizations, the costs foreseen-for a panel o seven experts which would meet for about one week i the summer of 1960 and again early in 1961-will b \$8,225 for 1960 and \$9,975 for 1961. An additional cos in 1960 for engaging an expert consultant for six month would come to \$7,000. The cost of printing the repor of the panel of experts in 1961 would come to about \$5,000. As to seminars, it is hoped that present plans fo convening a seminar on economics of electrification possibly at Headquarters, in the autumn of 1960 coul materialize as a technical assistance project, subject, o course, to normal programming procedures.
- 16. The total additional amount required in sectio 6 of the estimates for consultant services as a consequenc of these resolutions is \$32,200, of which \$25,200 relates t expert meetings and \$7,000 to a consultancy. The requirements for 1961 will be taken into account when th initial budget estimates for that year are prepared.

Population analysis (section 14)

- 17. The Council, in resolution 721 (XXVII) endorsed the work programme and priorities contained in the Population Commission's report. This programme involves expansion of present activities to include regular review of various aspects of the world demographic situation in relation to economic and social conditions; studies of rural-urban migration in relation to urbanization and industrialization; and continuation of demographic pilot studies. The issuance of Russian versions of certain key population studies is also contemplated.
- 18. Continuing authority for carrying out demographic pilot studies at an annual cost of between \$5,000 to \$10,000 per year already exists under the terms of Council resolution 571 A (XIX); the anticipated 1960 expenditure for the second pilot study (to be initiated in the latter part of 1959), foreseen as being about \$8,000, is provided for in the initial budget estimates. The costs for which budgetary provision does not exist, and which are only partly absorbed by staff savings accruing from a temporary abatement of work on future population projections, relate to the provision of two Professional posts (P-4 or P-3) and one General Service post in 1960, to be increased, in 1961 and thereafter, to three Professional and two General Service posts. The estimated salary and related common staff costs would be \$27,000 in 1960 and \$42,000 in 1961. In addition, the printing in Russian of the Demographic Dictionary (1960 only) and the Population Bulletin would add a printing cost of \$2,850 in 1960 and \$1,250 thereafter.
- 19. Additional posts are not requested for 1960, although the possibility of having to include new posts in the estimates for 1961 is foreseen. The budgetary impact for 1960 relates to an increase in the estimate for contractual printing (section 14) by \$2,850.

Freedom of information (section 6)

- 20. Council resolution 718 (XXVII) requested the Secretary-General to institute a programme of reports on developments in freedom of information. The Secretary-General expressed certain reservations regarding the appropriateness of giving these tasks to the Secretariat and said that, in so far as the proposed substantive report on developments since 1954 was concerned, he would, if the Council agreed, entrust the work to a consultant and transmit the report of the latter to the Council. The Council adopted the resolution on this understanding. Accordingly, \$7,000 is added to the provision for temporary assistance (consultant services) requested in section 6 of the estimates. The cost of printing the report will not require budgetary provision until 1961 or 1962.
- 21. For the expansion in the continuing work of the Secretariat required under this resolution, there will be a need, as from 1960, for one P-5 officer and one secretary (total related salary and common staff costs, \$21,000) but additional established posts for the purpose are not requested.

Short-term appraisals of world economic situation (section 14)

22. As required by resolution 690 C (XXVI), the Secretary-General submitted to the Council a preliminary report³⁸ on the work carried out to date on short-term

appraisals of the world economic situation, including the recommendations for extending and improving this work which were made by the expert group which met in June 1959. The Secretary-General is to proceed along the lines recommended by the expert group and to make the further report called for by resolution 690 C (XXVI) to the thirtieth session of the Council.

23. As the Council was informed (E/3288, annex II), the new compilations to be undertaken will involve additional clerical time, estimated at the equivalent of two statistical clerks at the senior level of the General Service category. Salary and related common staff costs for the two statistical clerks for a full year would amount to \$10,600. This additional requirement will be fully reflected in the 1961 initial budget estimates; in the meantime, the need will be met provisionally from 1960 resources as authorized. In addition, the publication of a quarterly bilingual bulletin is envisaged in the near future. The costs of printing such a bulletin are estimated at \$5,300 in the first year of publication and \$5,100 in subsequent years. For 1960, therefore, the estimate under section 14 of the budget (contractual printing) is increased by \$5,300.

Evaluation of techniques of long-term economic projections (sections 6 and 8)

- 24. Council resolution 741 (XXVIII) institutes a new programme for the evaluation of long-term economic projections that have been developed, including those at present being carried out in the United Nations. The Secretary-General is required to undertake such an evaluation in consultation with the appropriate specialized agencies and other competent organizations and to submit an initial report to the thirtieth session of the Council, to be followed by other progress reports as appropriate.
- 25. In implementing this request, the Secretary-General will arrange for detailed technical consultations between staff in the Bureau of Economic Affairs and personnel of national Governments, regional economic commissions and other competent organizations actually engaged in the carrying out of long-term projections. A significant amount of staff travel—possibly four overseas trips and some short trips—is required during the balance of 1959 and first part of 1960. Funds for one overseas trip are being set aside within the 1959 appropriation and plans are being made to reserve funds in 1960 for a second trip. To assure that funds will be available for two other overseas trips in 1960, a supplementary credit of \$5,000 under section 8 is requested. In addition, funds in the amount of \$13,000 are requested under section 6 to finance either an ad hoc meeting of experts or other use of outside expert advice.

Regional economic commissions (sections 6 and 14)

26. Economic Commission for Europe: The work programme³⁹ approved by Council resolution 723 A (XXVIII) requires, for its full implementation, the provision of one Professional post (P-3) for work on trade and six General Service posts in the various parts of the ECE Secretariat (estimated annual cost, \$38,800). The printing of volume maps of main international arteries and printing of the annual bulletin of electric energy statistics for Europe would entail additional printing costs. In the case of the volume maps, to be printed in 1961, or 1962, a contribution of \$1,200, by the

³⁸ Official Records of the Economic and Social Council, Twenty-cighth Session, Annexes, agenda item 2 (a), document E/3266 and Add.1.

³⁹ Ibid.. Supplement No. 3.

International Road Federation, would reduce the United Nations printing expense to \$900. Statistical services and photographic and reproduction supplies required for the printing of these maps would, if separately calculated, involve a cost of \$5,200. The recurring annual cost of printing the electric energy bulletin would be \$2,100. In each case some sales revenue is anticipated.

27. It is intended to deal with foreseen 1960 staffing requirements within the level of appropriations being requested for that year. The only revision in the 1960 estimates is therefore an increase of \$2,100 in section 14 (contractual printing).

28. Economic Commission for Asia and the Far East: The Work Programme⁴⁰ approved by Council resolution 723 B (XXVIII) requires one or two additional substantive professional posts. The need for one P-4 statistical post (Estimated salary and common staff costs of \$13,700) is considered most urgent. The Secretary-General will endeavour to meet this requirement within the existing level of the total establishment. The possibility of a request for a net increase in the number of posts in respect of ECAFE for 1961 is not precluded.

29. The Regional Population Conference proposed by ECAFE for 1961 or 1962 is most likely to be held early in 1962 and to rely, for financial resources, principally upon the technical assistance programme. There is, however, a certain amount of preparatory work, particularly the drafting of a series of technical papers, which will entail the co-operative use of ECAFE and Headquarters resources. To the extent that an increase in the existing full-time permanent staff engaged in demographic analysis (see paras. 17-19 above) cannot be brought about before 1961, some expenditure for the employment of short-term consultants will be necessary in 1960 and this fact has been taken into account in establishing the magnitude of the supplementary request for temporary assistance to which reference is made in para. 3 above.

30. Economic Commission for Latin America: The Work Programme⁴¹ which the Council approved in resolution 723 C (XXVIII), envisages a substantial increase in the assignments carried by the ECLA secretariat, particularly on the common market project and in regional statistical services. At the time of the Commission's session it was anticipated that a sizable increase in the number of continuing posts would be called for. In addition to a general strengthening of substantive units by nine posts varying in level from P-5 to P-2, and associated with the normal development of ECLA's authorized programme, a further seven posts were estimated as needed in the event that the additional work in respect of tariff systems, trade policy, and the intensification of statistical collaboration, for which the eighth session of the Commission asked, were undertaken on the fullest scale. The estimated cost of such an increase in establishment would be about \$166,500. The Secretary-General, after reviewing the range of new demands upon the total establishment contained in the reports of all the functional and regional commissions, believes that a certain balance in the rate of expansion throughout these areas is required. He therefore proposes to apply to the potential needs of ECLA the same approach as he is suggesting for the growth requirements at Headquarters and the other regional centres (except the Economic Commission for Africa). Under this approach the most urgent of ECLA's priority needs would be met to some extent by modest transfers of posts becoming available

and to some extent by the judicious use of temporary assistance credits, as foreseen in paragraph 3 above. The inclusion of post increases on behalf of ECLA in the initial budget estimates for 1961 is foreseen.

31. Economic Commission for Africa: Financial requirements for the 1960 Work Programme of the Commission⁴² which the Council approved in resolution 723 D (XXVIII), are reflected in section 10 of the initial estimates. In addition to the information there presented, attention is invited to the importance (as was reported to the Council in connexion with its review of the commission's work) of the programme of technical meetings on which initial actions were taken by the Commission at its first session (December 1958-January 1959) and with which the Commission will concern itself again at its Second Session in January 1960.

32. Many of the principal elements in the Commission's work programme are dependent upon the convening of seminars, workshops and other expert meetings through which there can be exchanges of experience and knowledge and direct collaboration among representatives of national technical services. For 1959, the Commission secretariat is preparing a technical Seminar on African Statisticians, another in the field of community development, a meeting of national accountants and one of economic planners. As in other regions, maximum self-help on the part of participating countries is desired. Specifically, it is hoped that wherever possible countries will assume the travel and subsistence costs of their expert participants. To the extent that this is done, the relatively limited technical assistance funds available for multi-country projects can be devoted to financing directorial and related consultant costs. In the case of Africa, however, it is already evident that countries often are not in a position to meet the full costs of participating in regional technical meetings. Their financial difficulties are increased because of the tremendous distances and resulting high expenses for individual journeys. While the technical assistance programme is expected to cover some of the costs for regional meetings, the regular budget of the Commission must share the financial burden if the Commission's wishes concerning the programme of technical meetings are to be carried out successfully.

33. The 1960 calendar of technical meetings in Africa will not be established until the Commission has held its second session. Without knowing the particular seminars, workshops or other technical meetings which may be scheduled in the region for 1960, or the particular financial arrangements for each such meeting, it is nevertheless proposed to provide some budgetary support for such meetings, according to circumstances, within the level of appropriations already requested under section 10. It is not likely that the charges would exceed \$50,000 for these conferences and meetings in 1960.

34. For 1961 and subsequent years, it is intended, in submitting budget estimates for the Commission, to request funds specifically for the purpose of financial assistance to regional meetings under the separate heading of "Ad Hoc Meetings of Experts on Economic and Social Questions".

Social activities (section 17)

35. Implementation of Council resolution 731 G (XXVIII) would entail a substantial increase in the funds appropriated for operational programmes. The

⁴⁰ Ibid., Supplement No. 2, paras. 367-386.

¹¹ Ibid., Supplement No. 4, paras. 220-238.

⁴² Ibid., Supplement No. 10, paras. 39-64.

quantity and nature of unfilled governmental requests for direct assistance in the social field would require additional funds of up to \$400,000, assuming all requests were to be implemented in full. As a practical matter, the Secretary-General believes that an additional appropriation of \$275,000 should be made under the advisory social welfare services programme, bringing the total appropriation from \$925,000 to a level of \$1,200,000.

- 36. The principal new requirements justifying this proposal arise from the increase in the number of countries participating in the technical assistance programme, particularly the new countries in Africa; the gradual expansion of social programmes as part of over-all development plans of Governments; the increased need for relatively long-term assistance for social programmes and, in particular, for training of personnel; and, in addition, the recent policy decisions of the Executive Board of the United Nations Children's Fund concerning aid for community development programmes and for social services for children, which require supporting technical assistance at the national level.
- 37. A survey in May 1959 indicated that \$723,000 of regular programme funds were already committed for 1960 on expert contracts and fellowships. Conservative calculations of the cost of regional projects, individual experts and fellowships for which there were already expressions of interest (before the programming cycle was complete) indicated that an additional \$578,000 would be needed to fill new requests in 1960. At least \$370,000 of this amount will be needed in Africa. The major fields in which demands are growing are community development, housing and urbanization and social services.
- 38. These additional requirements are exclusive of new programmes which will be put forward for inclusion as category I or category II projects under the Expanded Programme of Technical Assistance. It is conceivable that some of these new needs will be met in other ways and that some will be subject to programming delays of various sorts. It is in the light of these considerations that a minimum amount of \$275,000 is considered by the Secretary-General to be a reasonable addition to existing funds for carrying out the programme under General Assembly resolution 418 (V).

International commodity problems

39. The decision of the Council in resolution 726 (XXVIII) concerning the programme of work in the commodity field in 1960 entails an increase of three Professional (P-4) officers, one statistical clerk and one typist in this area of work, at a total estimated annual cost of \$49,500. These claims are to receive priority consideration in the coming year within the resources available (including the use of periodic temporary assistance).

Transport of dangerous goods (sections 6 and 8) 40. The provision in Council resolution 724 C

(XXVIII) for the use of an expert group on explosives to assist the work of the Committee of Experts necessitates adding \$3,200 to the estimates to cover travel of a substantive officer to a four weeks' meeting in Geneva (\$1,200 in section 8) and payments, including travel, for a technical consultant to prepare documentation for both the expert group and the Committee (\$2,000 in section 6). As indicated in the resolution, the expenses of the expert group, as of the Committee of Experts, would be paid by individual Governments.

Status of women (section 14)

41. As a consequence of Council resolution 722 C (XXVIII), requesting the printing of certain publications on the nationality of married women, additional expenditure for printing totalling \$3,130 will be incurred in 1960 and 1961. The amount required for 1960, which should be included in the appropriation under section 14, is \$1,850.

Technical assistance in the field of narcotics control

- 42. In resolution 730 I (XXVIII), the Council recommends that the General Assembly establish a continuing programme of technical assistance in narcotics control within the regular budget of the United Nations.
- 43. The Secretary-General proposes that, should the General Assembly approve the establishment of such a programme, \$75,000 should be appropriated under Part VI (Technical Programmes) of the 1960 estimates, the funds thus appropriated to be available exclusively for projects in the narcotics control field. This sum would make it possible to provide for one inter-country project (approximately \$20,000-\$25,000), two experts (approximately \$25,000) and eight long-term fellowships (approximately \$30,000). The actual expenditure of funds would, of course, be determined in accordance with the approved request of Governments. Countries would remain free to include narcotics control projects not covered by this budget provision in their general technical assistance programmes where they wished and were able to do so; and it is hoped that a number of items, particularly of the less costly variety, such as short-term fellowships, would continue to be so included. The existing establishment for the administration of United Nations technical assistance programmes would be utilized for this new activity.
- 44. As to the accommodation of this new item within the 1960 form of the budget, it appears best, since narcotic drugs control is a separate and specialized field in its own right and since whatever funds are appropriated would be spent exclusively in that field, to appropriate the funds into a new section, which could be entitled "Narcotic Drugs Control Advisory Services" and could be numbered section 19a. In this case, the question of a later simplification of the form of part VI, to reduce the total number of separate sections, would be studied in conjunction with the preparation of the 1961 estimates.

C. RECAPITULATION

(a) Additional requirements for 1960

Para. references in this report	Subject Matter	Budget section	Item	Proposed revision United States dollars
3	Lump-sum for temporary assistance in lieu of	6	Temporary assistance	80,000
	established posts	7	Related common staff costs	20,000
10	Calendar of conferences	1	Travel and subsistence of members	3,100

(a) Additional requirements for 1960 (continued)

Para. references in this report	Subject Maller	Budget sect10n	Item	Proposed revision United States dollars
11-13	Industrialization	6	Temporary assistance (consultant and	
			expert groups)	26,000
14-16	Sources of energy and energy development	6	Temporary assistance	32,200
17–19	Population analysis	14	Contractual printing	2,850
20-21	Freedom of information	6	Temporary assistance (consultants)	7,000
22-23	Short-term appraisals of world economic situation	14	Contractual printing	5,300
24-25	Evaluation of techniques of long-term economic	6	Temporary assistance (consultants of	
	projections		expert group)	13,000
	• •	8	Travel of staff on official business	5,000
26-34	Regional economic commissions	14	Contractual printing	2,100
35-38	Social activities	17	Technical programmes	275,000
40	Transport of dangerous goods	6	Temporary assistance (consultant)	2,000
	• • •	8	Travel of staff to meetings	1,200
41	Status of women	14	Contractual printing	1,850
42–44	Technical assistance in the field of narcotic drugs control	19a	Technical programmes	75,000
			Total	551,600

(b) Summary of additional requirements distributed by budget sections

Sectio	n	United State dollars
1	Travel of representatives, members of commissions and committees	3,100
6	Salaries and wages (temporary assistance, consultants, and expert groups)	160,000
7	Common staff costs (of temporary assistance)	20,000
8	Travel of staff and members of administrative bodies	6,200
4	Printing, stationery and library supplies	12,100
7	Social welfare activities	275,000
9 a	Narcotic drugs control advisory services	75,000
	Total	551,600

DOCUMENT A/4223

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [23 September 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/C.5/777) in which he has submitted upward revisions totalling \$551,600 in the 1960 budget estimates, as a result of the decisions taken by the Economic and Social Council at its twenty-seventh (April 1959) and twenty-eighth (July 1959) sessions.
- 2. The full financial implications for 1960 of the Council's decisions are estimated at some \$840,000 comprising \$390,000 for staff costs, \$350,000 for technical programmes and advisory services, and about \$100,000 for other items such as consultants, expert groups, travel and printing. However, the Secretary-General has limited the additional requirements which he requests to \$551,600, by substituting a lump-sum provision of \$100,000 for temporary assistance (including related common staff costs) in lieu of the additional posts involved, which would have cost some \$390,000. Full budgetary provision is requested, on the other hand, in respect of the additional expenditures for technical programmes and advisory services (\$350,000) and the other items mentioned above (about \$100,000).
- 3. The Advisory Committee understands that the Secretary-General's policy of not requesting for 1960 any additional established posts in the Professional category (except in respect of the Economic Commission

for Africa) is dictated not only by considerations of economy, but equally by his desire to have a selective review of the continuing staff resources available in the Secretariat with a view to their re-deployment on the basis of priority needs. Thus the Secretary-General would examine, in the context of a temporary period of stability in the Professional cadre of officials, the question of how best the existing establishment could be used, both in terms of posts and of individuals, to render the Secretariat as a whole more effective. Such an examination would cover, on the one hand, internal reviews of the Professional establishment and, on the other hand, the exercise of selective judgements, to the extent that these lie within the Secretary-General's authority, as regards priorities in the work programme of the Secretariat.

4. The Advisory Committee welcomes this approach which had already been reflected in the Secretary-General's initial budget estimates for 1960. In commenting on those estimates, the Committee expressed the hope that "the programme bodies of the Organization will strengthen the Secretary-General's hands in this regard so that those activities which, in the view of Member States, must grow in size and importance, may be undertaken with little or no additional requirements of staff and other resources" (A/4170, para. 46). The Committee

believes also that the Secretary-General should be strongly supported in his efforts to assist and supplement the work of programme bodies in regard to the assignment of priorities and to ensure a desirable balance in the rate of expansion in the several fields covered by the functional and regional commissions of the Economic and Social Council.

5. The considerations set forth above have guided the Advisory Committee in its understanding of the Economic and Social Council's decisions as well as in its examination of the resulting financial implications. The Committee would also note here that, in addition to de-

clining areas of work, some facility for the shifting of resources would be offered gradually as new arrangements and procedures are put into effect following the amalgamation of the Department of Economic and Social Affairs and the Technical Assistance Administration. The Secretary-General and the Advisory Committee will report during the current session of the General Assembly on the progress achieved in this regard and related matters.

6. A tabular analysis of the Secretary-General's estimates by subject matter and by budget section is given below:

Estimates submitted by the Secretary-General

	Section 1	Section	on 6	Section 7	Section 8	Section 14	Section 17	Section 19a
Subject matter	Travel and subsist- ence of members	Tempory assist- ance (staff)	Consult- ants, expert groups	Common staff costs	Travel	Printing	Social activities	Narcotic drugs
				(United Ste	ites dollars)			
Calendar of conferences. (Sub-Commission on Prevention of Discrimination and Protection of Minorities). Industrialization. Population analysis. Freedom of information. Short-term appraisals of world economic situation Regional economic commissions. International commodity problems. Sources of energy and energy development. Evaluation of techniques of long-term economic		80,000	26,000 7,000 32,200	20,000	- - - - - -	2,850 5,300 2,100	- - - - - - -	- - - - - - - -
projections			13,000		5,000		_	
Social activities			_				275,000	
Transport of dangerous goods			2,000		1,200			
Status of women Technical assistance in narcotic drugs control	_			-	-	1,850	_	75,000
Totals	3,100	80,000	80,200	20,000	6,200	12,100	275,000	75,000
		16	0,200	•				

7. The comments and recommendations that follow are arranged by budget section, rather than by subject, in order to facilitate the consideration of the present revised estimates as an extension of a budget in which expenditures are grouped according to their purpose or object and not by the project to which they relate. Under each section, however, comment is offered, as appropriate, in respect of the project or projects having an impact on the estimates under that section.

Section 1. Travel of representatives, members of commissions and committees — \$3,100

8. While the Advisory Committee concurs in the proposed addition of \$3,100 under section 1 to take account of the increase in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from twelve to fourteen, the Committee trusts that the frequency of the sessions of the Sub-Commission will also be reviewed when the Economic Council next examines the periodicity of meeting of its functional commissions. The Advisory Committee has, in its report on the 1960 budget estimates, commented on the general question of frequency of meetings (A/4170, paras. 34 and 35).

Section 6. Salaries and wages — \$160,200 Section 7. Common staff costs — \$20,000

9. The estimate of \$160,200 under section 6 comprises \$80,000 for additional temporary staff and \$80,200 for consultants and expert groups, while the whole of the

provision of \$20,000 under section 7 relates to common staff costs in respect of the additional temporary staff.

- 10. Major elements in the work programmes approved by the Economic and Social Council, which it is stated will require the allocation of additional staff resources, include increased activity in the Economic Commission for Latin America (ECLA), particularly on the common market project and in regional statistical services; strengthening the organization and work programme in the field of industrialization; expansion in the present activities in regard to population analysis and demographic studies; increased work on trade in the Economic Commission for Europe; additional work relating to freedom of information; and expansion of the programme of work in the commodity field.
- 11. The Secretary-General has indicated that, after practicable plans of work are developed in the light both of priority criteria and of the need for balance among the several segments of the total economic and social work of the Organization, the most essential needs will be met in 1960 as far as possible within available resources. The additional temporary assistance requested is intended, without making net additions to the continuing establishment, to provide supplementary resources to fill essential gaps in 1960, pending a review of the deployment of established staff resources.
- 12. The Advisory Committee has, in paragraph 4 above, commented favourably on this approach. At the same time, the Committee has some reservations whether

the staffing plans envisaged under various items of the Secretary-General's report, which would form the basis both for the utilization of temporary assistance credits and possibly for a more permanent expansion at a later stage, are practicable and likely to produce maximum effectiveness. Illustrative of this situation is the programme in ECLA which would involve the addition of sixteen Professional posts subject to funds being available; the same applies to the proposals in respect of industrialization, by which the present level of nine Professional posts would be doubled as soon as resources permit. Without detracting in any way from the importance of the programmes in question, the Advisory Committee believes that any expansion of activity, in order to be fully effective and productive of maximum returns, should be well prepared; in other words, the lines of further development should be clearly studied and understood before additional resources are directed to such expansion.

- 13. It also appears to the Advisory Committee that the estimates for consultants and expert groups are in some cases based on somewhat general plans, such as for instance in respect of outside consultants on industrialization (\$26,000) and of either an *ad hoc* meeting of experts or other use of outside expert advice in regard to the evaluation of techniques of long-term economic projections (\$13,000). Furthermore, the Committee is not convinced that the consultants for which provision is requested can in no case be financed from consultant funds already included in the initial 1960 estimates.
- 14. The Advisory Committee accordingly recommends that the additional provision under section 6 should be limited to \$130,000, or some \$30,000 less than the estimate submitted by the Secretary-General. Assuming that some \$15,000 of the reduction would apply to the provisions for temporary staff, there would be a consequential reduction of about \$3,000 in the estimate under section 7.

Section 8. Travel of staff and members of administrative bodies — \$6,200 Section 14. Printing, stationery and library supplies — \$12,100

15. The Advisory Committee believes that specific additional provision need not be made in respect of the relatively small requirements indicated under sections 8 and 14. It should be possible, through appropriate adjustments in the travel and printing programmes or through other savings in the respective sections to accommodate the additional requirements.

Section 17. Social activities — \$275,000

16. The Advisory Committee has consistently taken the position that the amount of the appropriations for

technical programmes in the regular budget of the Organization involves a decision of policy to be taken by the General Assembly concerning the level of these programmes in the light of over-all budgetary considerations. In the specific case under review, the Committee notes that Economic and Social Council resolution 731 G (XXVIII) reflects a general desire for the further development of the programme of advisory services in the social welfare field, rather than a request for specific new services. Taking into account over-all budgetary considerations, the Advisory Committee would suggest, as a matter of practical programming, that an increase of \$200,000—or more than 20 per cent—over the present level of \$925,000 represents a sufficient advancement of the programme under the Council resolution.

17. The steady increase in the volume of technical programmes financed from the regular budget emphasizes the need to review the procedures that have been developed for the examination and approval of requests so as to bring them more into line with the procedures applicable to the Expanded Programme of Technical Assistance and to ensure closer co-ordination between all of the operational programmes of the Organization in the economic and social fields. The Advisory Committee may revert to this question in due course. (A/4170, paras. 215 and 216).

Section 19a. Narcotic drugs control advisory services — \$75,000

18. Although narcotics control projects are eligible for financing under the Expanded Programme of Technical Assistance, apparently they are often edged out of country programmes by projects of more direct importance to national economic development. This is presumably one of the reasons for the recommendation in Council resolution 730 I (XXVIII) that the General Assembly establish a continuing programme of technical assistance in narcotics control within the regular budget of the Organization. Should the General Assembly decide to establish such a programme, the Advisory Committee would suggest that the appropriation for the purpose might be limited in the first year of the programme to \$50,000. It would still be possible within this amount to meet essential gaps in the Expanded Programme in this field, and indeed to undertake the services envisaged in the Secretary-General's report (A/C.5/777)para. 43), with most of the fellowships being covered under the Expanded Programme.

Summary of recommendations

19. The recommendations of the Advisory Committee in respect of the various sections under which revised estimates have been submitted by the Secretary-General are summarized below:

	Rev	isions in the 1960 estim	ates
Section	Secretary- General's estimates	Amounts recommended by the Advisory Committee	Reductions
	U	nited States dollars	
1. Travel of representatives, members of commissions and committees	3,100	3,100	
6. Salaries and wages:			
Temporary assistance (staff)	80,000	65,000	15,000
Consultants and expert groups	80,200	65,000	15,200
7. Common staff costs (of temporary assistance)	20,000	17,000	3,000
8. Travel of staff and members of administration bodies	6,200		6,200
14. Frinting, stationery and library supplies	12,100	_	12,100
17. Social activities	275,000	200,000	75,000
19a. Narcotic drugs control advisory services	75,000	50,000	25,000
Total	551,600	400,100	151,500

DOCUMENT A/4300

Supplementary report of the Advisory Committee on Administrative and Budgetary Questions (Section 17)

[Original text: English] [24 November 1959]

- 1. At its 737th meeting on 4 November 1959, the Fifth Committee, having considered the revised estimates for social activities under section 17 of the 1960 budget (A/4223, A/C.5/777), decided to refer the matter to the Advisory Committee on Administrative and Budgetary Questions for further study and report.
- 2. In considering this question further, the Advisory Committee has taken account of the statement made by the Commissioner for Technical Assistance at the 737th meeting of the Fifth Committee and the subsequent discussion in that Committee. In addition, the Advisory Committee sought information on fourteen specific points connected with the question under review. These points, as well as the comprehensive replies thereto which were submitted by the Commissioner for Technical Assistance, are reproduced in annex I to the present report.
- 3. The Advisory Committee also received a detailed listing of the requests for assistance in the social field in 1960 under the regular budget (General Assembly resolution 418 (V)), which had been discussed with Governments, analysed by the Secretariat and found valid, as at 27 October 1959. This listing is reproduced in annex II to the present report.
- 4. In addition, the Advisory Committee has obtained oral testimony on a number of points arising out of the written replies.
- 5. The earlier recommendation of the Advisory Committee (A/4223, para. 16) that the provision in the regular budget for advisory social welfare services should be increased from the present level of \$925,000 by \$200,000, rather than by \$275,000 as proposed by the Secretary-General, was based on two main considerations. In the first place, the amount of the appropriations for technical programmes in the regular budget involves a decision of policy to be taken by the General Assembly concerning the level of those programmes, in the light of over-all budgetary considerations. Secondly, the Advisory Committee believed that practical questions related to the sound planning and management of projects limited the extent to which a programme could be expanded in a single year, without impairing its effectiveness.
- 6. Related to the second of the above considerations was also the fact that the procedures for the formulation, review and reporting of the regular programme were about to undergo an important change in that a detailed listing of the projects to be undertaken in 1960 was to be submitted to the Technical Assistance Committee (TAC) and subsequently made available to the General Assembly. Previously, while general substantive reports on the regular programme had been submitted to the Economic and Social Council or its functional commissions, a costed list of projects for budgetary purposes was unavailable.
- 7. The Advisory Committee notes that the first report to TAC under the revised procedure mentioned above has now been presented (E/TAC/95). Pending at least this first application of the new procedure, there would appear to be some reason for keeping the immediate expansion of the programme at a modest scale.

- 8. In studying the information submitted to it, the Advisory Committee has inquired into the impact of continuing projects on the total regular programme in the social field and other questions related to the management of the programme. The Committee is reasonably satisfied as to the ability of the Secretariat to administer a programme of the size envisaged by the Secretary-General. At the same time, it is noted that social projects included in category I of the Expanded Programme of Technical Assistance in 1960 amount to \$710,195, or an increase of some 15 per cent over the 1959 provision—the programme for the whole of 1959 being estimated, as at 15 November, at \$618,465. There might be some question whether there should be a substantially greater proportionate increase under the regular budget, which is to be assessed to all Member States, than under the Expanded Programme, which is financed by voluntary contribu-
- 9. A further point concerns the geographical coverage of the programme in the social field under General Assembly resolution 418 (V). Because of its origin, this programme has, within the provisions of the resolution cited above, been used not only to sponsor but also to finance projects in several countries which may be regarded as economically and industrially advanced, in addition to projects in the economically under-developed countries. There is perhaps need to review the scope of resolution 418 (V) in the present-day spirit of technical assistance programmes. It might be possible, through appropriate adjustments in geographical coverage, to manage the programme at a somewhat lower level in 1960 than has been envisaged by the Secretary-General.
- 10. As to the over-all budgetary situation, revisions resulting from proposals which have arisen subsequent to the initial budget submission of the Secretary-General, and approved by the Fifth Committee in first reading, already amount to some \$1,2 million on a gross basis.
- 11. The foregoing considerations would appear to be relevant to the decision of policy, to be taken by the General Assembly, concerning the level of technical programmes to be financed in 1960 from the regular budget. For its part, the Advisory Committee is inclined to maintain its earlier recommendation that the 1960 provision under section 17 for social activities should be set at \$1,125,000 representing an increase of \$200,000 over the 1959 level.

Annex I

Section 17. Social activities

Replies submitted by the Commissioner for Technical Assistance to points raised by the Advisory Committee on Administrative and Budgetary Questions

Question 1

What is the meaning of the term "requests examined and found to be valid", used by the Commissioner in his statement?

The process of evaluation of requests submitted by Governments is a lengthy and highly important part of technical assistance procedures in the case of both the regular programme and the Expanded Programme. Within the country itself,

requests in the social field are ordinarily drawn up in the first instance by the Ministries of Social Affairs, Justice, Housing and Town Planning, and sometimes by the Ministries of Health and Education. Those requests are examined at a central point in the Government itself and are very often discussed, both at the ministerial stage and at the co-ordinating point, with the Technical Assistance Resident Representative and, where such personnel is available, with regional social affairs officers or social experts already assigned to projects in the country. If these requests are considered at the co-ordinating point in the Government to be valid in terms of the needs of the country and to fit within a reasonable financial total, they are forwarded to the United Nations between July and November each year for the following year's programme. The Bureau of Technical Assistance Operations refers all requests in the social field to the Bureau of Social Affairs for further examination. These requests are checked against a number of criteria-for example, whether the request properly falls within the competence of the United Nations: in some cases, a project may be considered as being primarily a health or education project and be referred to the specialized agencies concerned. In other cases, the request may be in a field not considered appropriate for United Nations technical assistance but also not within the competence of the specialized agencies; for example, we have sometimes received requests for help in developing a system of crime detection but have not considered such requests appropriate for United Nations action. Lastly, the requests are considered against the background of our general knowledge of the country and the stage of its development in a particular field-if, for example, a country should request help in developing psychiatric social work but, according to our information, does not have the medical and psychiatric staff required for the basic treatment of mental illness, we would not consider it valid to respond without further clarification. If a country asked us to evaluate a community development programme which was only two years old, we would not consider it justified to spend the fairly large sum involved in such a mission at such an early stage in the programme; in some other cases, we are aware that the country concerned has already requested and received a considerable amount of multilateral or bilateral aid within a particular field, and we might question the desirability of spending our limited funds in fields where the country has already had many years of assistance. In some other cases, the country appears to be asking a disproportionate amount of specialized help both in terms of its own development of basic services and in terms of the total funds available for the programme. While we do not set country targets in the regular programme, we try to preserve some proportion, particularly where one country has long had a considerable amount of assistance in the social field and other countries are waiting with their first request. If the country has not agreed, at the field level, to withhold the request but has submitted it, we do not reject the request outright but enter into consultation with the Government concerned and suggest that the request be postponed until a later date, the request be changed into a more acceptable one, or withdrawn. If the problem is merely a financial one, we ask that the project be considered in the second category to be taken up if, and when, savings become available.

Question 2

Please give a brief description of procedures for the receipt, review and approval of projects under section 17.

The procedure for receipt and review of requests has been described in the reply to question 1. When the Bureau of Social Affairs has checked the request for its suitability at a given time, and the Bureau of Technical Assistance Operations has agreed that it can be financed, the project is submitted to the weekly meeting of the Commissioner for Technical Assistance and the Directors of the Bureaux of the Department. At this time of the year, these projects will of course be approved internally as a part of over-all country programmes. During the year, necessary adjustments or changes requested by the Government are made through the same procedure. Under the newly agreed procedure, the total programme under section 17 will also be submitted to the Technical Assistance Committee. As far as regional projects are concerned, there are still other points of approval: the Social and the Population Commissions and the

Economic and Social Council. Since regional projects require a considerable amount of substantive work by the staff of the Bureau of Social Affairs, both in the preparation of documentation and in servicing seminars, training centres, etc., the proposed projects are included in the work programme submitted to the Social Commission or to the Population Commission respectively. If they approve these projects and the Governments concerned indicate their interest in them in a formal way, the projects are included in the technical assistance programme.

Question 3

What are the broad categories of projects, and their relative magnitudes? As an illustration, please give a breakdown of 1959 projects.

As indicated in general assembly resolution 418 (V), projects fall into five types: expert advisers, fellowships, regional seminars, demonstration and training centres, and technical materials and equipment. They also fall into categories according to the subject matter of the request, and this is best illustrated by the special annexes to the Secretary-General's report to the twelfth session of the Social Commission entitled "Progress made by the United Nations in the Social Field during the period 1 January 1957–31 December 1958 and proposals for the programme of work, 1959-1961" (E/CN.5/334 and Add.3). As indicated there, the categories of assistance are:

1958 expenditure	Regular	Expanded	Total
	Un	ited States dol	lars
Social development	183,799		183,799
Population	76,561	15,218	91,779
Housing, physical planning	77,583	339,720	417,303
Community development	236,732	158,171	394,903
Social defence	23,156	2,200	25,356
Family and child care	69,447		69,447
Medical social services	2,378	_	2,378
Rehabilitation of handicapped	116,268	51,964	168,232
Public assistance	4,065	_	4,065
Training in social services	135,011		135,011
Land tenure		24,786	24,786
	925,000	592,059	1,517,059

As indicated in this report, requests in the more specialized fields, such as medical-social work and social defence have been decreasing in relation to those in broader fields such as community development, housing and town planning, and requests for general social development advisory services. The latter classification is used to describe requests for advisers who assist the Government in planning an over-all programme of social welfare and organizing Ministries or Departments of Social Welfare and in establishing basic institutions for the implementation of the programmes. Rehabilitation of the handicapped is a specialized field where there is a heavy demand for services but the United Nations is fortunate enough to have both technical and financial contributions from voluntary agencies in this field. This is also true in the demographic field where substantial amounts have been made available by a foundation. The final 1959 statistics are not yet available but these trends are continuing.

Question 4

Could the Committee have figures, if available, showing the level of "valid" requests by 1 November of each of the years 1957, 1958 and 1959?

No such special figures are available, but the question may be answered briefly by indicating that the funds available under resolution 418 (V) have been completely expended for the years mentioned.

Question 5

Could the Advisory Committee have some information on "continuing" projects, including the total number of current projects so designated and expected to continue in 1960, with a break-down of the figure by category of projects?

The number of continuing projects has been increasing yearly since countries requesting help in planning and implementation of broad social welfare programmes, community development programmes, training institutions, etc., are ordinarily in need of help for a period of from two to five years. A more highly specialized project generally requires a shorter period of assistance. For example, when Yugoslavia requested specialized assistance for developing a programme for deaf and dumb children, a period of three months only was involved, but when Pakistan asked for aid in beginning an urban community development programme, it requested advisers continuously for a five-year period. It is of course most important that the Professional staff of the Bureau of Social Affairs, together with the Resident Representative and the Government of the country concerned, agree on the appropriate moment to withdraw the

assistance. It should not continue so long that the country becomes too dependent on a foreign expert, nor should it be withdrawn in so short a time that well-trained local staff is unable to carry on the work. Annex II shows the individual projects proposed for continuation in 1960.

Question 6

For each of the years 1957, 1958 and 1959, please give the total amount for "social" projects financed from the funds of the Expanded Programme of Technical Assistance. Please give the amount for such projects included in the proposed Expanded Programme for 1960.

	1957	1958	1959 as at 30 September	1960 requests
F lit		U	nited States doll	lars
Expenditures on "social" projects from Expanded Programme funds	383,380	592,059	598,396	710,195 (category I) 469,550 (category II)

Question 7

What proportion (please give illustrative figures for 1959) of the social projects financed under the regular budget represent projects which are not eligible for financing under the Expanded Programme? What proportion represents projects which, though eligible under the Expanded Programme, are requested under the regular budget? How many projects (and in what amounts) appear under both the Expanded Programme (categories I and II) and regular budget lists?

At present all social projects financed under the regular budget are also eligible for financing under the Expanded Programme. At an earlier stage, the Technical Assistance Board followed a policy of assisting only those social projects most closely connected with economic development, such as projects in the fields of community development, housing and population. In the past two years countries have also requested experts and fellows in the social services field although these are ordinarily included in the regular budget programme. As a matter of convenient practice over the years, the larger and more important undertakings of a regional character, with special regard to training institutions, are usually financed under the regular budget provisions since these programmes require the assurances of longer-term planning and face as well some limitative regulations in the Expanded Programme. There is no duplication of individual projects submitted by Governments; specific requirements must appear in one programme or the other, and never in both.

Question 8

To what extent during an operational year do you find it necessary to cancel or postpone projects? What are the more common reasons for such postponement or cancellation?

It is rarely necessary to cancel entirely a project which has been planned by a Government and accepted in our annual programme. It is more frequent that projects must be postponed either because the recruitment takes longer than is planned or because unforeseen circumstances cause a Government to request that the expert come at a later date, or that a fellow leave the country at a later date. However, over the years, with our greater experience, we are able to plan more precisely how long recruitment is likely to take and, if the project is a new once, we rarely programme an expert for twelve months, but only for nine or ten months, and therefore the number of postponed projects has been decreasing. Financial reviews are made on a quarterly basis, and if in the second quarter we find we have been required to postpone 10 per cent of the projects, we are able to move some of the category II projects into category I to use these savings.

Question 9

For each of the years 1957, 1958, 1959 and 1960 (proposed), please give the number and amount of social projects in Africa, financed under (a) Expanded Programme; and (b) regular budget.

The number of projects and amount of expenditure for technical assistance in the social field in Africa over the past three years and the expenditure proposed for 1960 are as follows:

	195	7	195	1958 1959 (as at 3)		1 October)	Proposed for 1960	
	Expenditure	Number of projects	Expenditure	Number of projects	Expenditure	Number of projects	Expenditure	
Regular	U.S. dollars		U.S. dollars		U.S. dollars		U.S. dollars	
budget	27,984	4	79,634	7	91,913	9	74,200	
Expanded								
Programme	9,896	2	24,155	4	82,170	6	93,850	
J							(category I)	
							123,350	
							(category II)	

Question 10

Please give a break-down of the expenditure in each of the years 1957 and 1958 and the authorizations for 1959, in respect of "social activities" under the regular budget, according to the following items:

- (a) Direct project costs:
 - (i) Salaries and wages of experts
 - (ii) Travel of experts (and dependants)
 - (iii) Fellowships
 - (iv) Cost of participation in seminars
 - (v) Other (please give general description)
- (b) Other costs (please describe)

Breakdown of expenditure "Social activities" under regular budget:

			1959—at 31
	1957	1958	October
	Un	ited States dolla	ırs
Salaries of experts	366,056	562,164	499,377
Travel of experts	133,883	131,043	95,378
Fellowships (includes cost of			
participation in seminars)	376,637	225,327	194,078
Equipment	38,866	4,614	11,323
Miscellaneous supplies and			
services	9,558	1,852	5,889
	925.000	925,000	806,045
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		000,010

Question 11

Specifically, are any staff or personnel appointments other than experts provided for specific projects, charged to section 17 funds? If so, please give details for each of the years 1957, 1958 and 1959.

No staff or personnel appointments other than experts are charged to section 17 funds.

Question 12

Is any travel other than travel of experts (and, as appropriate, their dependants) and "fellows", charged to section 17 funds? If so, please give details for each of the years 1957, 1958 and 1959, and indicate the procedures and controls exercised in this regard.

No staff travel is charged to section 17 unless the staff member has been appointed as an expert to serve in a particular country post, to service a regional project or to evaluate a particular technical assistance project. In such cases, his travel is charged to project funds; his salary is so charged only if the project extends for more than a three-month period and it is feasible to recruit a replacement for work in the regional staff or at Headquarters.

Question 13

What is the status of the report (listing 1959 projects and giving a forecast of 1960 projects) which is to be submitted to the Technical Assistance Committee at its forthcoming session? Could the Advisory Committee, at this stage and for its information, receive the information included, or to be included, in that report?

The report to be submitted to TAC on 23 November 1959 is in the last stages of preparation. It could be made available to the Advisory Committee on or about 19 November 1959.*

Question 14

For each of the years 1956, 1957 and 1958, please give in respect of the social activities appropriations in the regular budget:

- (a) The amount of the appropriation;
- (b) Total obligations at 31 December:
- (c) Total obligations unliquidated at 31 December:
- (d) Savings, if any, in the respective second year on liquidation of prior-year obligations (example: savings in 1957 on liquidation of 1956 obligations, the unliquidated amount at 31 December 1956 being given under item (c) above).

1956		1957	•	1958
	United	States	dollars	

United States

- (a) Amount of appropriation... 1,000,000 925,000 925,000 (b) Total obligations as at 31 December........... 1,000,000 925,000 925,000 (c) Unliquidated obligations as at 31 December................ 284,498 304,340 176,033 United States dollars

Annex II

Programme of technical assistance in the social field for 1960 under General Assembly resolution 418 (v) as at 27 october 1959

	dollars
Asia and the Far East	594,600
Europe, Middle East and Africa	395,150
Latin America	341,800
Inter-regional	33,200
Total	1,364,750

This total represents all requests for technical assistance under the Advisory Social Welfare Programme for 1960 which has been examined by the Bureau of Social Affairs and by the Bureau of Technical Assistance Operations and found to be valid for inclusion in the programme as at 27 October 1959. Since that date, additional requests have been received and examined which bring the total as at 13 November 1959 to \$1,456,500. The final programme cannot be established until the total available resources are known. A listing of projects received and examined as at 27 October 1959 by country, field of activity, type of assistance, and cost follows:

Asia and the Far East

	Cost United States dollars	Experts	Man months	Fellows	Man months
Afghanistan Housing, Physical Planning and Building,					
SW-151Community Development, SW-21	39,800	3в 2	36* 24*	2	24
• • •	34,800	2	24	2	24
Australia Social Services	4,000			1	12
Burma Social Services, SW-54	26,300	3	25*		
Cambodia Community Development	14,400	1	12*		_
Ceylon Social Services, SW-56	23,400	1	12*	3	18
Federation of Malaya Social Services	4,500	1	4		
India	•				
Housing, Physical Planning and Building Social Services, SW-44		1	9*	1 2	6 12
Indonesia Housing, Physical Planning and Building,					
SW-45		3	24*	_	
Social Services, SW-58		2	24*		
Iran					
Social Services, SW-22	17,400	1	12*	1	6

^{*} This document has since been issued as E/TAC/95.

Asia and the Far East (continued)

	Cost United States dollars	Experts	Man months	Fellows	Man months
Japan SW 46	10.000				24
Social Services, SW-46	12,000 3,000	_	_	4 1	24 6
Pakistan					
Social Services, SW-60	69,600	2	48*	3	36
Community Development		1	9*		
Philippines					
Social Services	13,600	1	8*	1	12
Housing, Physical Planning and Building		1	12		
Republic of Viet-Nam					
Social Services, SW-49	14,400	1	12*		
Thailand	,				
Social Development	52,400	3ь	32*	4	36
Housing, Physical Planning and Building	20,400	ĭ	12	2	12
Social Development (Cat. II)		_		5	52
Regional					
Regional Institute for Prevention of Crime					
and Treatment of Offenders	51,300				
Regional Seminar on Family and Child Welfare	21,000				
Regional Seminar on Planning and Adminis-					
tration of National Programmes of Com-					
munity Development	17,500				_
Regional Demographic Centre, Bombay	24,000				
Total	594,600				

^{*} Continuing project. See annex I, reply to question 5.

a One expert on continuing assignment.

bTwo experts on continuing assignment.

Europe, Middle East and Africa

	Cost United States dollars	Experis	Man months	Fellows	Man 5
Ethiopia					
Social Services, SW-190	10,600	1	12*		
Finland Social Services	3,000			1	6
France Social Services, SW-119	15,000	1	8*	2	12
Greece	·				
Social Services	12,600			4	36
Iceland Housing, Physical Planning and Building, SW-104		1	5*		
Israel Social Development, SW-25 Social Services, SW-192 (Category II)	13,800 6,000	1	9* —	1 2	6 12
Jordan Social Services	6,000			2	12
Lebanon					
Community Development	14,400	1	12		
Social Development	14,400	1	12*		_
Liberia Housing, Physical Planning and Building,					
SW-208	13,200	1	12*		
Community Development, SW-219	2,500	1	3*	_	
Morocco					
Social Development	14,400	1	12*		_
Community Development	8,500	1	9*	_	-
Netherlands	44.400		40*		
		1	12*		-
Social Services	14,400 5,000	1	12*	1	6

Europe, Middle East and Africa (continued)

	Cost United States dollars	Experts	Man months	Fellows	Man months
Portugal Social Services	7,200	_	-	1	6
Saudi Arabia Community Development	4,800	1	4		
Housing, Physical Planning and Building Social Services	4,800 6,000	1	4*	2	12
Spain Social Development	14,400	1	12*	****	
Sweden Social Services	4,000	1	6		
Switzerland Social Services	4,000	1	6*	_	_
Turkey Social Development, SW-195 Social Services, SW-41	22,400 28,800	1 2	12* 24	2	24
United Arab Republic (Syrian Region) Social Services, SW-31	32,600 16,000	2	22*	2 2	12 12•
Social Defence	6,600	1	3	ĩ	6
Yugoslavia Housing, Physical Planning and Building Social Defence	9,750 1,500		<u></u>	8 1	26 4
Europe (Regional) Geneva Office Seminar on Planning	25,000 5,000	_	_		
Africa (Regional) Seminar on Family and Child Welfare	25,000	_			_
Middle East (Regional) Seminar on Social Welfare Administration and Training for Arab States	5,000	_	_		
Total	395,150				

^{*} Continuing projects. See annex I, reply to question 5. • Plus equipment, \$10,000.

Latin America

	Cost United States dollars	Experts	Man months	Fellows	Man months
Argentina Social Services, SW-2	10,000	1	12*	_	_
Bolivia Social Development, SW-3	6,000 14,400	1 1	6 * 12	_	_
Brazil Social Services, SW-5	16,000 25,000				
Chile Social Services	10,800	1	9	_	_
Colombia Social Services, SW-262	7,200	1	6		
Cuba Social Services	10,800	1	9		
Ecuador Community Development, SW-120	11,500	1	12*		~
Guatemala Social Development, SW-10	11,000	1	12*	-	-
Honduras Social Services, SW-12 Social Development	11,000 14,400	1 1	12* 12*		

Latin America (continued)

	Cost United States dollars	Experts	Man months	Fellows	Man months
Mexico					·
Social Development	14,400	3	12	_	
Panama Housing, Physical Planning and Building,					
SW-229	10,800	1	9*		
Paraguay Housing, Physical Planning and Building,					
SW-14	2,000	1	2*		
Social Development, SW-13	10,800	1	9*		_
Peru		_			
Social Services, SW-231	7,200	1	6*		_
Uruguay					
Social Defence	3,000			1	6
Regional					
Regional Fundamental Education Centre					
(CREFAL)	25,000				
Inter-American Housing Centre (CINVA)	14,400				
Regional Demographic Centre Escuela Superior de Administracion Publica para la América Central (ESAPAC)—Sem- inar on Organization and Administration of	58,000				
Social Services	2.000	_			
Rural Planning Seminar	2,500				
Seminar on Social Aspects of Economic Devel-					
opment			_		
Central American Integration Programme	27,600				
Total	341,800				

^{*} Continuing projects. See annex I, reply to question 5.

Inter-regional

	Cost United States dollars	
Training for Social Services (Swansea Course)	15,000	
Technical Assistance Evaluation project	18,200	
TOTAL	33,200	

Sections 1, 6 and 8

Revised estimates resulting from General Assembly resolution 1376 (XIV) on the progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation

DOCUMENT A/4295

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[23 November 1959]

1. Following adoption by the General Assembly of resolution 1376 (XIV) of 17 November 1959 on the progress report for 1959 of the United Nations Scientific Committee on the Effects of Atomic Radiation, the Advisory Committee on Administrative and Budgetary Questions has considered the resultant revisions to be

made in the budget estimates for 1960. In dealing with this question, the Committee had before it, in addition to the annual progress report of the Scientific Committee (A/4119), the statements of financial implications submitted by the Secretary-General to the General Assembly (A/4119/Add.1, A/4283).

- 2. The initial budget estimates for 1960 (A/4110) contain provision for the following in respect of the Scientific Committee:
- (a) Continuation of the secretariat of the Scientific Committee (one Principal Officer post for the Committee Secretary, five Senior Officer posts for scientific experts and supporting General Service staff);

(b) The holding of two sessions of the Committee, for a total duration of five weeks, at Headquarters

(\$45,000 under section 1);

- (c) Consultant services for the preparation of specialized technical documentation for the Committee (\$3,000 under section 6);
- (d) A small provision for purchase of library materials (some \$1,000 under section 14).
- 3. The budgetary revisions proposed by the Secretary-General in order to implement the resolution of the General Assembly may be summarized as follows:

		Section 1 (Uni	Section 6 ted States doll	
(a) (b)	Studies of exposed groups of populations: consultant payments (A/4119/Add. 1, para. 2)		10,000	<i>-</i>
(c)	poses: United Nations- WHO seminar (A/4119/ Add. 1, paras. 3-6)	29,800ª		
(d)	second session of 1960 at Geneva (A/4119 Add. 1, paras. 7-10)	(-3,800)		8,600
	operative part of the reso- lution (A/4283)	7,000	-	
	-	33,000	10,000	8,600

*Provision on a project basis. Income in the amount of \$9,200 is anticipated from the World Health Organization.

- 4. The Advisory Committee has no comment on items (a) and (d) above. As regards item (b), the Committee understands that the twenty-five experts for whom travel and subsistence expenses would be paid would be largely individuals who would present papers for discussion; the group would, however, include a small number of eminent scientists whose participation would be extremely useful regardless of whether or not they submitted discussion papers. The Committee notes also that an estimated contribution of \$9,200 towards the total expenses of the seminar would be paid by the World Health Organization.
- 5. As to item (c) under paragraph 3, the Scientific Committee has indicated (A/4119, para. 14) that it would normally be desirable to hold two meetings every year, one in the first half of the year, which would include the preparation of a progress report to be submitted to the General Assembly through the Secretary-General, and the other in the second half of the year, which would be devoted mainly to the evaluation of technical data which had become available to the Committee during the course of the year. The Advisory Committee trusts that the need for the second meeting each year would be reviewed in the light of the amount of technical data that in fact became available during the twelve-month period since the previous evaluation was undertaken.
- 6. Subject to the foregoing observations, the Advisory Committee recommends that, as proposed by the Secretary-General, additional provision in the following amounts should be made under the sections of the 1960 budget indicated below:

		United State dollars
Section 1		33,000
Section 6		10,000
Section 8		8,600
	Тотаг	. 51.600

Sections 1, 8 and 13

Meeting at Buenos Aires of the fourteenth session of the Commission on the Status of Women

DOCUMENT A/C.5/808

Report of the Secretary-General

[Original text: English]
[30 November 1959]

- 1. The Economic and Social Council, at its 1089th meeting on 31 July 1959, approved the calendar of conferences for 1960, which provides for the fourteenth session of the Commission on the Status of Women to be held at Buenos Aires, at the invitation of the Government of Argentina.
- 2. In a communication dated 23 November 1959, the Permanent Representative of Argentina to the United Nations has advised that the Argentine Government, in accordance with paragraph 2 (e) of General Assembly resolution 1202 (XII), will assume responsibility for defraying the additional costs resulting from holding the session of the Commission at Buenos Aires rather than at Headquarters.
- 3. The 1960 budget estimates (A/4110) include provision in the amount of \$13,500 under chapter III of section 1, covering the travel of the eighteen members of the Commission from the capital cities of their home countries to New York and return. For a session of the Commission at Buenos Aires, the revised estimate will be as follows:

 United States dollars

 (a) Travel of members
 26,200

 (b) Travel and subsistence of staff
 39,000

 (c) Miscellaneous supplies and services
 1,500

 TOTAL
 66.700

host Government are estimated at \$53,200.

Accordingly, the additional costs to be defrayed by the

- 4. The estimate under item (b) covers travel for thirty and subsistence for thirty-four staff members detailed from New York, it being assumed that four of them will travel in conjunction with home leave. This staff includes four substantive staff members, twenty-two language staff (seven interpreters, nine translators/précis-writers, six revisers), four typists (one for each language), and four administrative and supporting staff (one administrative and finance officer, one conference/documents control officer, and two reproduction and distribution supervisors).
- 5. In addition to the staff detailed from Headquarters, the host Government has undertaken to provide directly at its own expense, in order to complement the staff required to service the session of the Commission at Buenos Aires, one Spanish interpreter, ten translators/précis-writers (three English, two French and five Spanish), fifteen typists (five English, five French and five Spanish), and five documents clerks and mimeograph operators. The host Government has also undertaken to provide locally all the necessary simultaneous interpretation services including sound engineers and equipment.
- 6. Following prior practice, the Secretary-General proposes that provision be made in the appropriations for 1960 to cover the additional costs of holding the fourteenth session of the Commission on the Status of Women at Buenos Aires on a gross basis, and that the contribution of the Government of Argentina be treated as miscellaneous income for that year. Arrangements will be entered into between the host Government and the United Nations under which expenses in connexion with the provision of the local facilities and services not included in the above estimates will be met directly by that Government.
- 7. The distribution of the additional costs by sections of the 1960 budget would be:

United St	ates doll ars
Section 1 (chapter III)	12,700
Section 8 (chapter I)	39,000
Section 13 (chapter III)	1,500
Total	53,200

The estimates for miscellaneous income included in part C of the 1960 budget would also be increased by \$53,200.

DOCUMENT A/4310

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [1 December 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/C.5/808) containing revised budget estimates for 1960 in respect of the fourteenth session of the Commission on the Status of Women, to be held at Buenos Aires at the invitation of the Government of Argentina.
- 2. The initial budget estimates for 1960 (A/4110, section 1, chapter III), include an amount of \$13,500 in respect of the Commission on the Status of Women, based on a session at Headquarters and covering the travel of the eighteen members of the Commission from the Capital cities of their home countries to New York and their return.
- 3. The costs for a session to be held at Buenos Aires are estimated by the Secretary-General at \$66,700, or \$53,200 more than the cost of a session at Headquarters. This extra expenditure of \$53,200 would, in accordance with the provisions of General Assembly resolution 1202 (XII) of 13 December 1957, fall to be reimbursed by the host Government.
- 4. The estimate of \$39,000 for travel and subsistence of staff covers thirty-four staff members to be detailed

- from Headquarters, including four who will travel in conjunction with home leave. In addition, the host Government has undertaken to provide directly, at its own expense, thirty-one language and related staff. The Advisory Committee notes that the total staff would thus include, *inter alia*, nineteen translators/précis-writers and nine administrative, conference and documents staff. The Committee believes that, through a better use of staff resources, it should be possible to reduce by three the number of translators/précis-writers to be detailed from Headquarters and by one or two the administrative, conference and documents staff.
- 5. On the basis of the above considerations, the Advisory Committee recommends that an additional provision of \$48,000, which would fall to be reimbursed by the host Government, should be made in the 1960 budget as follows:

United.	States doll a i
Section 1 (chapter III)	12,700
Section 8 (chapter I)	33,800
Section 13 (chapter III)	1.500

The Committee further recommends that the estimate for income other than staff assessment should be increased by an equivalent amount of \$48,000.

Section 4

Revised estimates resulting from the adoption of General Assembly resolution 1352 (XIV) regarding the organization of the plebiscite in the southern part of the Trust Territory of the Cameroons under United Kingdom administration

DOCUMENT A/4258

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [5 November 1959]

1. In reporting on the financial implications of the draft resolution proposed by the Fourth Committee (A/4240,

para. 12) regarding the organization of the plebiscite in the southern part of the Trust Territory of the Cameroons under United Kingdom administration, the Advisory Committee on Administrative and Budgetary Questions stated (A/4242, para. 4) that it would give detailed consideration to the actual revisions to be made in the 1960 estimates, when such formal revisions were submitted by the Secretary-General after the General Assembly had taken action on the proposal of the Fourth Committee. Meanwhile, the Advisory Committee recommended that the Fifth Committee should advise the General Assembly that the adoption of the draft resolution proposed by the Fourth Committee would result in the expenditure on the two plebiscites, previously estimated at \$169,500 (\$110,000 in 1959 and \$59,500 in 1960), being increased to an amount not exceeding \$255,100 (\$86,700 in 1959, \$106,700 in 1960 and \$61,700 in 1961).

- 2. The draft resolution proposed by the Fourth Committee was adopted by the General Assembly at its 829th plenary meeting held on 16 October 1959 (resolution 1352 (XIV)).
- 3. The Advisory Committee understands that the Secretary-General's statement of financial implications (A/C.5/789) also constitutes a formal submission for appropriate revision of the 1960 budget estimates. The Committee has accordingly examined the Secretary-General's proposal that the amount of \$59,500 already included in section 4, chapter VI, of the 1960 estimates should be increased by \$47,200 to a revised amount of \$106,700.
- 4. The revised estimate of \$106,700 for 1960 includes three main elements of expenditure: salaries and wages

- (\$29,000), including provision for the Plebiscite Commissioner at Under-Secretary level; travel and subsistence (\$55,900) and local transportation and other miscellaneous costs (\$21,800).
- 5. The provision for the Plebiscite Commissioner is based on the existing contractual arrangements which extend until 31 December 1960, at which time an extension of his contract into 1961 will become necessary, having regard to the new time-table for the plebiscite in the southern part of the Trust Territory. Although the additional cost of the extension will arise only in 1961, the renewal of the Plebiscite Commissioner's contract will probably be done towards the close of 1960. The Advisory Committee would hope that the arrangements governing the renewal would reflect the amount of time that would be needed for the subsequent phase of the work of the Plebiscite Commissioner.
- 6. The estimate of \$55,900 for travel and subsistence is based on a precise calculation of the costs in question. On the other hand, the estimates for local transportation and other services and supplies are somewhat less precisely arrived at and may prove susceptible of some economy. The Advisory Committee trusts that those costs will be kept to a strict minimum, regardless of the amount of the budgetary provision.
- 7. Subject to the foregoing observations, the Advisory Committee recommends that the amount of \$59,500 already included in section 4, chapter VI, of the 1960 estimates should be increased by \$47,200 to a revised amount of \$106,700, as proposed by the Secretary-General.

Sections 4, 6 and 7

Salary scales for Headquarters General Service Staff

DOCUMENT A/C.5/794 Report of the Secretary-General

[Original text: English] [26 October 1959]

- 1. The Secretary-General has completed a review of local employment conditions in the New York area and has reached the conclusion that an increase of 5 per cent in the Headquarters General Service salary scales is justified. The Secretary-General has further concluded that the effective date for applying the new scales should be 1 October 1959.
- 2. Analysis of the data relating to base salaries indicates that a case might be made for revising the scales at a somewhat earlier date, but taking all relevant factors into consideration, the proposed date of 1 October 1959 is deemed appropriate. A summary of the facts leading to the above conclusions is given in the attached annex.
- 3. In the foreword to the Budget Estimates for the financial year 1960 (A/4110) and again at the 711th meeting of the Fifth Committee, the Secretary-General foresaw the possibility of increased budgetary requirements for this purpose. The following table details the effect on the United Nations budget of action on the above lines. Adjustments in sections 4, 6, 7 and part D of the estimates are involved. There would be a partially offsetting increase in income from staff assessment.

4. The authority of the Secretary-General to fix the rates stems from paragraph 7 of Annex I of the Staff Regulations (General Assembly resolution 590 (VI)). The action has financial implications both for 1959 and 1960 and the Secretary-General submits for the Assembly's consideration the question of approving the necessary credits. Given the possibility of further changes in the level of the supplementary provisions for some sections of the 1959 budget, in addition to those sections noted above, no definitive proposals on the level of the 1959 supplementary estimates are made at this time. The Secretary-General believes, however, that the Assembly would wish to be informed as early as possible of the action in respect of General Service salaries prior to its further review of the 1959 budgetary situation and to the first reading in the Fifth Committee of the relevant budget sections for 1960.

Annex

REVIEW OF SALARY SCALES FOR GENERAL SERVICE STAFF AT HEADQUARTERS

- 1. The existing Headquarters General Service salary scales were established on 1 January 1958. They were approved by the Secretary-General following a series of comparisons made with the survey made on 1 October 1957 of clerical and secretarial jobs in private employment published by the Commerce and Industry Association of New York and following a study of other available data. The Commerce and Industry Association made a further survey on 1 June 1958 and, most recently, completed a survey on 1 June 1959. This survey reported salary rates for a total of 76,158 employees in 442 firms. In addition, General Service rates have been kept under review by comparison with data made available at other times by institutional surveys as well as by certain selected private and public employers, including the United States Government.
- 2. The weighted average salary rise for all secretarial and clerical jobs covered by the Commerce and Industry surveys from 1 October 1957 to 1 June 1959 was 6.7 per cent; in relation to a selected group of ten typical General Service posts the movement was approximately 6.5 per cent over the same period.
- 3. As distinct from the movement in outside rates, comparisons have been made with actual salaries paid by outside employers over the period 1 October 1957 to 1 June 1959. A comparison with ten typical General Service jobs covered by the Commerce and Industry survey shows that United Nations rates as at 1 June 1959 were behind outside rates by percentages varying from 5.4 to 5.9 per cent. Although it had been known for some time that United Nations rates were lagging behind best prevailing rates in the area, the Secretary-General did not feel that the difference was large enough to warrant action earlier this year. It has been the Secretary-General's position, in agreement with the Heads of the specialized agencies, not to authorize increases in General Service salaries unless the move-

- ment in best prevailing rates in the locality is significant and recognizable, i.e., justifying an increase of the order of 5 per cent. But as the difference as at 1 June 1959 exceeds 5 per cent, the Secretary-General considers that a 5 per cent increase is now justified.
- 4. In addition to comparisons of salary rates, conditions of employment other than salary provided by more liberal private employers have been kept under review; these employment benefits may be grouped under the following headings: (a) hours of work and leave; (b) pension fund schemes and other benefits; (c) medical and life insurance provisions.
- 5. While it is difficult to make precise comparisons in respect of these benefits, the Secretary-General believes that a fair summary of the situation in commercial firms is a follows: (a) The annual leave granted to United Nations General Service staff is more generous than paid vacations which comparable employees receive in the New York area; however, the regular hours worked in the United Nations are longer, with the result that the total time worked during a twelve-month period is about equal. (b) Pension fund schemes in private employment are supplemented by the employee's participation in the United States Social Security scheme; as a result the total benefits to be derived in outside employment tend to be equal to, or better than, those available under the United Nations Joint Staff Pension Fund; at the same time, staff contributions to the Pension Fund in the United Nations are higher than the outside employee's combined contributions to pension fund and United States Social Security. On the other hand, dependency benefits in the United Nations tend to be larger than the amounts granted as income tax exemption in respect of dependents to outside employees in the New York area. (c) Medical, hospitalization and life insurance plans are generally available in private employment in the New York area, with employer and employee sharing in the cost of the plans; accordingly, these benefits are very closely comparable to the benefits available to United Nations staff.

DOCUMENT A/4260

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
5 November 1959]

- 1. Annex I, paragraph 7, of the Staff Regulations of the United Nations (General Assembly resolution 590 (VI)) reads as follows:
 - "The Secretary-General shall fix the salary scales for staff members in the General Service category and the salary or wage rates for manual workers, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations office concerned, provided that the Secretary-General may, where he deems it appropriate, establish rules and salary limits for payment of a non-resident's allowance to General Service staff members recruited from outside the local area."
- 2. In accordance with the above paragraph and on the basis of a recently completed review of local employment conditions in the New York area, the Secretary-General has reached the conclusion (A/C.5/794) that an increase of 5 per cent in the Headquarters General Service salary scales is justified. He has also stated his further conclusion that the effective date for applying the new scales should be 1 October 1959.
- 3. According to the Secretary-General, the action involves additional expenditure, under sections 4, 6 and 7 of the regular budget, of \$122,000 (gross) in 1959 and \$502,000 (gross) in 1960. Additional costs in part D, resulting in reduced income from the revenue-producing activities concerned, amount to \$9,000 in 1959 and

- \$36,000 in 1960. There is, on the other hand, a consequential increase in the income from staff assessment of \$26,000 in 1959 and \$111,000 in 1960.
- 4. The Secretary-General has submitted for the consideration of the General Assembly the question of approving the necessary budgetary credits. As regards 1959, the Advisory Committee understands that the additional costs in question will be taken into account in arriving at the further modifications, shortly to be submitted to the General Assembly, under various sections of the 1959 budget. Regarding 1960, the Secretary-General's submission would constitute a formal revision of the 1960 estimates already submitted.
- 5. In considering the proposed revision in the 1960 budget estimates, the Advisory Committee has proceeded on the basis that it is not seized of the question of the salary increases as such since, under the Staff Regulations, the Secretary-General is authorized to fix the salary scales in question. The Committee nevertheless appreciates the information that has been included in the annex to the report of the Secretary-General as well as the supporting details which have been made available to the Committee.
- 6. The Advisory Committee would also invite attention to two related points. In the first place, while the principles and procedures applied in determining local salary scales are generally sound, the overlap between

the salaries at the higher levels of the General Service category at Headquarters and those at the junior levels of the Professional category has tended to increase over the past few years. Secondly, with pensionable salary increases for General Service staff and non-pensionable post adjustments in the case of Professional staff, there has been a growing disparity as between the two categories of staff at Headquarters in the matter of pensionable remuneration. A first attempt at narrowing that disparity was made when the General Assembly authorized (resolution 1310 (XIII)) an increase of 5 per cent in the pensionable remuneration of Professional and higher level staff, effective 1 January 1959. The Advisory Committee notes in this regard that the United Nations pension system as a whole, including, of course, the question of the amount of pensionable remuneration for all categories of staff, is under review at the present time, in accordance with the General Assembly resolution cited above. The results of this review are expected to be available in 1960.

7. The Advisory Committee agrees that the 5 per cent salary increase for General Service staff at Headquarters mentioned in the Secretary-General's report would necessitate an increase of \$502,000 in the 1960 budget appropriations which have already been recommended by the Advisory Committee distributed among the following sections:

Section	nited States dollars
4. Special missions and related activities	5,500
6. Salaries and wages	439,700
7. Common staff costs	56,800

8. On the same basis, the 1960 estimate of income from staff assessment already recommended by the Advisory Committee would be increased by \$111,000. Appropriate adjustments would need to be made in the expenditure estimates in respect of the revenue-producing activities (part D of the 1960 budget estimates), resulting in a reduction of \$36,000 in the income other than from staff assessment.

Sections 11, 13 and 15

Office of the United Nations High Commissioner for Refugees

DOCUMENT A/C.5/798

Report of the Secretary-General

[Original text: English]
[5 November 1959]

GENERAL

1. Subsequent to the preparation of the initial 1960 budget estimates for the Office of the High Commissioner for Refugees (A/4110, section 11), various developments necessitated the initiation of a number of measures in the course of 1959 which will continue to have implications in 1960. These measures include the opening of new branch offices for Morocco and Tunisia, and of a temporary office in Canada. Furthermore, the initial 1960 budget estimates for the High Commissioner's Office did not include provision to enable the High Commissioner to increase the protection activities of his Office consequent on a recommendation of the Executive Committee of the former United Nations Refugee Fund endorsed by the General Assembly in resolution 1284 (XIII) of 5 December 1958.

- 2. The revised estimates presented in this paper do not include any additional provision in respect of public information and fund-raising activities. While the High Commissioner expects to have to intensify his efforts in these fields also in 1960, he will endeavour to finance the expenditures within the level of the present budget. Should the need for additional funds arise in the course of 1960, the Secretary-General would propose to submit the matter to the Advisory Committee on Administrative and Budgetary Questions.
- 3. The initial budget estimates for 1960 for the Office of the High Commissioner for Refugees amounted to \$1,467,400. The additional requirements referred to in paragraph 1 above are estimated at \$152,900, as shown below:

Item and section	Branch Offices in Morocco and Tunisia	Temporary office in Canada	Branch Office for Latin America	Correspondents in countries without Branch Offices	Headquarters (Legal Section and Unit in charge of North Africa)
Salaries and wages	United	States dollars			
(Section 11)	39,800	4,500	11,500		23,450
Travel on official business	·				
(Section 11)	4,000	5,000	4,000	_	
Common staff costs					
(Section 11)	8,000	900	2,300		4,250
General office expenses					
(Section 13)	6,800	6,600	4,200		
Office furniture and equipment		•			
(Section 15)	1,000		2,000		
Reimbursement of expenses of correspondents					
(Section 11)				24,600	
Total	59,600	17,000	24,000	24,000	27,700

Branch Offices in Morocco and Tunisia

4. The 1960 estimates for the branch offices in Morocco and Tunisia provide for a continuation of these offices set up in autumn 1959. The provision covers one Senior Officer, one First Officer, two Assistant Officers, two secretaries, two messengers/drivers, a small allowance for temporary assistance, and other office expenses.

TEMPORARY OFFICE IN CANADA

5. An appropriation for the temporary office in Canada is requested in the amount of \$17,000, covering a secretarial post and other office expenses. Subject to the approval of the Executive Committee of the High Commissioner's Programme at its third regular session in spring 1960, it is the intention that an amount equivalent to the cost of the temporary office in Canada be reimbursed to the United Nations budget from voluntary funds as a grant-in-aid.

Increase of protection activities

6. Following the adoption by the General Assembly at its thirteenth session of resolution 1284 (XIII) in which the Assembly endorsed a former recommendation of the Executive Committee of the United Nations Refugee Fund to the effect that the High Commissioner increase the protection activities of his Office, an appraisal of these protection functions was made by the High Commissioner. This appraisal included not only an analysis of the functions performed at UNHCR headquarters but the opportunity was seized of examining the problem on the occasion of visits paid to a number of countries by the High Commissioner himself. The conclusion was reached that the intensification of protection activities requires both a better representation of the Office of the High Commissioner in countries where relatively large numbers of refugees reside, and a specialization of legal protection duties at UNHCR headquarters. In order to give effect as soon as possible to resolution 1284 (XIII) it is felt desirable to include, in the budget for 1960, adequate provision for the measures set out below:

Enlargement of Branch Office for Latin America

7. As is shown by table 11-3 of the 1960 budget estimates (A/4110, page 32), only one Professional officer is provided at present for the High Commissioner's Branch Office for Latin America. An amount of \$24,000 is requested to enable the High Commissioner to recruit a Second Officer and one secretary, and meet other ancillary costs.

Designation of UNHCR correspondents

8. The High Commissioner does not propose to estab-

lish without special reason any new branch offices. A better representation of his Office could be obtained, however, by designating correspondents in a limited number of countries where experience shows that, mainly for geographical reasons, adequate liaison with Governments cannot be maintained without some kind of local representation. The expenditure involved in the establishment of correspondents is small as it is proposed to recruit local personalities of standing and repute who would perform their duties mainly against reimbursement of expenses. It is estimated that the establishment of seven correspondents will require \$24,600, proposed in a new chapter V of section 11.

Strengthening of the Legal Section at UNHCR headquarters

- 9. The enlargement of the establishment of the Legal Section at UNHCR headquarters is made necessary to enable this section both to maintain intensified liaison on protection matters with Governments, including Governments of States where correspondents would be designated, and to meet an increasingly urgent need of specialized duties in the section. It is proposed to recruit two additional Professional officers, one First Officer and one Assistant Officer, together with two multilingual secretaries.
- 10. The present manning table of the Legal Section does not make it possible to carry out certain duties in a satisfactory manner. Although a considerable strengthening of the Legal Section would be required, it is proposed to confine the enlargement of that section for the time being to the measures outlined above as it is hoped that it might be possible to add further officers to the section at a later stage by internal moves without any new budgetary appropriations.

Unit in charge of North Africa at UNHCR Headquarters

11. While a Professional officer could be assigned from within the establishment to take charge of the work at UNHCR headquarters relating to North African affairs, there will be a need for a bilingual secretary. The costs are estimated at \$2,700.

SUMMARY OF BUDGETARY SITUATION

12. As a consequence of the increased requirements discussed above, the budgetary provisions for the Office of the High Commissioner shown in table 11-1 on page 30 of the initial estimates for 1960 will require revision as follows:

	Initial 1960 consolidated estimates	Additional requirements	Total revised estimates
Headquarters	\overline{v}	nited States dolla	irs
Established posts	604,400	23,450	627,850 •
Temporary assistance and consultants	16,000		16,000
Overtime	200		200
Travel on official business	30,000		30,000
Common staff costs ^b	133,500	4,250	137,750
Public relations, information activities	19,300	-	19,300
	803,400	27,700	831,100
Branch Offices	500 500	££ 200	E02 700 a
Established posts	528,500	55,200	583,700 ·
Temporary assistance and consultants	8,800	600	9,400
Overtime	1,500	_	1,500
Travel on official business	52,000	13,000	65,000
Common staff costs ^b	107,200	11,200	118,400
	698,000	80,000	778,000
Sub-total	1,501,400	107,700	1,609,100

	Initial 1960 consolidated estimates	Additional requirements	Total revised estimates
Correspondents	U	nited States dolla	rs
Reimbursement of expenses	_	24,600	24,600
Sub-total		24,600	24,600
Included in other sections			
Headquarters			
General expenses	19,000	_	19,000
Permanent equipment	3,400		3,400
Printing	5,800		5,800
Internal audit costs	15,500		15,500
Hospitality	2,000		2,000
SUB-TOTAL	45,700		45,700
Branch Offices General expenses	84,100	17,600	101,700
Permanent equipment	8,000	3,000	11,000
Printing	1,700	_	1,700
	93,800	20,600	114,400
Sub-total.	139,500	20,600	160,100
Total	1,640,900	152,900	1.793.800
	(34,000)	_	(34,000)
	1,606,900	152,900	1,759,800
Deduct: (a) Estimated income from staff assessment	200,000	10,000	210,000
(b) Estimated grant-in-aid by UNREF	480,000	17,000	497,000
NET TOTALS	926,900	125,900	1,052,800

A deduction for turnover of \$34,000 initially made in the estimates reduces the total for

DOCUMENT A/4264

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [6 November 1959]

I. Supplementary estimates for 1959

[Paragraphs 1 to 8 of this document relating to supplementary estimates for the financial year 1959 appear in the annex fascicle relating to agenda item 43.]

II. Revised budget estimates for 1960

- 9. In regard to the 1960 estimates of the Office of the High Commissioner for Refugees, the Advisory Committee on Administrative and Budgetary Questions has previously recommended (2/4170, para. 189) a provisional appropriation under section 11 in the amount of \$1,467,400, as proposed by the Secretary-General. The Secretary-General has since submitted revised estimates for the Office of the High Commissioner (A/C.5/798)providing for additional requirements in the amount of \$152,900 of which \$132,300 would fall under section 11, \$17,600 under section 13 and \$3,000 under section 15. The revised total estimate for section 11 accordingly amounts to \$1,599,700.
- 10. As mentioned in the Advisory Committee's report on the initial 1960 budget estimates (A/4170, para. 188), an administrative review of the Office of the High Commissioner at Geneva was carried out early in 1959 by a senior official from Headquarters. In addition, a scheme of reorganization of the Office was introduced by the

High Commissioner with effect from 1 April 1959. The Committee had therefore noted that it would be useful to examine, in the light of the administrative review, the steps taken by the High Commissioner and to determine the extent of the resultant advantages on the administrative as well as on the financial side. Accordingly, the Committee had reserved its final recommendation on the estimates until after it had had an opportunity to discuss this aspect of the matter with the High Commissioner himself.

- 11. The Advisory Committee has since had occasion to study further the questions involved, with the assistance of the High Commissioner. In doing so, the Committee has taken into consideration the revised 1960 estimates for the Office, as now submitted by the Secretary-General.
- 12. It appears from the Advisory Committee's study that in reorganizing the Office as of 1 April 1959 the High Commissioner took into account a number of the points which arose as a result of the administrative review. The official who undertook the review accordingly limited his final and specific recommendations to one point, namely, that the Administrative and Financial Section, which is at present one of a number of sections of a division and reports in the first instance to the head of that division, should be given the status of an Executive Office directly

[&]quot;Established posts" to \$1,177,550.

Figures for common staff costs for 1958 include assignment allowances, \$1,065 for head-

responsible to the High Commissioner himself. Regarding this recommendation, the High Commissioner has indicated to the Committee that, for practical reasons, it would not be in the interests of his Office to adopt at present such a structure, even though it might be regarded in general as a standing organizational arrangement in other major segments of the Secretariat.

- 13. The Advisory Committee sees some relation between the organizational point mentioned in the preceding paragraph and the need, in the light of the consolidation of the total administrative expenses of the Office in the regular budget of the Organization, for development of co-ordinated arrangements and procedures in the Office of the High Commissioner and the Office of the Controller, to ensure proper application of normal financial procedures. The Committee, in its report on the supplementary estimates for 1959 (A/4221, para. 26), referred to this latter question, with particular regard to the submission of statements of financial implications of proposals prior to their adoption and to the procedures for authority to incur unforeseen and extraordinary expenses. On this point the High Commissioner has assured the Committee that efforts would be made to overcome initial difficulties due to the transitional stage of budgetary treatment and the special nature of the unforeseen expenses which arise in the case of his Office.
- 14. As regards the additional 1960 requirements for the Office of the High Commissioner under sections 11, 13 and 15, the Advisory Committee notes that the total increase of \$152,900 includes \$59,600 for the new branch offices in Morocco and Tunisia, \$17,000 for the temporary office in Canada (an equivalent amount to be reimbursed from voluntary funds), \$24,000 for the enlargement of the branch office for Latin America, \$24,600 for legal correspondents in countries without branch offices and \$27,700 for the strengthening of the Legal Section and the unit in charge of North Africa at the headquarters of the Office at Geneva.
 - 15. The distribution of the proposed additional amount

of \$152,900 by objects of expenditure, is as follows:

United St	tates doll ars
Salaries and wages (section 11)	79,250
Common staff costs (section 11)	
Travel on official business (section 11)	13,000
General expenses (section 13)	
Permanent equipment (section 15)	
Reimbursement of expenses of correspondents	
(section 11)	24,600

- 16. As regards the provision for salaries and wages, the Advisory Committee suggests that one of the three new secretarial posts for the Office at Geneva (two in the Legal Section and one in the unit for North Africa) might be found through appropriate adjustments in the total secretarial staff of the Office as a whole. In addition, it would appear that no turnover deduction has been applied to the estimated cost of new posts to allow for recruitment delays.
- 17. Furthermore, the Advisory Committee notes that the additional provision of \$13,000 for official travel, when added to the amount of \$82,000 already included in the initial estimates, would result in a total provision of \$95,000 for this purpose. The Committee believes that through a more restrictive handling of travel requirements, generally along the lines that have been applied at United Nations Headquarters for some years, some reduction of this expenditure should prove possible, without being an undue limitation.
- 18. In the light of the above considerations, the Advisory Committee recommends an appropriation under section 11 in a revised amount of \$1,590,000, representing a reduction of \$9,700 in the total figure submitted for that section by the Secretary-General. The Committee further recommends that additional provision should be made in sections 13 and 15 in the amounts of \$17,600 and \$3,000 respectively.
- 19. The effect of the recommendations given above may be tabulated as follows:

Sectio	on	Amount previously recommended by the Advisory Committee	Present addition	Revised amount recommended by the Advisory Committee
		U	nited States dolla	irs
11. 13. 15.	Office of the High Commissioner for Refugees General expenses	1,467,400 ^a 5,642,000 ^b 550,000 ^b	122,600 17,600 3,000	1,590,000 5,659,600 553,800

^a This is the same as the initial estimate submitted by the Secretary-General, (A/4110).

Sections 13 and 15 Interim arrangements for the library

DOCUMENT A/C.5/796 Report of the Secretary-General

[Original text: English]
[27 October 1959]

1. The construction of the new building for the United Nations Library on the site occupied by the present Library will make it necessary to find a temporary site for the staff, collections and facilities of the Library. The Secretary-General has taken into account the relative merits of renting space in the immediate neighbourhood

^b Amounts recommended in the Committee's main budget report (A/4170), as revised in connexion with the interim arrangements for the Library (A/4259).

or of utilizing space within the Headquarters buildings. He has decided that, apart from the advantage of saving substantial sums in rent and the renovation of outside space, it is feasible to establish the temporary Library within the United Nations quarters. This can be accomplished by the utilization of the Secretariat lobby, the lobby on the first floor of the Conference Building, the use of space on the nineteenth floor, selected space in the General Assembly building, and a considerable expansion of branch libraries in the substantive departments and the Legal Office. It involves also the retirement into storage areas of less used books. These books will be stored in such a way as to be available if necessary.

- 2. These arrangements can be made with minimum expense. The attached cost estimates are presented to cover a two-year period. Part A covers the cost of establishing the Library in its temporary quarters. This action would take place at the beginning of 1960 and the cost estimate would therefore represent a charge on the 1960 budget. Part A also includes an estimate of \$23,400 to cover the cost of temporary relocation of film facilities, now located in the area to be utilized for the new Library building, to the second basement of the General Assembly building. Part B is the cost estimate for 1961 covering the restoration costs and the removal costs to the new building upon its completion in 1961.
- 3. It may be noted that the budget of 1959 carries an item of \$61,000 for necessary repairs to the present building. As it became apparent that funds would become available for a new building the Secretariat stopped the expenditure of this money. Thus \$60,000 of the \$61,000 remains unspent in the current budget year. In addition, a savings of approximately \$52,000 will be made in 1960 through the cancellation of the annual operating costs of the present building. These costs cover the custodial personnel, the operation of elevators, water, sewer, electricity and steam. Similarly the construction of the new Library building will eliminate the need for the repairs to the present Library building provided for in the 1960 budget estimates (A/4110) in the amount of \$36,500.
- 4. The Secretary-General recommends the approval of the budget estimates of part A, \$114,000 for inclusion in the budget for the year 1960 for temporary housing of the Library. As noted above, there would be an offsetting reduction of \$88,500 in the 1960 estimates submitted, and a saving of \$60,000 in 1959.
- 5. The budget estimates for 1960 and 1961, amounting to a total of \$168,000 follow.

BUDGET ESTIMATE OF COST FOR TEMPORARY HOUSING OF LIBRARY

Part A. Funds required in 1960

	_		
Construction costs		United S	States dollars
(a) Temporary relo	cation of film area to		
second basemen	nt General Assembly		
building			23,400
(b) Temporary hou	ising for the Library		
(i) Secretariat	building-main floor		
		31,200	
	sembly building—Ex-		
	rea	5,200	
	varehouse area	3,500	
	Conference building		40.400
(north end)	• • • • • • • • • • • • • • • • • • • •	2,200	42,100
Тот	AL, construction costs		65,500
Other costs	, , , , , , , , , , , , , , , , , , , ,		,
(a) Telephone move	es		1,100
	s, furniture and fixtures		37,200
.,	•		
	TOTAL, other costs		38,300
			103,800
Plus contingencie	s (10 per cent approxi-		
mately)			10,200
Т	OTAL required in 1960		114,000
	-		

Part B. Funds required in 1961

for moving Library into permanent building and for restoring areas used for temporary housing

Constru	action costs	United St	ates dollars
(i)	Secretariat building—main floor lobby	11,700	
(ii)	General Assembly building—Exhibit hall area	1,200	
(iii)	Third basement warehouse area		
(iv)	Nineteenth floor Secretariat build-		
	ing		
(v)	First floor Conference building (north end)	1,300	14,200
	osts lephone installationsoving of books, furniture and fixtures	1,100 34,100	
	Total, other costs		35,200
			49,400
	contingencies (10 per cent approxi- ately)		4,600
	TOTAL required in 1961		54,000

DOCUMENT A/4259

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 November 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/C.5/796) on the interim arrangements for the Library while the new building is under construction.
- 2. It appears from the report that the Library can be relocated on a temporary basis in various parts of the Headquarters building at an estimated cost of \$114,000 in 1960. Expenditure in 1961 for moving the collection

into the new building and restoring the areas used for temporary housing is estimated at an amount of \$54,000.

- 3. The above expenditure would be off-set by the following savings in a total amount of \$148,500, as a consequence of the demolition of the present building:
- (a) \$60,000 of the sum of \$61,000 made available in the 1959 budget (section 13, chapter III) for repairs during 1959;

- (b) \$36,500 requested in the 1960 budget estimates (section 15, chapter III) for repairs during 1960;
- (c) \$52,000 requested in the 1960 budget estimates (section 13, chapter I) for operating expenses during 1960.
- 4. The Advisory Committee has inquired into the factors which entered into the Secretary-General's decision to use space within the Headquarters building, rather than rented space outside, for the temporary housing of the Library. The Committee is informed that, apart from a significant economy of expenditure, the convenience of the users of the Library has been an important consideration. The Committee has also received evidence of the measures to be taken to minimize disruption of the library services and to ensure proper care of the collection, which will, of necessity, be distributed in a number of separate locations. Departmental branch libraries will be expanded to the extent practicable, while a significant proportion of the collection involving less used books will be put away in temporary storage. The Committee trusts that, despite some unavoidable disruption, steps will be taken to ensure that essential library services and facilities continue to be provided.
- 5. It is understood that the construction work which the interim arrangements entail will be of a simple, utilitarian and strictly temporary nature. In respect of the relocation of the film facilities referred to in the Secretary-General's report (A/C. 5/796, para. 2), however, a more permanent structure is envisaged. As explained in the Secretary-General's report on the gift of the Ford Foundation (A/4231, para. 45), these services are to be located in the basement of the General Assembly building. The proposed construction for this purpose will be designed to fit into any plans for the future development of the adjacent hangar area for the purpose of housing a television studio and processing centre.
- 6. The Advisory Committee is informed that the cost estimates given in the Secretary-General's report are based on a precise calculation of the cost of construction material, labour costs and contractual charges for moving the collection. While the estimate of \$37,200 for moving books, furniture and fixture in 1960 constitutes the largest single element of expenditure, the Committee understands that it represents the lowest of three bids obtained in accordance with the established procedure for

- the procurement of goods and services. The 1960 estimate includes, moreover, the cost of packing and crating material, which explains the lower estimate of \$34,100 for moving the collection back into the new building in 1961.
- 7. The estimated expenditure of \$114,000 in 1960 includes an amount of \$10,200 for contingencies. While not wishing to contest the retention of this item at this stage, the Advisory Committee would nevertheless recommend that every effort should be made to keep 1960 expenditure within the costed limits, without need for recourse to the contingency provision.
- 8. The recommendations given below are confined to the budgetary action that is required in terms of 1960. The Secretary-General will no doubt take into account the 1961 requirements in framing his initial budget estimates for that year; likewise, the savings that are anticipated in 1959, will, of course, be reflected in the Secretary-General's final report on the supplementary estimates for that year.
- 9. In the light of the foregoing, the Advisory Committee recommends:
- (a) A provision of \$114,000 in a new chapter under section 13 of the 1960 budget, to provide for the costs of temporary housing of the Library;
- (b) A reduction of \$52,000 in the appropriation already recommended by the Advisory Committee under section 13 of the 1960 budget estimates (A/4170, para. 198) as a result of the cancellation of the annual operating costs of the present building;
- (c) A reduction of \$36,500 in the appropriation already recommended by the Advisory Committee under section 15 of the 1960 budget (*ibid.*, para. 210), as a result of the elimination of the need for further repairs to the present library building.
- 10. To give effect to the above recommendations, the appropriations for 1960 already recommended by the Advisory Committee under sections 13 and 15 should be revised as follows:

	nt recommended
Section by the Advi	sory Committee d States dollars
13. General expenses	. 5,642,000
15. Permanent equipment	. 550,800

Section 19

Public administration. Provision of operational, executive and administrative personnel

DOCUMENT A/C.5/799

Report of the Secretary-General

[Original text: English]
[12 November 1959]

- 1. The Second Committee at its 611th meeting adopted a draft resolution relating to agenda item 31 (b) calling for the continuation of the experiment for the provision of operational, executive and administrative personnel (OPEX) in 1960. (A/4287, para 40, draft resolution III).
- 2. In the opinion of the Secretary-General, the amount of \$200,000 included in his initial estimates for 1960 should now be increased to \$300,000. A detailed justification of this request is contained in documents A/4212 and Add.1.

DOCUMENT A/4281

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[16 November 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/C.5/799), in which, following the adoption by the Second Committee at its 611th meeting of a draft resolution concerning the programme for the provision of operational, executive and administrative personnel (OPEX), the Secretary-General has submitted a revision of the 1960 estimates for that programme from \$200,000 to \$300,000.
- 2. At this stage, pending the adoption by the General Assembly of the draft resolution proposed by the Second Committee, the Advisory Committee regards the report of the Secretary-General as constituting a statement of maximum financial implications in respect of that draft resolution. Appropriate budgetary action will need to be taken after the Assembly has acted on the proposal of the Second Committee.
- 3. The OPEX programme was authorized by the General Assembly, under resolution 1256 (XIII) of 14 November 1958, "on a modest scale and on an experimental basis", and an amount of \$200,000 was provided for this purpose in the 1959 budget. Actual expenditure in 1959 is, however, unlikely to exceed \$100,000, because of recruitment and other delays.
- 4. The draft resolution of the Second Committee, in paragraph 1 of its operative part, provides "that the experimental programme started in 1959 should be continued in 1960 on the basis of General Assembly resolution 1256 (XIII) and that the Secretary-General should be allowed adequate scope in the carrying out of the experiment within the limits of the resources to be made available for 1960".
- 5. The text quoted above does not indicate clearly the precise meaning of the term "adequate scope . . . within the limits of the resources to be made available for 1960". Further, the third preambular paragraph of the draft resolution, which states that "the time that has elapsed since the establishment of the experiment . . . has been too brief, and that, for this reason, the range of the experiment has been too narrow to justify drawing final conclusions", would appear to underline the inadequacy of the length of the experience to date under the experiment, rather than of its scope. On the other hand, a proposal to limit the further scope of the experiment to the unused balance of the 1959 allocation was withdrawn; another proposal to delete the second part of operative paragraph 1 of the draft resolution, beginning with the

words "and that the Secretary-General should be allowed adequate scope", was rejected by the Second Committee.

6. In these circumstances, the Advisory Committee has taken a pragmatic approach to an interpretation of the phrase "adequate scope" and to the budgetary revision mentioned by the Secretary-General. The Committee understands in this connexion that the situation under the programme as of mid-November 1959, as regards cases where appointments have matured, is as follows:

Officers actually on the job	
	11
Action completed on appointments	2
	13

It has been suggested, on behalf of the Secretary-General, that the number of such "mature" appointments is likely to be twenty before the end of the year, with five more to be effective before the end of January 1960. On this basis, the Secretary-General has stated (A/4212/Add.1) that an appropriation of \$300,000 would provide, in addition to the continuation of those twenty-five appointments through 1960, for ten more appointments during that year, allowing for possible delays in recruitment.

7. In the light of the experience to date, and having regard to the substantial average time that elapses from the submission of candidatures to Governments to their acceptance, the Advisory Committee is inclined to proceed on the basis that fifteen officers would be actually on duty before the end of 1959 and that additional provision sufficient for about fifteen other appointments to take effect during 1960 would constitute a reasonable interpretation of the term "adequate scope" used in the draft resolution proposed by the Second Committee. The Advisory Committee would accordingly recommend that, should the General Assembly adopt the draft resolution proposed by the Second Committee, the amount of \$200,000 included in section 19, chapter II, of the 1960 budget estimates might be increased to a maximum of \$250,000. This would allow full-year provision for fifteen officers (\$135,000) and leave a balance of \$115,000 which would permit of some fifteen more appointments during 1960, taking into account possible delays in recruitment. Thus in 1960 the experiment would cover thirty officers, that is, five more than the number initially envisaged.

SUPPLEMENTARY REPORT

DOCUMENT A/C.5/806

Common staff costs (section 7, chapter II, item (iii). Contributions to medical insurance and other medical care: note by the Secretary-General

[Original text: English] [25 November 1959]

- 1. The Secretary-General wishes to inform the Fifth Committee of a development in premium rates for the Headquarters medical insurance coverages which has occurred since the initial 1960 estimates were prepared.
 - 2. When the Fifth Committee approved the introduc-

tion in 1957 of major medical insurance coverage at Headquarters⁴³, it did so on the basis of an equal sharing of the costs by the Organization and by the staff and on

⁴³ Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 51, document A/3558, para. 106.

the assumption that the detailed provisions of the scheme should produce a cost at approximately the level anticipated by the Secretary-General in his report (i.e., single, \$1.25 per month; with dependants, \$3 per month).

- 3. Experience has now shown that the cost of benefits under the major medical coverage requires new premium rates, which were advised by the insurance company with effect from 1 October 1959, namely, single, \$1.76 per month; and with dependants, \$4.30 per month.
- 4. The Secretary-General was unable at this late date to bring this new increase into his estimates for 1960. There appeared therefore two alternatives: the first was to reduce the benefits under the insurance scheme to the level which could be bought by the financial provision; the second was to retain the level of entitlements, the increased cost to be met by additional staff contributions. These alternatives were carefully discussed with the staff representatives who attached such importance to the maintenance of major medical insurance in its original form that they agreed that the staff would for the coming year carry the increased cost due to this factor (\$35,600), as well as the cost of one minor improvement (\$3,000).

5	The	figuree	210	20	follows:
٠.	LIIC	nguics	arc	as	TOHOWS.

United St	tates doll ars
Annual premium cost of major medical plan prior to 1 October 1959	89,000
Increase in annual premium costs from 1 October 1959	46,500
Portion of increased premium costs shared equally by staff and Organization	7,900
Financed in full by participating staff	38,600

6. In agreeing that the staff would bear the additional costs as noted above, the staff representatives requested the Secretary-General to inform the Fifth Committee that they deeply appreciated the protection afforded by the major medical plan, but that they sincerely hoped that the General Assembly would find itself able to maintain the principle of equal contributions by the staff and the Organization, with the result that the Fifth Committee would give its approval that the estimates for medical insurance for 1961 should be prepared on the agreed fifty-fifty sharing basis, notwithstanding that the premium rates for the major medical coverage might show some increase over the levels originally anticipated by the Secretary-General in 1957.

DOCUMENT A/4336* Report of the Fifth Committee

[Original text: English]
[4 December 1959]

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I. Introduction

- 1. Under agenda item 44 the Fifth Committee considered the budget estimates of the United Nations for the financial year 1960, together with a number of related items under this general heading. As a result of its discussions, the Committee recommended gross appropriations for 1960 in the amount of \$63,149,700 and an estimate for income for 1960, other than staff assessment, in the amount of \$5,357,500. The estimated net expenditure figure for 1960, based on the appropriations thus recommended, was \$57,792,200.
- 2. The basis of assessment on Member States in 1960, on those recommendations, will be in accordance with the following summary:
 - * Incorporating document A/4336/Corr.1.

Contributions	oţ	W ember	States:

United States dollars

(a)	In respect of the financial year 1960: 1960 budget appropriation	63,149,700
	Less: estimated income other than staff assessment	5,357,500
		57,792,200

- 3. The Committee also recommended that the Working Capital Fund for 1960, be increased from its previous approved level of \$23.5 million to \$25 million, the increase of \$1.5 million to be derived by additional cash advances of \$972,012 and by transfer of \$527,988 from the surplus account as at 31 December 1958.

- 4. Finally, the Committee recommended a 1960 estimate for staff assessment income of \$6,329,000 for transfer during the course of 1960 to the Tax Equalization Fund from which credits are distributed to Member States in accordance with the provisions of General Assembly resolution 973 (X) of 15 December 1955.
- 5. For its examination of the budget proposed for 1960, the Fifth Committee had before it, as basic documents, the 1960 budget estimates (A/4110) submitted by the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/4170). In addition, revised estimates for various appropriation sections were considered on the basis of reports of the Secretary-General and of the Advisory Committee.
- 6. The Committee was assisted throughout its session by the Chairman of the Advisory Committee, who, in accordance with past practice, was invited to take a continuous part in the deliberations. The Fifth Committee acknowledges with gratitude the valuable contribution which the Advisory Committee has made through its expert study of a large number of items.

II. GENERAL DISCUSSION

- 7. A general discussion of the budget estimates for 1960 was opened at the 711th meeting of the Committee in the course of which the Secretary-General introduced (A/C.5/782) the draft budget estimates for 1960 (A/4110) comprising a gross expenditure figure of \$61,863,200 and income from all sources estimated at \$11,569,300, for a net expenditure level of \$50,293,900. The Chairman of the Advisory Committee introduced (A/C.5/783) the principal report of that Committee (A/4170) recommending a gross appropriation of \$61,213,300, or \$649,900 below that proposed by the Secretary-General, together with an estimate for income reduced by \$40,000 to \$11,529,300.
- 8. Although much of the discussion turned on the size of the 1960 budget and on the difficulties which it might present for Member States, a majority of the delegations recognized that the budgetary situation had improved since 1958. The measure of that improvement could be found in the Secretary-General's proposals. Compared with the 1959 appropriations, the estimates for 1960 had risen by only 1.75 per cent, a margin of increase that was in marked contrast to the experiences of previous years when the annual growth of expenditure had been progressively sharper. Furthermore, a tentative forecast of the assessment level for 1960 (based on requirements known or foreseen at the end of September 1959) held out the prospect of a reduction in the level, by comparison with 1959, of between \$2.5 and \$3 million (A/C.5/782, paras. 31-33).
- 9. At the same time, a budget in excess of \$60 million, however well justified in relation to work programmes, gave cause for reflection, and was naturally disturbing to the economically weaker Members, some of which might be close to, if they had not already reached, the limit of their financial capacity. Nor could the budget be examined in isolation from other international commitments—contributions to UNEF, to the voluntary extra-budgetary programmes, and to the specialized agencies—representing in the aggregate an extremely large outlay. States which were grappling with serious economic and social problems could not but view with concern the heavy burden laid upon them at the very time when they were striving, often in the face of an adverse balance of payments, to raise the standard of

- living of their peoples. Those were compelling reasons why the Secretary-General and the budgetary committees of the Assembly should maintain their vigilance and work closely together in removing any flaws in the administrative machinery.
- 10. It was nevertheless recognized by many speakers that the budget by which the Secretary-General proposed to give effect to an approved programme of work was not open to serious criticism. The estimates for 1960 established a reasonable balance between economy and efficiency, and provided for the normal and necessary growth of a dynamic organization engaged in activities of wide variety and range, the cost of which could not easily be contained within a predetermined figure. Although it was true that no major items of extraordinary expenditure had arisen in 1959, and 1960 might likewise be a relatively quiet year in that sense, provision had to be made for an increasing volume of continuing work in substantive fields unaffected by the political climate. Care should therefore be taken not to arrest a healthy process of development which accorded with the express desires and decisions of the Members. While it was axiomatic that economy might always be sought in a refinement of the form or content of a budget or in the method of its execution, the estimates under review appeared to offer little scope for administrative economy or, in consequence, for an over-all percentage reduction. That was confirmed by the findings of the Advisory Committee, which had recommended reductions amounting to slightly over 1 per cent or, on a truer reading of its recommendations,44 to some 0.70 per cent. Further evidence could be found in the decision of the Secretary-General to refrain. for the second year in succession, from proposing any additional posts in the Professional and higher categories of the Secretariat (excluding the secretariat of the Economic Commission for Africa), and in the introduction of other measures intended to increase the efficiency and versatility of the staff, strengthen the system of budgetary and financial control, and counter-balance, wherever possible, the continuing rise in administrative and operating costs.
- 11. Other delegations took a different position. Too little attention had been paid to the concern which the Committee had expressed in 1958 at the mounting volume of costs and the abnormal expansion of the administrative apparatus. It was not possible for the General Assembly to countenance a process of steady and continuous increase in expenditure, nor could delegations seek from their legislatures progressively larger appropriations. The time had come to stabilize the budget within reasonable limits which, without hampering the execution of programmes or the performance of normal functions, would serve as a stimulus to a sounder organization of the work and to the attainment of greater efficiency at lower cost. As the strain on the Working Capital Fund indicated, new resources could not easily be made available in response to new demands. Expenditure had so far outstripped the expansion of activities that the 1960 provision might prove higher than that for 1958, a year in which, apart from two major conferences, heavy costs had been incurred in meeting an abnormal political situation. Furthermore, the 1958 budget had exceeded previous budgets by a margin that would not be warranted under the more tranquil conditions fore-

⁴⁴ The Advisory Committee (A/4170, paras. 183 and 184), while approving the establishment proposed for the secretariat of the Economic Commission for Africa, recommended a cut of \$213,300 on the procedural ground that the pace at which the secretariat could be built up might prove slower than that estimated by the Secretary-General.

shadowed for 1960. Even though the budget of the Organization was governed to some extent by variable, political factors, by far the larger part was made up of items of ordinary, continuing expenditure; those could be foreseen and regulated. Over the period 1955 to 1960 expenditure had risen by some 25 per cent in the case of the United Nations, and by almost 50 per cent in the case of the entire United Nations family of organizations. The record of expenditure thus demonstrated the urgent need for a policy of stabilization. Such a policy would ease the financial difficulties of many Member States by freeing substantial sums of money for use in connexion with national development plans or for other domestic purposes.

- 12. The suggestion was put forward, and endorsed by some delegations, that the 1960 estimates should be reduced to a level between 10 and 15 per cent below that of actual expenditure in 1958. The reduction might be achieved (a) under part II of the estimates (Special missions and related activities) through the abolition of certain special missions, and notably the Commission for the Unification and Rehabilitation of Korea, the mission of the Special Representative on the Question of Hungary and the Conciliation Commission for Palestine; (b) under part III (The Secretariat), through a reduction of establishment to a level 10 per cent below that authorized for 1958; and (c) under part V (Common services and equipment) through a reduction of \$1 million.
- 13. It was suggested that the general discussion would prove more fruitful if it were held after the Committee's detailed examination of the estimates. Representatives would be in a better position if they could study, and put questions on, the individual sections and hear the related views of their colleagues before submitting conclusions on the budget as a whole.
- 14. All delegations joined in acclaiming the generosity of the Ford Foundation, whose munificent and timely gift made it possible to build a new Library worthy of the United Nations.

Organization of the Secretariat

15. A number of representatives concurred in the opinion of the Advisory Committee (A/4170, paras. 40 and 41) that it might be opportune to consider in 1961 the desirability of undertaking a fresh review of the organization of the Secretariat, while a few speakers argued in favour of earlier action in the matter. It was also suggested that, unlike the 1954-55 survey, which had been undertaken largely by Secretariat officials, the proposed review should be entrusted to a body composed preponderantly of persons outside the Secretariat. Alternatively, it might be conducted, as in the case of the 1955 management survey in the Food and Agriculture Organization, by a government department of a Member State. Further reference is made to this matter in paragraphs 60 to 65 below.

The system of priorities

16. On the subject of priorities, many representatives viewed with favour the procedure which the Secretary-General had outlined (A/4110, foreword, paras. 40 and 41) in connexion with the work programme of the Economic and Social Council. They also endorsed the related comments of the Advisory Committee (A/4170, paras. 29-32) and its suggestion that the Secretary-General's efforts to ensure a rational application of the

system of priorities in areas within the Council's competence merited fuller support. It was at the same time recognized that while immediate responsibility in the matter of priorities rested with the policy-making organs and with the Governments that participated in decisions, the Fifth Committee should not give too narrow an interpretation to its own function. Apart from scrutinizing demands for funds by reference to anticipated results and costs, the Committee should satisfy itself by means of background information, as to the nature and needs of the programmes; the material submitted in the budget foreword (Ibid., paras. 28-45) was in that sense of special importance, and might with advantage be amplified in future years. The Economic and Social Council, on the other hand, should give the closest attention both to the financial implications of its actions and to the assignment of priorities: that responsibility, which could never be of a perfunctory character, assumed utmost importance at a time when the Council was considering a forward appraisal of United Nations activities for the period 1959 to 1964, and when there were growing demands for advice and services in connexion with economic and social development, and particularly in newly independent States.

17. As regards the administrative relations between the various institutions of the United Nations, it was again suggested—as had been done at the previous session of the Committee—that a general review should be made of the distribution of responsibilities among the international bodies. The possibility of an overlapping and duplication of their work represented a problem that should be studied, and not solely from a budgetary point of view. There was also a clear need to simplify and improve the existing procedures for administrative and financial review among the several organizations and to give fresh impetus to the processes of co-ordination. Constructive proposals for further action in those directions would serve an excellent purpose.

Matters considered during the first reading of the budget estimates for 1960

Section 4 (Special missions and related activities)

18. At the 720th meeting of the Committee, the following draft resolution (A/C.5/L.572) was submitted by Czechoslovakia:

"The General Assembly,

"Taking account of the considerable financial burden imposed upon Member States by the United Nations budget,

"Noting that special missions appearing under section 4 of the budget have been established in most cases a very long time ago,

"Considering that since the establishment of the various missions, some changes in the political situation might have taken place,

- "1. Invites the Secretary-General to approach the Governments of States on whose territories the missions are active, and of other States directly interested, and request their views as to the continued necessity, usefulness, scope of activity and terms of reference of those missions; and
- "2. Invites the Secretary-General to transmit, in the course of 1960, the results of these inquiries to the parent bodies of the various missions to enable them, if they wish, to make a fresh reappraisal of the existence or scope of activities of the missions."

- 19. The representative of Czechoslovakia pointed out that the Fifth Committee had constantly pressed for an effective system of priorities among and within the work programmes of the United Nations. That was true also of the Advisory Committee, which had again referred in its budget report (A/4170, para. 27) to the problem of making the best use of available funds in relation to changing needs. The programme appraisals for the period 1959 to 1964 which the Economic and Social Council had already initiated in its own province would undoubtedly yield good results. But no similar appraisals were contemplated for the special missions, under section 4, which had been established by the General Assembly or the Security Council for purposes related to the maintenance of peace and security; nor, despite the fact that most of the missions had been in existence for many years, had the parent bodies reviewed their activities since the date of their establishment. The Advisory Committee had made two pertinent suggestions (*Ibid.*, A/4170, paras. 33 and 120): first, that the Assembly and other principal organs might with advantage consider whether any of the older decisions and directives, which possibly had outlived their immediate purpose, should be reviewed; and secondly, that the Secretariat should continue to seek efficiency and economy in the administration of the missions.
- 20. Unquestionably, the Fifth Committee was not competent to recommend any action affecting the existence or the scope of activities of the special missions. But it was the right, and indeed the duty, of the Committee to draw the attention of competent organs to areas of activity where a review might be desirable on administrative grounds. With that object in view, the Czechoslovak delegation had submitted its draft resolution, which was intended to initiate review action on the part of the appropriate bodies, without encroaching on their spheres of competence.
- 21. It was the general view of the Committee that the Czechoslovak proposal, which sought to ease the financial burden of the Members, merited careful consideration. On procedural grounds, however, the draft resolution presented difficulties:
- (a) Neither the preamble nor the operative part was confined to the administrative or financial aspects of the problem; both introduced considerations that were clearly outside the Committee's competence. Thus, under operative paragraph 1, the Secretary-General was invited to initiate an independent process of inquiry calculated to call into question decisions taken by the General Assembly and the Security Council on matters within their exclusive jurisdiction. The effect would be to place the Secretary-General in an anomalous position by assigning to him a political task that only the Assembly or the Council was competent to undertake;
- (b) The reference in the preamble to "a very long time ago" carried the erroneous implication that the long duration of a mission might have some bearing on, or even detract from, its usefulness. On the contrary, if a mission had a long life, that was because, regrettably, political disputes often persisted for many years. It was, moreover, for the General Assembly or the Security Council, and not for the Fifth Committee, to take note of changes in a given situation or of political changes generally, and to act thereon;
- (c) The proposed form and method of inquiry seemed faulty. The special missions owed their existence to collective decisions of the Assembly or Council, and by that token they held a collective interest for all Member

- States. Consequently, the views, which might well conflict, of the States referred to in paragraph 1 of the draft resolution could not afford valid or sufficiently broad guidance to the Secretary-General. His conclusions would have to be drawn from incomplete data;
- (d) A reappraisal of the existence or functions of the special missions necessitated a full review of the situations that had led to their establishment. As it was the duty of both the General Assembly and the Security Council to keep political developments under continuous scrutiny, the Committee, in adopting paragraph 2, would be exerting pressure on those organs and gratuitously requesting a revision of their political judgements.
- 22. The point was made that while the Secretary-General had submitted in section 4 estimates based on present situations, the Committee, of its own initiative, could at any time conduct an inquiry into the administrative aspects of the special missions, or alternatively invite the Secretary-General to consider, in connexion with the 1961 budget, what further administrative economies, consistent with the decisions of the parent bodies, he might propose.
- 23. It was also argued that were a review to be undertaken, it should not be limited to the special missions but, as suggested by the Advisory Committee (A/4170, para. 33), take the form of a general review. It should be initiated by the General Assembly or other principal organ.
- 24. At the 721st meeting, the Czechoslovak representative assured the Committee that his delegation was not wedded to any particular procedure; still less would it wish to encroach upon the jurisdiction of other organs. Its purpose was merely and precisely to draw attention to the administrative aspects of the problem, and to ensure that long-standing decisions were periodically reviewed from that angle. An inquiry of wider scope would therefore be entirely acceptable. Although the draft resolution could be so re-worded as to conform to the views of the Committee, it would be sufficient for his purpose if the tenor of the discussion were recorded in the Committee's report. The Committee agreed to that procedure.

Section 6 (Salaries and wages)

- 25. In connexion with the consideration of section 6, it was suggested at the 733rd meeting of the Committee that a review should be made of certain of the administrative arrangements for the international control of narcotic drugs. Since the establishment of the United Nations Secretariat in 1946, separate secretariat units had served the Commission on Narcotic Drugs, on the one hand, and the Permanent Central Opium Board and the Drug Supervisory Body, on the other. It was true that the League of Nations had applied a similar system (in respect of the Permanent Central Opium Board only). Possibly, also, there had been some justification for continuing it in the earlier years of the United Nations, with the Division of Narcotic Drugs situated in New York and the joint secretariat of the Board and the Body in Geneva. But inasmuch as both units had been housed since 1955 in the European Office, it appeared illogical and wasteful to maintain the existing separate arrangements.
- 26. The suggested review should be entrusted to a competent United Nations body. In 1956 the Advisory Committee on Administrative and Budgetary Questions had touched on the problem, 45 stating the view that the

⁴⁵ Official Records of the General Assembly, Eleventh Session, Supplement No. 7, paras. 202 and 203.

etting up of a single secretariat for the control bodies nust inevitably follow the adoption of the proposed Single Convention on Narcotic Drugs. The hope was expressed that the Advisory Committee could make a study in 1960; that would be particularly opportune since the lraft Single Convention (E/CN.7/AC.3/9), which conained provisions (articles 12 and 24) having a direct earing on the matter at issue, would be discussed at a lenipotentiary conference planned for 1961. There would clearly be advantage in receiving the Committee's indings and recommendations in advance of that conference. Essentially, the question came within the province of administrative co-ordination and was therefore of impediate concern to the Fifth Committee.

Tection 8 (Travel of staff and of members of administrative bodies)

- 27. In connexion with the first reading of the estinates under section 8, the Committee took note, at its 34th meeting, of a report of the Secretary-General on he standards of travel accommodation for staff members A/C.5/788), as well as of the related comments of the Advisory Committee (A/4251). The reports in question ad been requested at the 653rd meeting of the Comnittee.
- 28. After describing present practices in regard to taff travel, the Secretary-General's report made the ollowing points:
- (a) The setting of travel standards for staffs, as one f the elements of the common system of salaries and llowances, was a matter for prior consideration among he organizations participating in that system. The particular question of standards of accommodation and node of travel had accordingly been considered at the 959 session of the Consultative Committee on Adminstrative Questions on the basis of a report prepared by the International Civil Aviation Organization.
- (b) The standards of accommodation now authorized or home leave travel represented a progressive lowering f standards since the early days of the Organization. As egards air travel, that trend was still continuing in conequence of the reduction of available tourist-class acommodation;
- (c) In particular, the introduction of jet-plane travel nd the airlines' practice of substituting "de luxe" nd "economy" classes respectively for first and tourist lasses on certain routes gave rise to special problems;
- (d) The Secretary-General was of the opinion that a urther review of the question should await a time when ne major change-over to jet travel would have taken lace—probably within the next two years—and when djustments in the different classes of service and fares ad been established more uniformly.
- 29. The Advisory Committee, while concurring genrally in the Secretary-General's opinion, suggested that, therever practicable, a fuller use should in the meantime e made of the economy class of air travel, in lieu of purist class and in those cases where the latter class is ow authorized.
- 30. Reference was also made at the 734th meeting to ne contractual travel arrangements at present in force. The view was expressed that the situation should be eviewed on the expiry of the present contract. The representative of France suggested that the Secretary-leneral should be requested to examine, in consultation with the Advisory Committee, (a) the present conactual travel arrangements; and (b) the possibility of

reverting to the former system of a Secretariat travel service, and to report thereon at the following session.

- 31. On the estimates proper, Czechoslovakia, supported by the Soviet Union, proposed that the appropriation for section 8 of \$1,687,000 as recommended by the Advisory Committee should be reduced by 5 per cent (\$84,350). Immediate savings should be possible through the exercise of strict control over staff travel, and particularly travel to meetings and on other official business.
- 32. After analysing the measures of control that had been applied during past years to expenditure under chapters I and II, the Secretary-General's representative pointed out that, if approved, the reduction of \$66,200, under the Advisory Committee's recommendations, would of necessity fall almost wholly on those two chapters. In the Secretary-General's opinion, that would prove harmful to essential activities and services, and notably in the economic and social fields.

33. On chapter III (Travel on home leave), the Secretary-General's representative submitted to the Committee figures illustrating the budgetary experience of the past two years:

Year	Initial estimate proposed by the Secretary- General	Estimate recommended by the Advisory Committee	Reduction recommended by the Advisory Committee	Supplementary appropriation		
	United States dollars					
1958 1959	1,008,000 930,000	988,000 900,000	(-20,000) (-30,000)	23,578 146,000		

- 34. If supplementary estimates were to be avoided in 1960, it was evident that no part of the recommended reduction could safely be applied to chapter III. It was in fact probable that the Secretary-General would propose that a smaller deduction should be made in the 1961 budget in respect of the non-exercise of entitlement to home leave. At present that deduction amounted, in the case of Headquarters staff, to about 20 per cent.
- 35. At the 734th meeting Brazil proposed that the estimate of \$1,753,200 for section 8 submitted by the Secretary-General should be approved.
- 36. The Committee voted at its 735th meeting on the various proposals. The result of the voting was as follows: The Czechoslovak proposal was rejected by 31 votes to 8, with 14 abstentions; the Brazilian proposal was rejected by 34 votes to 9, with 12 abstentions; the Advisory Committee's recommendation for an appropriation of \$1,687,000 under section 8 was approved on first reading by 47 votes to none with 1 abstention.

Section 10 (Economic Commission for Africa)

- 37. In his budget submission for 1960 the Secretary-General proposed an appropriation of \$1,013,300 for the Economic Commission for Africa. The Advisory Committee recommended, as an initial provision, the sum of \$800,000, on the understanding that the Committee would review the situation in 1960 and authorize additional funds as necessary (A/4170, para. 183). Lengthy consideration was given, during the general budget discussion and again on the first reading of the estimates, to this matter.
- 38. At the 711th and 714th meetings the Chairman of the Advisory Committee analysed the nature of that Committee's recommendation. The reduction of \$213,300 should not be read in the conventional sense as imposing

on the Secretary-General a predetermined expenditure limit. The Advisory Committee had in fact neither dissented from the Secretary-General's proposal for an establishment of fifty Professional posts nor called for a cut in any specific item under section 10. It could therefore be claimed that, as regards the substance of the matter, there was an identity of views between the Secretary-General, the Advisory Committee and the many delegations which had supported the Secretary-General's proposal. Only a question of procedure and timing was at issue: how rapidly it would be possible to build up the Commission's secretariat. The Secretary-General had assumed that all fifty Professional posts could be filled by February 1960, whereas the Advisory Committee, on the strength of a more conservative and possibly more realistic forecast, suggested an adjustment in the initial money provision, though not in the number of authorized posts. Given the Committee's assurance in regard to additional financial needs, the recommendation could not in any way hamper the development of the Commission. The Advisory Committee had the necessary authority to approve unforeseen commitments, and further funds would be needed, if at all, only in the latter part of 1960.

39. Representatives who favoured the Secretary-General's original estimate observed that the Economic Commission for Africa had an essential role to play in the economic development of that continent, and its success in that task would depend equally on the cooperation of the African States and on the support which the Commission received from the General Assembly and other United Nations organs. It would therefore be regrettable if, despite agreement on the substantive issue, a restrictive budgetary decision aroused misgivings among the African representatives or had an adverse psychological effect among the peoples of Africa. A high priority had customarily been given to the activities of the regional economic commissions for their work was of outstanding quality and had radically altered the general outlook on the economic problems of the times. It was sound policy similarly to equip the most recent of those commissions with resources adequate to its task. The Advisory Committee had referred, in connexion with the recruitment of Professional staff, to the experience of 1959. That was, however, the first, formative year in the life of the Commission and could not be regarded as a valid criterion. But independently of the probable rate of expenditure in 1960—the sole point at issue—it was to be noted, first, that, in accordance with established procedure, funds should be made available to finance an authorized manning-table, and secondly, that as the money voted under section 10 could not be diverted to other appropriation sections, any savings would be surrendered at the end of 1960. It was finally arguable whether, in the circumstances of the present case, the Advisory Committee was empowered to authorize the expenditure of additional funds (beyond the sum to be appropriated) as an unforeseen commitment.

40. At the 735th meeting, the Secretary-General's representative informed the Committee that a cost-of-living survey at Addis Ababa, completed since the date of budget review, showed that it would be necessary to increase the post adjustment from class 3 to a special level equivalent to class 8. For 1959, the additional cost of about \$15,000 could be absorbed in the appropriation for that year. As regards 1960, the cost would depend on the rate of recruitment. Calculated on a 10 per cent adjustment for turnover of staff, some \$70,000 would be required, or about \$40,000 on the basis of the higher

adjustment which the Advisory Committee had recommended. The local salary survey would not be complete before the end of 1959, but it already seemed likely that the findings would call for an increase in expenditure of about \$10,000. Total additional costs would thus be in the region of either \$80,000 or \$50,000, according to the pace of international recruitment. If the Secretary-General's estimate of \$1,013,300 under section 10 were approved, the additional expenditure might be absorbed

41. At the same meeting, the representative of th United Arab Republic, on behalf of his own delegation and all the African delegations, proposed that the appropriation of \$800,000 recommended by the Advisor Committee for section 10 should be increased by \$213,300 to the figure of \$1,013,300 originally submitted by the Secretary-General. The Fifth Committee unanimously adopted the proposal of the United Arab Republic.

Section 17 (Social activities)

42. The Committee considered section 17, at its 737th 752nd and 754th meetings. It had before it (a) a report of the Secretary-General (A/C.5/777) proposing at increase of \$275,000 in the budget provision as a result of the decision taken by the Economic and Social Councitation at its twenty-eighth session (resolution 731 (XXVIII)), and (b) two reports of the Advisory Committee (A/4223) and (A/4300).

43. At the 737th meeting, the Secretary-General' representative indicated that, as a matter of prudence and in order to avoid any increase in administrative expenditure, the Secretary-General had requested as increase of only \$275,000 under section 17, or a total o \$1,200,000, although early estimates had indicated tha an additional \$400,000, or a total of \$1,325,000, would be required to meet all requests for assistance in 1960 in the social field. As programming had been completed he stated that to meet all requests under the regula programme, the amount required as at 27 October 195' was \$1,364,750. He assured the Committee that the Secretariat was in a position to deal efficiently and eco nomically, without extra staff, with an expansion of the programme of advisory social welfare services b \$275,000 and that the Expanded Programme of Techni cal Assistance and the programme charged to the regula budget were closely co-ordinated and integrated.

44. The Chairman of the Advisory Committee explained the position of that Committee in recommending an increased appropriation of \$200,000; it considered that, in terms of the Council's resolution, an increase of over 20 per cent was fully adequate and especially since programming procedures were under review.

45. Several delegations recalled that the Social Commission's recommendation for an increase in funds which was endorsed by the Council in resolution 731 (XXVIII), was based on an intensive study of work social conditions and of the various questions related to the technical assistance programmes in the social field. There was also a need to focus attention on the requirements of the African countries. Although an additional appropriation of approximately \$400,000 would be needed to meet all the requests for assistance which has been received, the Secretary-General had limited his proposal to \$275,000.

46. The representative of Ecuador formally proposed the restoration of the appropriation of \$275,000 which the Secretary-General had requested. The representative of the United Arab Republic, while acknowledging the efforts should be made to effect savings whenever pos

- ible, felt that the appropriation for the operational programme in the field of advisory welfare services concerned not only the under-developed countries, and in particular the newly independent countries of Africa, but the whole world. His delegation proposed an appropriation for section 17 of \$1,364,750, the sum deemed necessary to meet all the requests for assistance.
- 47. It was proposed that since the Advisory Committee had not had the full facts on which to base an nformed decision, further consideration of the question hould be adjourned pending the receipt of a detailed eport from that Committee. The proposal to refer the question to the Advisory Committee was adopted by 45 rotes to 2, with one abstention.
- 48. The Fifth Committee resumed the discussion at ts 752nd and 754th meetings on the basis of a report (A/4300) in which the Advisory Committee maintained ts earlier recommendation for an additional appropriation of \$200,000 under section 17. The representative of Ecuador recalled that he had proposed an appropriation of \$275,000 at the 737th meeting and while he was inclined in principle to support the proposal of the United Arab Republic for an additional appropriation of \$400,000, in a spirit of compromise he would not press or more than the amount requested by the Secretary-General, namely \$275,000. Several delegations supported he proposal.
- 49. One delegation pointed out that the Secretary-General had departed from the principle that technical issistance in the social field should be provided free of tharge only to countries which really needed it but could not pay for it. While there was no objection to the provision of such assistance to economically developed countries, it was felt that it should be provided only against payment.
- 50. The representative of the Secretary-General, in replying to an inquiry regarding the extent of assistance which would be provided to African countries, explained at the 754th meeting that Ethiopia, Liberia and Morocco were the only African countries from which requests had been received for assistance in 1960 under General Assembly resolution 418 (V), apart from a group of countries which wished to participate in a regional seminar on family and child welfare. The Secretariat interpreted this as reflecting the lack of experience of many African countries in utilizing the resources of the United Vations, and that as their experience grew, the relative proportion of requests submitted would increase.
- 51. The proposal made by the Ecuadorian delegation at the 752nd meeting, and renewed by the United Arab Republic delegation at the 754th meeting that the 1960 provision under section 17 should be set at \$1,200,000, was adopted by 48 votes to 2, with 12 abstentions.
- Section 19 (Public administration: Programme of operational and executive personnel (OPEX))
- 52. The Secretary-General's initial estimates for 1960 contained a provisional amount of \$200,000 under chapter II of section 19 for the continuance of the OPEX programme. Subsequently, the Economic and Social Council idopted, on 30 July 1959, resolution 739 (XXVIII) recommending to the General Assembly that the experimental programme should be continued, while in October 1959 the Secretary-General presented to the Assembly in analytical report (A/4212 and Add. 1) in which he proposed that the amount to be appropriated for the OPEX programme in 1960 should be increased to \$300,000. In November 1959, the Second Committee

- submitted to the Assembly a draft resolution (A/4287, para. 40, draft resolution III) concerning the programme.
- 53. The Advisory Committee, having examined the Secretary-General's revised proposal (A/C.5/799) for an appropriation of \$300,000 for 1960, recommended (A/4281, para. 7) in favour of a figure not exceeding \$250,000.
- 54. Most representatives who took part in the discussion expressed their keen interest in the OPEX programme. The main point of difference concerned the level at which the programme should be financed in 1960. A more radical divergence is, however, recorded in paragraph 58 below.
- 55. At the 745th meeting, the delegations of Afghanistan, Ethiopia, Nepal, Panama and Sudan jointly proposed that the reduction of \$50,000 recommended by the Advisory Committee should be restored.
- 56. Those supporting the Advisory Committee's recommendation deprecated any tendency towards overoptimism in regard to the project. The Second Committee had rightly indicated that the experiment with the OPEX programme had been too brief for final conclusions to be drawn. While the Secretary-General would report on the subject to the Economic and Social Council in July 1960, it seemed probable that a decision on the appropriate scope of the programme could not be taken before the next Assembly session at the earliest. In fact, the working experience of several years might be needed before a valid judgement could be made. It should not be based on the sole criterion of the volume of requests submitted by Governments. Under the Advisory Committee's recommendation it would be possible to provide for some thirty to thirty-five appointments by the end of 1960: a total of fifteen officers would probably be at work by the end of 1959, representing (at \$9,000 per annum each) an outlay in 1960 of \$135,000; the balance of \$115,000 could be used for between fifteen and twenty further appointments, depending on the average delay in recruitment, which might be estimated at either four or six months. That appeared to constitute reasonable interpretation of the term "adequate scope" in the draft resolution of the Second Committee.
- 57. Representatives who concurred in the Secretary-General's proposal, pointed out that an accelerated pace of recruitment could now be anticipated. The Secretary-General foresaw that by the end of January 1960, the twenty-five posts approved in 1958 would have been filled. An amount of around \$230,000 would be needed to provide for those posts in 1960. On that basis, the proposed sum of \$300,000 would cover the cost of those twenty-five appointments as well as seven or eight additional appointments to be made in 1960. A money provision of that order, while meeting the condition of "adequate scope" was not excessive in view of the progress already made in developing the programme. The recommendation of the Advisory Committee, on the other hand, would permit of no more than two or three new appointments in 1960, in addition to the twenty-five posts previously envisaged. That was too restrictive and could not be said to give effect to what the Second Committee had had in mind. \$300,000 was the minimum necessary to ensure successful results, and with that sum the Secretary-General would be enabled to meet requests from a larger number of countries, a fact which in itself would facilitate a more realistic assessment of the programme.

58. According to yet a third view, the operations of the OPEX programme during the past year had demonstrated that the reservations which some delegations had entered at the previous session had been fully justified. Neither the arguments in the Secretary-General's special report to the Economic and Social Council at its twentyeighth session 46 nor those in his recent report to the General Assembly were sufficient to justify the continuation of a costly experiment, which did not appear to have proved successful. Many of the requests for assistance under the programme had reference not to operational or executive personnel but to advisers of the type who could be furnished to Governments either under other regular programmes or under the Expanded Programme of Technical Assistance. As it was impossible to assess the value of the experiment at the present stage, the money provision should on no account exceed the \$200,000 authorized for 1959.

Decision of the Committee

59. At the 746th meeting, the Committee decided by 26 votes to 19, with 20 abstentions, that in the event of the adoption of the draft resolution submitted by the Second Committee (A/4287, para. 40, draft resolution III), the maximum appropriation recommended by the Advisory Committee should be increased by \$50,000 to \$300,000.

III. Organization of the Secretariat

- (a) Organization and management of work of the Secretariat of the United Nations
- 60. At its 753rd meeting the Committee unanimously adopted a draft resolution (A/C.5/L.592 and Add. 1) which was submitted jointly by the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America. (See para. 161, draft resolution IV.)
- 61. It was explained on behalf of the sponsors that the draft text was the outcome of consultations with many delegations and with the Secretary-General, and that some of its provisions represented a compromise between views that differed not so much on substance as on points of detail and procedure.
- 62. Much had happened since the last survey of the Secretariat in 1954-1955. The membership of the United Nations had risen from fifty-five to eighty-two, with a concurrent increase in the volume and scope of the activities which the Secretariat was called upon to undertake.
- 63. The authors of the proposal had had full regard to the prerogatives which the Charter reserved to the Secretary-General. Their draft resolution did no more than trace the outline of a review which, as the sponsors proposed, would be conducted by the Secretary-General together with the experts whom he himself would appoint. The text likewise spoke of experts "working together" with the Secretary-General. Both of the latter considerations were of the highest importance. In appointing the experts, the Secretary-General would define their terms of reference, and by so doing would retain the right to submit to the General Assembly, together with the findings of the experts, his own recommendations for action which might not be identical with their

views. The review would be directed principally to the work of the Secretariat, and some activities, as, fo example, those relating to the special missions unde section 4 of the budget, would not appropriately come within its scope.

- 64. The representative of the Secretary-General as surred the Committee that the Secretary-General con curred in the four-Power proposal, on which he had indeed been fully consulted. As he (the Secretary General) interpreted the text, he would conduct the review jointly with a committee composed of experts o the highest qualifications representing the various geo graphical regions. The project obviously entailed a con siderable addition to the work-load of the Secretaria because, however eminent its members, the expert com mittee would have to rely heavily on staff support and above all, on the continuous advice of high officials of the Secretariat. It might also prove necessary to engage consultants for specialized research and temporarily to strengthen the Administrative Management Staff in the Controller's Office. In defining the scope of the review it would perhaps be wise to set a somewhat cautious course. While any activity covered by the regular budge might come within the compass of the review, the major emphasis would fall on items in parts III and V. In tha way, attention would be given to the many matters (appropriate to such a review) that had been raised in the course of the general budget discussion or at other meetings during the current session.
- 65. In 1960, the Secretary-General, after consulting the Advisory Committee, in accordance with operative paragraph 2 of the draft resolution, would work together with the experts in identifying the problems for study and planning appropriate working methods. Those would doubtless be the principal subjects of the interim progress report which the General Assembly would receive at its fifteenth session. As regards the financial implications, it was the Secretary-General's understanding that the experts would be entitled to travel expenses and subsistence allowances but not to the payment of fees. Since the expenditure could not be estimated with any precision the best course would be to finance such expenditure under the resolution on unforeseen and extraordinary expenses. The Secretary-General would then consult the Advisory Committee early in 1960.
- (b) Department of Economic and Social Affairs: Organizational changes and review of internal procedures relating to the technical assistance programme
- 66. The discussion on this topic at the 754th meeting was based upon the report of the Secretary-Genera (A/C.5/801) and the report of the Advisory Committee (A/4302). Some delegations expressed regret that faster progress in more concrete terms was not reported in connexion with the amalgamation of the former Technical Assistance Administratoin with the Department of Economic and Social Affairs. These delegations felt that it should have been possible to record specific economies and to announce the installation of improved procedures Other delegations, recalling misgivings expressed previously by them in connexion with the amalgamation stated that the progress outlined in the reports was more than sufficient to allay any former doubts. General endorsement was given to the points made in the Advisory Committee's report, particularly with regard to the vita role which should be played by the regional economic commissions in the technical assistance programme. The representative of the Secretary-General indicated that no single administrative or organizational problem faced by

⁴⁶ See Official Records of the Economic and Social Council, Twenty-eighth Session, Annexes, agenda item 7, document E/3230/Add. 1.

the Secretariat had received more concerted attention over the past year, but that the amalgamation could not be expected to produce spectacular economies on an immediate basis. He expressed the Secretary-General's belief that evidence of economies would be forthcoming in due course and that the action of the General Assembly in approving the amalgamation would be amply justified. The Committee decided to take note of the Secretary-General's report and of the report of the Advisory Committee.

IV. WORKING CAPITAL FUND

- 67. In his foreword to the 1960 budget estimates (A/4110, foreword, paras. 60-68) the Secretary-General once again invited the attention of Members to the fact that the cash position of the Organization continued to be a source of grave concern. The progressively worsening imbalance between cash requirements, on the one hand, and available resources, on the other, was illustrated in the position at the end of 1958. At that time outstanding contributions amounted, in the case of regular budgetary assessments, to \$7.8 million and, in the case of UNEF assessments, to \$15.4 million.
- 68. In the course of the general budget discussion many delegations expressed agreement with the view of the Secretary-General that it was urgently necessary to find a permanent solution to what had become a chronic problem of increasingly serious proportions.
- 69. The matter was submitted to the detailed consideration of the Committee at its 758th meeting on 3 December 1959, on the basis of a report of the Secretary-General (A/C.5/809) in which he stated his conclusion that "there is not merely ample justification, but urgent need, if the financial solvency and integrity of the Organization is to be regarded as of top priority, for an increase in the level of the Working Capital Fund in 1960 of the order of \$3 to \$4 million. Since, however, responsibility for safeguarding the Organization's cash position rests not with the Secretary-General alone, but equally with Member States through their individual and collective Assembly action, the Secretary-General refrains from submitting a formal recommendation at this time, pending further review of the situation by the Advisory Committee on Administrative and Budgetary Questions and subsequent expression of opinion in the Fifth Committee of the General Assembly.
- 70. In a related report (A/4317) the Advisory Committee pointed out that at the thirteenth session it had recommended in favour of increasing the Working Capital Fund by two stages to the level of \$25 million in 1960. The Committee also observed that the considerations that had then prompted its recommendation were even more valid at the present time.
- 71. Accordingly the Advisory Committee recommended that the General Assembly should:
- (a) Urge the Member States concerned to give attention to the payment of the outstanding arrears of their contributions;
- (b) Request the Secretary-General, in addition to continuing his efforts to obtain earlier payment of contributions, to address a special communication in this regard to Member States and to report on the replies received to the General Assembly at its fifteenth session;
- (c) Decide to increase the level of the Working Capital Fund from \$23.5 million to \$25 million in 1960, by the transfer to the Fund of the balance on surplus account

- still available for credit to Members as at 31 December 1958 (\$527,988) and by direct additional cash advances in the amount of \$972,012;
- (d) Extend the authorization granted to the Secretary-General under paragraph 4 of resolution 1341 (XIII), to cover also short-term loans from Governments and, exceptionally, from commercial sources.
- 72. Most delegations felt that the recommendations of the Advisory Committee were well suited, as a whole, to a situation of extreme difficulty both for the Organization and for a majority of its Members. Recommendations (a) and (b), if heeded by all Member States, would together provide the permanent solution which was unanimously desired. But it would be illusory to expect that, as regards the earlier payment of contributions, a problem that had persisted for some fourteen years would admit of a rapid solution. Nevertheless, the Advisory Committee had included a new and useful feature in their related suggestion: publication of the Members' replies might well have a salutary effect on the payment of contributions.
- 73. As regards the proposed increase in the Working Capital Fund, a number of delegations regarded this as a natural and indeed indispensable step. If it was accepted that the working capital should equal about 50 per cent of the budget, then the case had been made for an increase to \$30 million, and none should be surprised by the present cash difficulties of the Organization. But if so sharp an increase was not immediately practicable, thought should be given to the possibility of combining with a more modest increase of the Fund (for example, to \$25 million) other remedial measures.
- 74. The suggestion was also made that it might be useful to adopt the system, long in force in the International Telecommunication Union, of charging interest, at a high rate and on an ascending scale, on outstanding contributions.
- 75. Other delegations, however, were reluctant to concur in any increase or in any increase exceeding the balance of some \$500,000 available on surplus account. An increase of the Fund merely aggravated the evil by affording more latitude to tardy payment. It was, moreover, inequitable since it penalized all Member States, irrespective of their record of payment, by tying up valuable assets. The view was also expressed that more attention should be directed to seeking in a reduction of budget expenditure an alternative solution of the problem.
- 76. Where recommendation (d) was concerned, many speakers expressed serious misgivings concerning the propriety and possibly the legality of an organization such as the United Nations resorting to loans from banks or other commercial houses. Some delegations also spoke in favour of excluding loans from Governments from the scope of the authorization.
- 77. The following amendments were proposed to the recommendations of the Advisory Committee (A/4317, para. 10):
- (a) Soviet Union: recommendation (c)—the level of the Fund to remain at \$23.5 million;
- (b) India: to delete the words "and, exceptionally, from commercial sources" in recommendation (d).

Decisions of the Fifth Committee

78. The result of the voting was as follows: Recommendation (a) of the Advisory Committee was unanimously approved. Recommendation (b) of the

Advisory Committee was unanimously approved. The Soviet amendment to recommendation (c) of the Advisory Committee was rejected by 20 votes to 12, with 21 abstentions. Recommendation (c) of the Advisory Committee was approved by 37 votes to 10, with 9 abstentions. The Indian amendment to recommendation (d) of the Advisory Committee was approved by 27 votes to 6, with 20 abstentions. Recommendation (d) of the Advisory Committee, as amended, was approved by 49 votes to none, with 5 abstentions. The Advisory Committee's recommendations as a whole (A/4317) were approved by 43 votes to 8 with 4 abstentions.

Recommendation of the Committee

79. The Fifth Committee therefore recommends to the General Assembly the adoption of draft resolution VI (See para. 161 below).

V. Form of the budget

80. The 1960 budget estimates (A/4110) contained a number of new features designed to facilitate the process of review. These included summary tables (A/4110, tables S-1 and 13-1) showing (a) for thebudget as a whole, and (b) for the general expenses financed under section 13, the variations in budgetary requirements that had occurred during the three-year period 1958-1960, as well as a statement of established posts by department or office (table 6-2) intended to give an approximate indication of the distribution of authorized posts by functions (e.g. political affairs, economic and social activities, etc.). In the course of the general discussion, many representatives referred with appreciation to these improvements in the budget presentation. They also welcomed the expansion of the Secretary-General's budget foreword, which by providing adequate background information on work programmes, enabled the Committee to determine whether budget proposals would yield a maximum return at the lowest possible cost. While the annual reports of Councils, commissions and committees provided ample material on the subject, the budget foreword was of the highest value in analysing the relationship between the substance of programmes and their budgetary implications. It was to be hoped that the foreword could be amplified still further in future budget submissions.

81. At the 743rd meeting, the Committee considered the specific question whether to continue for a further period of years the revised form of budget presentation which had been approved experimentally in February 1957,47 and been initiated with the budget estimates for 1958. The basic documents before the Committee were reports of the Secretary-General (A/C.5/776) and the Advisory Committee (A/4228). Two main considerations arose: first, whether the new form of the budget had proved successful from an administrative and operational point of view, and in particular whether it had resulted in a more flexible use of staff resources, a stricter application of priorities and improvement in administrative management and control; and secondly, whether the General Assembly and its budgetary committees had found it easier, under the revised form, to appraise the Secretary-General's budget proposals and control expen-

82. Most representatives were satisfied, on the evidence offered by the Secretary-General and the Advisory Committee, that it would be wise to extend the experi-

mental period. They noted that the Secretary-General intended to refine the form of presentation still further, and that, by way of additional improvements, he proposed to furnish detailed information annexes analysing the budget estimates (a) by organizational segment (i.e., department or office), (b) as appropriate, by location, and (c) by main fields of activity (the last-named analysis representing an improved form of the present annex II). Note was also taken of the study, already under preparation, in which actual expenditures for the period 1956 to 1958 would be correlated with main fields of activity and which would serve to test the validity of the methods and assumptions on which the project estimates were at present based. That was an exercise of the utmost importance; it would afford the Fifth Committee precise information on the pattern and nature of expenditure in different fields of activity, as for instance, expenditure on sessions of organs and subsidiary organs held away from Headquarters.

83. Other speakers, however, felt that the revised form of the budget perhaps facilitated the task of the Secretariat more than it served the needs of the Committee, and that while a more flexible use of staff had admittedly been achieved, there had not been equal success in informing the Committee fully and accurately of the trends, the relative importance and the cost of programmes. Thus, with the exception of section 4, the budget document nowhere gave the cost of programmes clearly and concisely, nor did it show how new projects could be compared with the cost of existing projects in the same field.

84. The view was expressed by some delegations that the progressive increase in administrative costs demonstrated that the advantages claimed for the new form of the budget in 1956 and 1957 had not been fully exploited or alternatively that some serious weakness was inherent in that form. The control formerly exercised by the General Assembly through a long series of votes on departmental appropriations had been impaired. Thus, the items which were shown as a single figure in section 6 of the 1960 estimates had been represented in 1957 (under the old form) by eleven separate figures, each of which had been put to the vote. By the same token, the old form had shown the detailed expenses of every department of the Secretariat.

85. Some support was given to the procedure outlined in paragraphs 13 and 14 of the Advisory Committee's report (A/4228), according to which new projects proposed after the date of budget preparation would be undertaken in the budget year only to the extent that they could be accommodated within the initial estimates. In the opinion, however, of other delegations, too rigid a rule should not be written as it might hamper essential work of the Councils, and in particular that of the Economic and Social Council. Although it was true that the Advisory Committee had added a saving clause (ibid., para. 14) to the suggested formula, the question of revisions in the initial estimates, together with other important matters pertaining to the form of budget presentation, should be the subject of further consultation between the Secretary-General and the Advisory Committee.

86. It was the consensus of opinion in the Committee that the present form of the budget should be retained for a second experimental period of two years, on the understanding that in the light of the discussion held in the Fifth Committee and after consultation with the Advisory Committee, the Secretary-General would make appropriate improvements in his budget presentation.

⁴⁷ Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 43, document A/3550, para. 74.

VI. SALARY SCALES FOR HEADQUARTERS GENERAL SERVICE STAFF

87. At its 742nd meeting the Committee examined a report of the Secretary-General (A/C.5/794) stating that on the basis of a review of local employment conditions in the New York area, the Secretary-General believed that an increase of 5 per cent in the Headquarters General Service salary scales was justified. The Secretary-General has concluded, pursuant to Annex I, paragraph 7 of the Staff Regulations of the United Nations, that the effective date for applying the new scales should be 1 October 1959. The Committee also examined a report of the Advisory Committee on this question (A/4260) expressing agreement with the Secretary-General's estimate of the increased requirements for 1960 arising from the revision of the scales.

88. The Committee approved by 47 votes to none, with 9 abstentions, an increase of \$502,000 in the 1960 appropriations distributed among the following sections: section 4 (Special missions and related activities), \$5,500; section 6 (Salaries and wages), \$439,700 and section 7 (Common staff costs), \$56,800. At the same time is approved a consequential increase in staff assessment income of \$111,000 and the adjustments which would need to be made in the expenditure estimates for revenue-producing activities, under part D of the 1960 budget, resulting in a reduction of \$36,000 in the amount of income other than from staff assessment.

VII. LAND AND STRUCTURES

- 89. During the session the Committee considered a number of questions relating to the capital assets of the United Nations.
- 90. Under agenda item 44, the Committee took a decision regarding the modernization of the Palais des Nations, to which reference is made in paragraphs 94 to 97 below. It also examined the reports of the Secretary-General and the Advisory Committee on the major maintenance and capital improvement programme at Headquarters (A/C.5/802; A/4296).
- 91. As regards the latter sub-item, no action (beyond normal budgetary provision) was called for in 1960 in view of the decision to postpone until that year the technical survey of facilities in the Headquarters building (A/4110, foreword, para. 19), and in view also of the General Assembly's action in regard to the construction of a new United Nations Library (see para. 93 below). The report of the Secretary-General (A/C.5/802) dealt principally with the development of the basement area in the Headquarters building (tentatively proposed for 1961 and 1962). The Committee took note, at its 752nd meeting, of the Advisory Committee's intention (A/4296) to review the programme during 1960 in consultation with the Secretary-General.
- 92. Under agenda item 50, the Committee made recommendations to the General Assembly (A/4306) concerning the financing of the United Nations Building in Santiago, Chile, which were adopted by the Assembly in resolution 1407 (XIV) of 1 December 1959.
- 93. Finally, under agenda item 72, the Committee recommended (A/4252) to the General Assembly acceptance of the gift made by the Ford Foundation for the construction of a new United Nations Library (resolution 1354 (XIV) of 3 November 1959). At its 732nd meeting the Committee approved the adjustments to sections 13 and 15 of the 1960 estimates which the

Advisory Committee had recommended (A/4259) in consequence of necessary interim arrangements for the Library.

Modernization of the Palais des Nations

- 94. At its 737th meeting the Committee considered a report of the Secretary-General (A/C.5/775) submitting revisions in the programme for the modernization of the Palais des Nations which was approved in General Assembly resolution 1101 (XI). The effect of the proposed revisions was to raise the estimated cost of the programme from \$1,211,000 to \$1,790,000, the increase of \$579,000 applying solely to projects in the Assembly Hall area of the Palais (A/C.5/775, paras. 17-26).
- 95. General Assembly resolution 1101 (XI) provided for the inclusion in the budget estimates for the years 1957 to 1966 of ten equal instalments of \$121,000. For the financing of the enlarged programme, the Secretary-General proposed in his recent report (*ibid.*, paras. 27 and 28) the following revised schedule of annual instalments:

(1957 - 1959 : \$121,000) 1960 - 1962 : \$121,000 1963 : \$131,000 1964 - 1966 : \$311,000

96. The Advisory Committee concurred in the Secretary-General's proposal (A/4157, para. 10). The Committee stressed the importance of its being kept fully and currently informed of the progress of the work and the pattern of expenditure since, in the event of any possible increase in the cost of the programme (A/C.5/775, para. 26), an opportunity should be given for the Committee to recommend offsetting economies on less essential, non-structural aspects of the modernization plan.

Decision of the Committee

97. The Fifth Committee approved without objection the proposal of the Secretary-General (*ibid.*, para. 28), and accordingly recommends to the General Assembly the adoption of draft resolution V (See para. 161 below).

VIII. World Health Organization Headquarters accommodation

- 98. At its 758th meeting the Committee considered reports submitted by the Secretary-General (A/C.5/810) and by the Advisory Committee (A/4319) drawing attention to the resolution adopted by the Twelfth World Health Assembly and the Executive Board of the World Health Organization at its twenty-fourth session on the subject of the construction of a Headquarters building for WHO and related matters. The General Assembly's attention was called particularly to the provisions in these resolutions dealing with the question of "a suitable reimbursement to the World Health Organization by the United Nations" for the WHO investment in the Palais des Nations in consideration of releasing the space which WHO now occupies in the Palais.
- 99. The Fifth Committee in taking note of these reports concurred in the view expressed by the Advisory Committee that the question of reimbursement to WHO by the United Nations was one which called for careful study in terms largely of practical considerations, inas-

much as the two Organizations have, in the main, a common membership. Having regard to the fact that difficulties encountered by the Swiss authorities in finding a suitable site that could be made available to the World Health Organization for its Headquarters had only very recently been resolved, doubt was expressed by the Secretary-General whether the Assembly would find itself in a position to reach any conclusions at its present session concerning the question of any reimbursement to WHO for its investment in the Palais. The Fifth Committee accordingly concurred in the Secretary-General's suggestion, as endorsed by the Advisory Committee, that this matter should be further studied when all factors pertinent to the final accommodation of WHO have matured sufficiently. It agreed also that the Secretary-General in undertaking these further studies with the Director-General of WHO should consult, as necessary, with the Advisory Committee, and that a fuller report (or reports) should be submitted to the General Assembly at its fifteenth session.

IX. First reading of the budget estimates for 1960

- 100. For its first reading of the 1960 budget estimates, the Fifth Committee had before it the initial estimates submitted by the Secretary-General (A/4110) and the report of the Advisory Committee thereon (A/4170). The statements made by the Secretary-General (A/C.5/782) and the Chairman of the Advisory Committee (A/C.5/783) at the 711th meeting of the Fifth Committee had also contained references to particular sections of the budget. Further, the Secretary-General submitted revised estimates for several purposes, and the Advisory Committee made separate reports on those estimates:
- (a) Decisions of the Economic and Social Council—documents A/C.5/777, A/4223 and A/4300: sections 1, 6, 7, 8, 14, 17 and 19a;
- (b) Salary scales of General Service staff at Headquarters—documents A/C.5/794 and A/4260: sections 4, 6 and 7, income from staff assessment and income other than from staff assessment;
- (c) Interim arrangements for the Library—documents A/C.5/796 and A/4259: sections 13 and 15;
- (d) Office of the High Commissioner for Refugees—documents A/C.5/798 and A/4264: sections 10, 13 and 15:
- (e) Public administration: provision of operational administrative and executive personnel—documents A/C.5/799 and A/4281: section 19;
- (f) Meeting in Buenos Aires of the fourteenth session of the Commission on the Status of Women—documents A/C.5/808 and A/4310: sections 1, 8 and 13 and income other than staff assessment.
- 101. The Secretary-General also submitted revised proposals (A/4239) for the construction of the United Nations building at Santiago, and the Advisory Committee reported thereon (A/4277). These proposals, affecting the provision for section 20, were considered under agenda item 50 and a separate report (A/4306) has been presented to the General Assembly.
- 102. It is not attempted in the following portion of this report to reflect the discussions in the Fifth Committee during the first reading of the various sections. During these discussions observations on the estimates were made by members of the Committee, and the position of delegations on certain of the estimates expressed. Rep-

- resentatives of the Secretary-General replied to questions raised on the sections and gave, in specific instances, undertakings in connexion with the administration of the 1960 appropriations; the understanding of the Secretary-General as to the intent of the Committee in respect of certain of its decisions was also stated. The Chairman of the Advisory Committee gave further information on the views of that Committee on various estimates. These discussions can be found in the official records of the meetings of the Fifth Committee. The part of this report dealing with the general discussion does reflect, however, those points which, in the first reading of the sections, were given special attention and interest.
- 103. The actions of the Fifth Committee on questions relating to the financial implications of decisions of other Main Committees of the Assembly are indicated herein, and the effect of the approval by the General Assembly is shown in the following text under the sections involved.
- 104. Unless otherwise indicated, the amounts approved by the Fifth Committee were those recommended by the Advisory Committee.
- Section 1. Travel of representatives, members of commissions and committees
- 105. At its 716th meeting, the Committee unanimously approved an amount of \$786,900 for this section, representing the appropriation recommended by the Advisory Committee in respect of the initial estimates and the revised estimates resulting from decisions of the Economic and Social Council.
- 106. At its 752nd meeting the Committee approved revised 1960 estimates (A/4295) in respect of General Assembly resolution 1376 (XIV) of 17 November 1959 on the United Nations Scientific Committee on the Effects of Atomic Radiation which included an additional amount of \$33,000 for this section.
- 107. At its 756th meeting the Committee approved revised estimates (A/C.5/808, A/4310) for the holding at Buenos Aires of the fourteenth session of the Commission on the Status of Women involving an additional provision of \$12,700 under this section.
- Section 2. Special meetings and conferences
- 108. At its 716th meeting, the Committee unanimously approved an appropriation of \$62,300 under section 2.
- Section 3. Board of Auditors
- 109. At its 716th meeting, the Committee unanimously approved an appropriation of \$53,000 under section 3.
- Section 4. Special missions and related activities (see also part II of this report)
- 110. The Committee took its first reading decisions on chapters I to V inclusive and VII to IX inclusive at its 722nd meeting. It rejected proposals by the representative of the Ukrainian SSR for deletion of provisions for chapters VII, VIII and IX as follows:

The proposal of the Ukrainian Soviet Socialist Republic to reduce by \$55,000 the appropriation recommended by the Advisory Committee under section 4, chapter VII, was rejected by 40 votes to 10, with 11 abstentions. The proposal of the Ukrainian Soviet Socialist Republic to reduce by \$148,500 the appropriation recommended by the Advisory Committee under section 4, chapter VIII was rejected by 38 votes to 9, with 12 abstentions. The

proposal of the Ukrainian Soviet Socialist Republic to reduce by \$96,000 the appropriation recommended by the Advisory Committee under section 4, chapter IX, was rejected by 43 votes to 9, with 7 abstentions.

111. The Committee approved the recommendations of the Advisory Committee as follows:

Chapter		Provision recommended	Yes	No	Abstention
		United States dollars			
I.	Advisory Council for Somaliland under Italian				
	Administration	152,700		Unan	imous
II.	Military Observer Group in India and Pakistan	431,500	52	0	9
III.	Representative for India and Pakistan	32,400	51	0	10
IV.	Conciliation Commission for Palestine	57,000	49	0	10
V.	Truce Supervision Organization in Palestine	1,438,000	52	0	9
VII.	Memorial Cemetery in Korea	55,000	45	8	8
VIII.	Commission for the Unification and Rehabilita-	, .			
	tion of Korea	148,500	43	9	10
IX.	Replacement of staff assigned to field missions	96,000	47	9	4

112. The Committee reported separately (A/4243) to the General Assembly on the financial implications of the draft resolution (A/4240) recommended by the Fourth Committee which would affect the original estimates under chapter VI-Plebiscites for the Cameroons under United Kingdom Administration. With the adoption by the General Assembly, at its 829th plenary meeting, of the draft resolution, and with a further report (A/4258)of the Advisory Committee, the Fifth Committee, at its 742nd meeting, approved a provision of \$106,700 under chapter VI by 55 votes to none, with 1 abstention. It also approved, by 48 votes to 1, with 8 abstentions, an appropriation of \$2,517,800 for section 4. The decision of the Committee, at its 742nd meeting, on salary scales for General Service staff at Headquarters (see part VI of this report) provided an additional amount of \$5,500 under this section.

Section 5. United Nations Field Service

113. At its 721st meeting, the Committee rejected, by 48 votes to 9, with 8 abstentions, a proposal by the representative of the Ukrainian SSR that the provision under section 5 be deleted. It approved, by 49 votes to 9, with 8 abstentions, a provision of \$1,206,800 under the section.

Section 6. Salaries and wages (see also part II of this report)

114. The Committee considered section 6 at its 733rd and 734th meetings. At its 734th meeting the Committee rejected, by 44 votes to 9, with 7 abstentions, a proposal by the representative of the USSR for a reduction of \$2,800,000 in the amount recommended by the Advisory Committee for this section. The Committee approved, by 52 votes to 9, the appropriation of \$31,432,500 recommended by the Advisory Committee in respect of the original estimates and the revised estimates resulting from decisions of the Economic and Social Council.

115. The decision of the Committee, at its 742nd meeting, on salary scales for General Service staff at Head-quarters (see part VI of the present report) provided an additional amount of \$439,700 under this section.

116. At its 752nd meeting, the Committee approved the revised 1960 estimates (A/4295) in respect of General Assembly resolution 1376 (XIV) on the United Nations Scientific Committee on the Effects of Atomic Radiation which included an additional amount of \$10,000 for this section.

117. On the basis of a report of the Advisory Committee (A/4318) considered at its 758th meeting, the

Fifth Committee informed the General Assembly separately (A/4326) on financial implications of three draft resolutions recommended by the Second Committee involving a further provision of \$43,000 under this section.

Section 7. Common staff costs

118. At its 734th meeting, the Committee approved, by 49 votes to 9, the appropriation of \$6,912,500 recommended by the Advisory Committee in respect of the original estimates and the revised estimates resulting from decisions of the Economic and Social Council.

119. The decision of the Committee, at its 742nd meeting, on salary scales for General Service staff at Head-quarters (see part VI of this report) provided an additional amount of \$56,800 under this section.

120. The decision by the Committee, at its 757th meeting, on the United Nations International School included the provision of \$100,000 under this section as a contribution to the International School Fund in 1960. The report of the Fifth Committee on item 51 is contained in document A/4331.

Section 8. Travel of staff and members of administrative bodies (see also part II of this report)

121. The Committee considered section 8 at its 734th and 735th meetings. It rejected, by 31 votes to 8 with 14 abstentions, a proposal by the representative of Czechoslovakia for a reduction of \$84,350 in the amount recommended by the Advisory Committee for this section; and rejected, by 34 votes to 9, with 12 abstentions, a proposal by the representative of Brazil for an increase of \$66,200 to that amount. The Committee approved, by 47 votes to none with 11 abstentions, the appropriation of \$1,687,000 recommended by the Advisory Committee in respect of the original estimates and the revised estimates resulting from decisions of the Economic and Social Council.

122. At its 752nd meeting, the Committee approved revised 1960 estimates (A/4295) in respect of General Assembly resolution 1376 (XIV) on the United Nations Scientific Committee on the Effects of Atomic Radiation which included an additional amount of \$8,600 for this section.

At its 756th meeting, the Committee approved revised estimates (A/C.5/808 and A/4310) for the holding at Buenos Aires of the fourteenth session of the Commission on the Status of Women involving an additional provision of \$33,800 under this section. On the basis of a

report of the Advisory Committee (A/4318), considered at the 758th meeting of the Fifth Committee, the Committee informed the General Assembly separately (A/4326) on the financial implications of these draft resolutions recommended by the Second Committee involving a further provision of \$5,000 under section 8.

- Section 9. Hospitality: Payments under Annex I, paragraphs 2 and 3, of the Staff Regulations
- 123. At its 735th meeting, the Committee unanimously approved an appropriation of \$95,000 under section 9.
- Section 10. Economic Commission for Africa (see also part II of this report)
- 124. At its 735th meeting, the Committee unanimously approved a proposal by the representative of the United Arab Republic that the recommendation of the Advisory Committee for an appropriation of \$800,000 under this section should be increased by \$213,300 to the amount of \$1,013,300.
- Section 11. Office of the United Nations High Commissioner for Refugees
- 125. On the basis of revised estimates for this section (A/4264; A/C.5/798) the Committee, at its 742nd meeting, approved, by 43 votes to none, with 11 abstentions, an appropriation of \$1,590,000.

Section 12. World Refugee Year

126. At its 742nd meeting, the Committee approved, by 44 votes to 9, with 2 abstentions, an appropriation of \$30,000 for section 12.

Section 13. General expenses

- 127. The Committee considered section 13 at its 736th meeting. It rejected, by 41 votes to 9, with 14 abstentions, a proposal by the representative of Poland for a reduction of \$150,000 from the amount recommended by the Advisory Committee for this section; and rejected, by 31 votes to 15, with 16 abstentions, a proposal by the representative of Chile for an increase of \$98,100 in that amount. The Committee approved, by 44 votes to none, with 20 abstentions, the appropriation of \$5,580,000 recommended by the Advisory Committee.
- 128. In connexion with revised estimates for the Office of the High Commissioner for Refugees (A/4264; A/C.5/798), the Committee, at its 742nd meeting, approved, by 46 votes to none, with 11 abstentions, an additional provision of \$17,600 under section 13.
- 129. The approval by the Committee, at its 742nd meeting, of the interim arrangements for the Library (A/4259; A/C.5/796) included in a new chapter under section 13, an additional provision of \$114,000; and a reduction, under other chapters, of \$52,000.
- 130. At its 756th meeting the Committee approved revised estimates (A/C.5/808, A/4310) for the holding at Buenos Aires of the fourteenth session of the Commission on the Status of Women involving an additional provision of \$1,500 under this section.

Section 14. Printing, stationery and office supplies

131. At its 736th meeting, the Committee unanimously approved the appropriation of \$2,133,100 recommended by the Advisory Committee in respect of the original esti-

mates and the revised estimates resulting from decisions of the Economic and Social Council.

Section 15. Permanent equipment

- 132. At its 737th meeting, the Committee unanimously approved an appropriation of \$587,300 for section 15.
- 133. In connexion with revised estimates for the Office of the High Commissioner for Refugees (A/4264; A/C.5/798), the Committee, at its 742nd meeting, approved, by 48 votes to none, with 9 abstentions, an additional provision of \$3,000 under section 15.
- 134. The approval by the Committee, at its 742nd meeting, of the interim arrangements for the Library (A/4259; A/C.5/796) included a reduction of \$36,500 under this section.

Section 16. Economic development

- 135. At its 737th meeting, the Committee unanimously approved an appropriation of \$480,000 for section 16.
- Section 17. Social activities (see also part II of this report)
- 136. The Committee considered section 17 at its 737th, 752nd and 754th meetings. At its 754th meeting, the Committee approved, by 48 votes to 2, with 12 abstentions, a proposal by Ecuador and the United Arab Republic that the recommendation of the Advisory Committee for an appropriation of \$1,125,000 under this section should be increased by \$75,000 to an amount of \$1,200,000.

Section 18. Human Rights activities

- 137. At its 738th meeting, the Committee unanimously approved an appropriation of \$100,000 under section 18.
- Section 19. Public administration (see also part II of this report)
- 138. The Committee considered section 19 at its 745th and 746th meetings. In addition to the initial estimates (A/4110 and A/4170), the Committee also had before it revised estimates for chapter II of section 19 (A/C.5/799 and A/4281).
- 139. At its 746th meeting the Committee approved, by 26 votes to 19, with 20 abstentions, a proposal by Afghanistan, Ethiopia, Nepal, Panama and Sudan, that the recommendation of the Advisory Committee for a maximum provision (in the event of the adoption of the pertinent draft resolution (A/4287, para. 40, draft resolution III) recommended by the Second Committee) of \$250,000 under chapter II of section 19 should be increased by \$50,000 to an amount of \$300,000. The Committee also approved, by 36 votes to none, with 28 abstentions (subject to the adoption of the Second Committee draft resolution) an appropriation of \$600,000 under section 19 as a whole.
- 140. The General Assembly adopted the Second Committee's draft resolution at its 841st plenary meeting on 20 November 1959.
- Section 19a. 48 Narcotic Drugs Control Advisory Services
- 141. At its 738th meeting, the Committee unanimously approved an appropriation of \$50,000 under section 19a,
 - 48 Changed to section 20 in second reading decisions.

subject to the approval by the General Assembly of the pertinent draft resolution (A/4250, para. 82, draft resolution V) recommended by the Third Committee. The Chairman of the Fifth Committee informed the President of the General Assembly of this action (A/4282); the General Assembly adopted the Third Committee draft resolution at its 841st plenary meeting on 20 November 1959.

Section 20.49 Special expenses

- 142. At its 738th meeting, the Committee unanimously approved an appropriation of \$3,349,500.
- 143. The decision of the Committee on agenda item 50—Construction of the United Nations Building in Santiago, Chile, as reported to the General Assembly (A/4306) involved an additional provision of \$182,500 under this section.

Section 21.50 International Court of Justice

144. At its 744th meeting, the Committee unanimously approved an appropriation of \$704,500 under section 21.

Part C. Estimates of income

A. Income other than staff assessment

- 145. At its 748th meeting, the Committee unanimously approved the basic estimate of \$5,319,300 for income other than staff assessment.
- 146. The revised estimates for 1960 for the Office of the High Commissioner for Refugees (A/4264, (A/C. 5/798), included an additional requirement of \$17,000 in respect of which there would be increased income in the same amount by reimbursement from the Refugee Fund. The Fifth Committee approved the relevant estimates at its 742nd meeting.
- 147. The reduction of \$36,000 in net revenue of the revenue-producing activities noted above resulted in a corresponding reduction of \$36,000 from income other than staff assessment.
- 148. The approval by the Committee, at its 752nd meeting of revised 1960 provisions for the United Nations Scientific Committee on the Effects of Atomic Radiation (A/4295) included an additional \$9,200 income for that year.
- 149. At its 756th meeting, the Committee approved revised estimates (A/4310, A/C.5/808) for the holding in Buenos Aires of the fourteenth session of the Commission on the Status of Women. The total of the additional appropriations under sections 1, 8 and 13, \$48,000, are to be reimbursed by the host Government in accordance with the provisions of General Assembly resolution 1202 (XII).
 - ⁴⁹ Changed to section 21 in second reading decisions. ⁵⁰ Changed to section 22 in second reading decisions.

B. Income from staff assessment

- 150. At its 748th meeting, the Committee unanimously approved the basic estimate of \$6,210,000 for income from staff assessment.
- 151. The decision of the Committee at its 742nd meeting, on salary scales for General Service staff at Head-quarters (see part VI of this report) provided additional income from staff assessment of \$111,000.
- 152. The Committee, approved, at its 742nd meeting, revised estimates for the Plebiscite for the Cameroons under United Kingdom administration including a further \$8,000 income under this heading.

Part D. Revenue-producing activities

- 153. The Committee considered the estimates for revenue-producing activities at its 747th and 748th meetings. It unanimously approved the 1960 estimates of income and expenses submitted by the Secretary-General (A/4110) and concurred in by the Advisory Committee (A/4170).
- 154. In connexion with its consideration of the several revenue-producing activities particular attention was paid to the incidence of various taxes on their operations. The Committee heard statements by representatives of the Secretary-General on this question.
- 155. The decision of the Committee, at its 742nd meeting, on salary scales for General Service staff at Headquarters (see part VI of the present report) involved increased expenses, and consequent reductions in net revenue of the activities, totalling \$36,000.

X. Second reading of the budget estimates for 1960

- 156. In connexion with the second reading of the 1960 budget estimates, the Committee unanimously adopted, at its 759th meeting, a draft resolution (A/C.5/L.601) concerning the submission of revisions to initial budget estimates which was submitted jointly by the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The purpose of the draft resolution (see paragraph 161 of this report, draft resolution VII) was similar to that defined in General Assembly resolution 1096 (XI) of 27 February 1957, namely, to ensure that additions to a total programme of work for which provision has already been made in the main budget estimates shall be held to a minimum. The hope was expressed that the Secretary-General would report to the Assembly at its next session on the extent to which the various organs and subordinate organs had found it possible to comply with the procedure outlined in the draft resolution.
- 157. On second reading of the estimates, the Committee voted as follows:

Section	Recommended appropriation	Yes	No	Abstention
· ·	Inited States dollars			
1	. 832,600		Unan	imous
2	. 62,300		Unan	imous
3	. 53,000		Unan	imous
4	. 2,523,300	48	1	8
5	. 1,206,800	48	9	0
6	. 31,925,200	46	9	0
7	. 7,069,300	38	8	10
8	. 1,734,400	48	0	9
9	. 95,000		Unan	imous

Section	Recommended appropriation	Yes	No	Abstentions
U	nited States dollars			
10	1,013,300		Unani	imous
11	1,590,000	44	0	11
12	30,000	46	9	2
13	5,661,100	48	0	9
14	2,133,100		Unani	mous
15	553,800		Unanimous	
16	480,000		Unanimous	
17	1,200,000	43	0	13
18	100,000	55	0	1
19	600,000	41	0	16
20	50,000		Unani	mous
21	3,532,000		Unani	mous
22	704,500		Unani	mous
Total, sections 1-22	63,149,700	48	0	9
Income other than Staff Assessment	5,357,500		Unanimous	
Income from Staff Assessment	6,329,000		Unani	mous

158. Before the vote on the total of the budget sections, the Committee rejected by 40 votes to 9 with 7 abstentions, a proposal by the USSR for a global reduction in part III of the budget (except section 10) in the amount of \$3,500,000.

159. The decision of the Committee under section 6 provided for a consolidated manning table for 1960 for the various departments and units for which provision was included in that section as follows (the establishment proposed by the Secretary-General with the reduction of twenty-five General Service posts recommended by the Advisory Committee):

Established posts for departments and offices at Headquarters; the European Office of the United Nations, Geneva; information centres; the secretariats of the Economic Commissions for Asia and the Far East and for Latin America; the joint secretariat of the Permanent Central Opium Board and the Drug Supervisory Body; the Joint Staff Pension Board and the United Nations Staff Pension Committee.

Category	and level	Total
I.	Secretary-General	1
	Under-Secretary	17
	Director	26
	Principal officer	73
	Total, category I	117
II.	Professional	4.60
	Senior officer	168
	First officer	418
	Second officer	597
	Associate and assistant officer	383
Ш.	Total, category II General Service*	1,566
111.	Principal or highest level	171
	Other levels	1,859
	Total, category III	2,030
	TOTALS I, II, AND III	3,713

^{*} Exclusive of local level posts at Information Centres, ECAFE, and ECLA for which a budgetary credit is provided (approximately 370 posts).

160. Similarly, at its 759th meeting, the Committee approved (a) by 50 votes to none with 9 abstentions, draft resolution I relating to the budget appropriations for the financial year 1960 (see paragraph 161 of this report); (b) unanimously, draft resolution II relating to unforeseen and extraordinary expenses (idem), and

(c) by 45 votes to 9 with 4 abstentions, draft resolution III relating to the Working Capital Fund (*idem*).

Recommendations of the Fifth Committee

161. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

T

BUDGET APPROPRIATIONS FOR THE FINANCIAL YEAR 1960

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

TT

Unforeseen and extraordinary expenses for the financial year 1960

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

III

Working capital fund for the financial year 1960

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly," below.]

IV

Organization and management of the work of the secretariat of the united nations

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

V

Modernization of the Palais des Nations

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

VI

Amount of the working capital fund

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

VII

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1960

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

1

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted draft resolutions I, II, III, IV, V, VI and VII, submitted by the Fifth Committee (A/4336, para. 161). For the final texts see resolutions 1443 (XIV), 1444 (XIV), 1445 (XIV), 1446 (XIV), 1447 (XIV), 1448 (XIV) and 1449 (XIV), respectively, below.

Resolutions adopted by the General Assembly

1443 (XIV). BUDGET APPROPRIATIONS FOR THE FINANCIAL YEAR 1960

The General Assembly

Resolves that, for the financial year 1960:

1. Appropriations totalling SUS 63,149,700 are hereby voted for the following purposes:

36611	011	US	dollars
	A. UNITED NATIONS		
	Part I. Sessions of the General Assembly, the councils, commissions and committees; special meetings and conferences		
1.	Travel of representatives, members of commissions and committees	832,600	
2.	Special meetings and conferences.	62,300	
3.	Board of Auditors	53,000	
	TOTAL, PART I		947,900
	Part II. Special missions and related activities		
4.	Special missions and related activities	2,523,300	
5.	United Nations Field Service	1,206,800	
	Total, part II		3,730,100
,	Part III. The Secretariat	24 005 000	
6. 7.	Salaries and wages	31,925,200	
7. 8.	Common staff costs	7,069,300 1,734,400	
9.	Hospitality and payments under annex I, paragraphs 2 and 3, of the Staff Regulations	95,000	
ó.	Economic Commission for Africa.	1,013,300	
	Total, part III	-,-10,000	41,837,200
	Part IV. Special offices		
l1.	Office of the United Nations High Commissioner for Refugees	1,590,000	
2.	World Refugee Year	30,000	
	Total, part IV		1,620,000
	Part V. Common services and equipment		1,020,000
3.	General expenses.	5,661,100	
4.	Printing, stationery and library supplies.	2,133,100	
5.	Permanent equipment	553,800	
	Total, part V		8,348,000
	Part VI. Technical programmes		0,010,000
6.	Economic development	480,000	
7.	Social activities	1,200,000	
8.	Human rights activities	100,000	
9.	Public administration.	600,000	
0.	Technical assistance in the field of narcotic drug control	50,000	
	Total, part VI		2,430,000
14	Part VII. Special expenses	0.500.000	
21.	Special expenses	3,532,000	
	Total, part VII		3,532,000
	B. INTERNATIONAL COURT OF JUSTICE		
22	Part VIII. International Court of Justice International Court of Justice	704,500	
	and mational court of justice	704,300	
	Total, part VIII		704,500
	Grand Total		63,149,700

^{2.} The appropriations under paragraph 1 shall be financed by contributions from Member States after adjustment in accordance with regulation 5.2 of the Financial Regulations of the United Nations; for this

purpose, income for the financial year 1960 other than staff assessment is estimated at \$5,357,500 and income from staff assessment at \$6,329,000;

- 3. The Secretary-General is authorized:
- (a) To administer as a unit the provisions under sections 1, 6 and 8 in a total amount of \$94,650 relating to the Permanent Central Opium Board and the Drug Supervisory Body;
- (b) To transfer credits between sections of the budget, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions;
- 4. The appropriations under sections 1, 6, 7 and 8 in a total amount of \$226,590 relating to the United Nations Joint Staff Pension Board and the United Nations Staff Pension Committee shall be administered in accordance with article XXVII of the Regulations of the United Nations Joint Staff Pension Fund;
- 5. In addition to the appropriations under paragraph 1 above, an amount of \$17,500 is hereby appropriated from the income of the Library Endowment Fund for the purchase of books, periodicals, maps and library equipment and for such other expenses as are in accordance with the objects and provisions of the endowment;
- 6. The Secretary-General is authorized, in accordance with the Financial Regulations, to charge against the income derived from the United Nations Postal Administration, the Visitors Service (Headquarters), the sale of publications, the catering and related services, the Gift Centre and the Visitors Service (Geneva), the direct expenses of those activities; income in excess of those expenses shall be treated as miscellaneous income under the terms of article VII of the Financial Regulations, and of paragraph 2 above.

846th plenary meeting, 5 December 1959.

1444 (XIV). Unforeseen and extraordinary expenses for the financial year 1960

The General Assembly

Resolves that, for the financial year 1960:

- 1. The Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations, is authorized to enter into commitments to meet unforeseen and extraordinary expenses, provided that the concurrence of the Advisory Committee shall not be necessary for:
- (a) Such commitments, not exceeding a total of \$2 million, as the Secretary-General certifies relate to the maintenance of peace and security or to urgent economic rehabilitation;
- (b) Such commitments as the president of the International Court of Justice certifies relate to expenses occasioned by:
- (i) The designation of *ad hoc* judges (Statute, Article 31), not exceeding a total of \$30,000;
- (ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of \$25,000;
- (iii) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of \$75,000;
- (c) Such commitments not exceeding a total of \$25,000 as may be authorized by the Secretary-General in accordance with paragraph 4 of General Assembly

resolution 1202 (XII) of 13 December 1957 relating to the pattern of conferences;

2. The Secretary-General shall report to the Advisory Committee on Administrative and Budgetary Questions and to the General Assembly, at its fifteenth session, all commitments made under the provisions of the present resolution, together with the circumstances relating thereto, and shall submit supplementary estimates to the General Assembly in respect of such commitments.

846th plenary meeting, 5 December 1959.

1445 (XIV). Working Capital Fund for the financial year 1960

The General Assembly

Resolves that:

- 1. The Working Capital Fund shall be established for the year ending 31 December 1960 at an amount of \$US 25 million, to be derived:
- (a) As to \$23,920,842, from cash advances by Members in accordance with the provisions of paragraphs 2 and 3 below;
- (b) As to \$1,079,158, by transfer from surplus account as follows:
- (i) \$551,170 being the balance of surplus account as at 31 December 1957 not applied against Members' assessments for 1958 in accordance with General Assembly resolution 1340 (XIII) of 13 December 1958;
- (ii) \$527,988 being the balance of surplus account available for credit to Members as at 31 December 1958;
- 2. Members shall make cash advances to the Working Capital Fund as required under paragraph 1 (a) above in accordance with the scale adopted by the General Assembly for contributions of Members to the budget for the financial year 1960;
- 3. There shall be set off against this allocation of advances the amounts paid by Members to the Working Capital Fund for the financial year 1959 under General Assembly resolution 1340 (XIII), provided that, should such advance paid by any Member to the Working Capital Fund for the financial year 1959 exceed the amount of that Member's advance under the provisions of paragraph 2 above, the excess shall be set off against the amount of contributions payable by that Member in respect of the budget for the financial year 1960, or any previous budget;
- 4. The Secretary-General is authorized to advance from the Working Capital Fund:
- (a) Such sums as may be necessary to finance budgetary appropriations pending receipt of contributions; sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose;
- (b) Such sums as may be necessary to finance commitments which may be duly authorized under the provisions of General Assembly resolution 1444 (XIV) of 5 December 1959, relating to unforeseen and extraordinary expenses; the Secretary-General shall make provision in the budget estimates for reimbursing the Working Capital Fund;
- (c) Such sums as, together with net sums outstanding for the same purpose, do not exceed \$125,000, to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities; advances in excess of the

tal \$125,000 may be made with the prior concurrence of e Advisory Committee on Administrative and Budgary Questions;

- (d) Loans to specialized agencies and preparatory ommissions of agencies to be established by interpreremental agreement under the auspices of the United ations to finance their work, pending receipt by the gencies concerned of sufficient contributions under their vn budgets; such loans shall normally be repayable ithin two years, and the Secretary-General shall obtain the prior concurrence of the Advisory Committee on dministrative and Budgetary Questions for any cash sues which would increase the aggregate balance outanding (including amounts previously advanced and atstanding) at any one time to an amount in excess of 250,000;
- (e) Such sums not exceeding \$35,000 as may be retired to finance payments of advance insurance preiums where the period of insurance extends beyond the ind of the financial year in which payment is made; this nount may be increased with the prior concurrence of e Advisory Committee on Administrative and Budgary Questions; the Secretary-General shall make prosion in the budget estimates of each year, during the life the related policies, to cover the charges applicable to ich such year;
- (f) Such sums as may be necessary to finance suppleentary payments made to the United Nations Joint aff Pension Fund in accordance with paragraph 5 of eneral Assembly resolution 1310 (XIII) of 10 Decemer 1958 dealing with the pensionable remuneration of e staff;
- (g) Such sums as may be necessary to enable the Tax qualization Fund to meet current commitments pending cumulation of credits; such advances shall be repaid as on as credits are available in the Tax Equalization und.

846th plenary meeting, 5 December 1959.

146 (XIV). Organization and management of ork of the Secretariat of the United Nations

The General Assembly,

Recalling its resolution 886 (IX) of 17 December 1954 the organizational structure of the Secretariat of the nited Nations,

Bearing in mind that there has been no general review the organization of the work of the Secretariat since e year 1954-1955,

Recognizing the utility of conducting periodic general views of the structure and functioning of United ations bodies,

Taking into consideration that an over-all review of e programmes of the United Nations and specialized encies for the next five years, being carried out by the conomic and Social Council, will be completed in 1960,

Taking further into account the view of the Secretaryeneral that the organization of the Secretariat should be bject to constant scrutiny and adjustment in order to eet changing requirements and achieve maximum onomies and efficiency,

Noting the suggestion of the Advisory Committee on dministrative and Budgetary Questions that consideraon should be given to the desirability of having an overl review of the organization of the Secretariat, Noting the work of the Administrative Management Unit established in 1958 in the Office of the Controller,

- 1. Requests the Secretary-General to appoint a committee of experts composed of six persons with broad and practical experience in the various aspects of administration, chosen with due regard to geographical distribution in consultation with the respective Governments, to work together with the Secretary-General in reviewing the activities and organization of the Secretariat of the United Nations with a view to effecting or proposing further measures designed to ensure maximum economy and efficiency in the Secretariat;
- 2. Requests the Secretary-General to consult with the Advisory Committee on Administrative and Budgetary Questions on the arrangements to be made under paragraph 1 above;
- 3. Requests the Secretary-General, having considered a report of the committee of experts, to present to the General Assembly at its fifteenth session provisional recommendations thereon together with the committee's report, bearing in mind that the Secretary-General's final recommendations together with further reports of the committee shall be presented to the General Assembly at its sixteenth session;
- 4. Requests the Advisory Committee on Administrative and Budgetary Questions to submit its observations on the review and on the reports of the Secretary-General.

846th plenary meeting, 5 December 1959.

1447 (XIV). Modernization of the Palais des Nations

The General Assembly,

Having considered the reports of the Secretary-General (A/C.5/775) and the Advisory Committee on Administrative and Budgetary Questions (A/4157) concerning changes which have become necessary in the programme for the modernization of the Palais des Nations, approved under General Assembly resolution 1101 (XI) of 27 February 1957,

- 1. Approves the revisions in the programme for the modernization of the Palais des Nations as set out in the report of the Secretary-General together with the proposals for financing the entire programme, as modified, at a cost not to exceed \$1,790,000;
- 2. Authorizes the Secretary-General to proceed with the execution of the programme;
- 3. Authorizes the Secretary-General for these purposes:
- (a) To include in the budget estimates for the years 1960 to 1962, as for the years 1957 to 1959, annual instalments of \$121,000, an instalment of \$131,000 in 1963 and instalments of \$311,000 annually for the years 1964 to 1966;
- (b) To advance from the Working Capital Fund the sums which may be required from time to time to finance actual requirements, such advances to be repaid from budgetary appropriations in accordance with the schedule shown in annex II to the Secretary-General's report;
- 4. Requests the Secretary-General to keep the Advisory Committee on Administrative and Budgetary Questions informed of developments in the progress of the modernization programme.

846th plenary meeting, 5 December 1959.

1448 (XIV). Amount of the Working Capital Fund

The General Assembly,

Recalling its resolution 1341 (XIII) of 13 December 1958 on the amount of the Working Capital Fund,

Having examined the report of the Secretary-General (A/C.5/809) and the recommendations thereon contained in the thirty-sixth report of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly at its fourteenth session (A/4317),

- 1. Urges the Member States concerned to give attention to the payment of the outstanding arrears of their contributions;
- 2. Requests the Secretary-General, in addition to continuing his efforts to obtain earlier payment of contributions in keeping with regulation 5.4 of the Financial Regulations of the United Nations, to address a special communication on this matter to Member States and to report on the replies received to the General Assembly at its fifteenth session;
- 3. Decides to increase the level of the Working Capital Fund from \$23.5 million to \$25 million in 1960, by the transfer to the Fund of the balance of surplus account still available for credit to Members as at 31 December 1958 (\$527,988) and by direct additional advances in the amount of \$972,012;
 - 4. Decides:
- (a) To continue in 1960, under the same conditions, the authorization granted to the Secretary-General in paragraph 4 of General Assembly resolution 1341

- (XIII) to borrow, on payment of normal current rate of interest, cash from special funds and accounts in h custody for purposes which normally relate to the Worling Capital Fund;
- (b) To extend the authorization to cover short-tern loans from Governments.

846th plenary meeting, 5 December 1959.

1449 (XIV). BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1960

The General Assembly,

Recalling its resolution 1096 (XI) of 27 Februar 1957 on the submission of revised estimates,

Desiring to restrict to a minimum additions to a tot programme of work which has already been formulate for a given year and reflected in the main budget est mates submitted by the Secretary-General,

Requests all organs of the United Nations to conside ways and means whereby new projects might be deferred until suitable provision for them can be made by the Secretary-General in the main budget estimates for subsequent financial year, unless they are of major are urgent importance or unless they can be accommodate within approved expenditure levels by the postponeme of projects of relatively low priority.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 44 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4110	Budget estimates for the financial year 1960 and information annexes	Official Records of the General Assebly, Fourteenth Session Supplement No. 5
A/4116	Financial reports and accounts for the year ended 31 December 1958 and reports of the Board of Auditors: United Nations and its Trust Funds and Special Accounts: United Nations Participation in the Expanded Programme of Technical Assistance for the economic development of under-developed countries, and the Technical Assistance Board secretariat; United Nations Suez Canal Clearance Operation; Special Account of the United Nations Emergency Force	Ibid., Supplement No. 6
A/4119	Progress report for 1959 of the Scientific Committee on the Effects of Atomic Radiation	Ibid., Fourteenth Session, Annex agenda item 24
A/4122	Report of the Secretary-General	Ibid., Annexes, agenda item 52
A/4143	Report of the Economic and Social Council, 1 August 1958—31 July 1959	Ibid., Fourteenth Session, Supiment No. 3
A/4170	Tenth report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Supplement No. 7
A/4172	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Fourteenth Session, Anne agenda item 49
A/4198	Report of the Secretary-General	Ibid., agenda item 43
A/4212 and Add.1	Report of the Secretary-General	Ibid., agenda item 31
A/4221	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 43
A/4231	Report of the Secretary-General	Ibid., agenda item 72
A/4232	Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session	Ibid.
A/4239	Report of the Secretary-General	Ibid., agenda item 50

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Document No. /4240	Title Report of the Fourth Committee	Observations and references Ibid., agenda item 41
/4250	Report of the Third Committee	Ibid., agenda item 12
/4252	Report of the Fifth Committee	Ibid., agenda item 72
./4257	Administrative budgets of the specialised agencies for 1960: report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 49
./4277	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 50
./4279	Report of the Third Committee	Ibid., agenda item 71
./4287	Report of the Second Committee	Ibid., agenda item 31
./4305	Report of the Sixth Committee	Ibid., agenda item 56
./4306	Report of the Fifth Committee	Ibid., agenda item 50
·/ 4 312	Report of the Sixth Committee	Ibid., agenda item 57
./4321	Report of the Second Committee	Ibid., agenda items 30 and 12
./4331	Report of the Fifth Committee	Ibid., agenda item 51
./4348	Report of the Fourth Committee	Ibid., agenda item 41
/C.5/787 and Add.1	Pattern of conferences: report of the Secretary-General	Mimeographed
./C/.5/804	Statement made by the representative of the Secretary-General at the 748th meeting of the Fifth Committee	Ditto. For summary see Official Records of the General Assembly, Fourteenth Session, Fifth Commit- tee, 748th meeting, paras, 5-8
/C.5/811	Second reading of the budget estimates for 1960: note by the Secretariat	Mimeographed
A/C.5/L.564	Staff of the United Nations Secretariat: report of the Secretary-General	Mimeographed
A/C/.5/L.567	First reading of the 1960 budget estimates: note by the Secretariat	Ditto
/C.5/L.572	Czechoslovakia: draft resolution	Incorporated in A/4336, para. 18
/C.5/L.575	Working Capital Fund: note by the Controller	Mimeographed
A/C.5/L.592 and Add.1	Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change. See A/4336, para. 161, draft resolution IV
A/C.5/L.599	Draft appropriation resolution for the financial year 1960: note by the Secretariat	Mimeographed
A/C.5/L.600	Draft report of the Fifth Committee	For the text of this document, as amended by the Fifth Committee at its 760th meeting, see A/4336
/C.5/L.601	Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America: draff resolution	Adopted without change. See A/4336, para. 161, draft resolution VII
/C.5/L.602	Draft resolution relating to the Working Capital Fund for 1960: note by the Secretary-General	Adopted without change. See A/4336, para. 161, draft resolu- tion III
./C.5/L.606	Estimate of assessment of contributions of Member States for the financial year 1960 and of advances to the Working Capital Fund: note by the Secretariat	Mimeographed
2/3260 and Add.1	Programme appraisal, 1959-1964: work of the United Nations in the economic, social, human rights and related fields: note by the Secretary-General	Mimeographed
C/3260/Add.2	Note by the Secretary-General transmitting the appraisal for the Office of the United Nations High Commissioner for Refugees together with a summary of that appraisal	Ditto
2/3288	Provisional statement of financial implications of the work of the Council in 1959: note by the Secretary-General	Ditto. For summary of main points, see document E/3301
2/3301	Summary of the financial implications of actions of the Council submitted by the Secretary-General	Official Records of the Economic and Social Council, Twenty-eighth Ses- sion, Annexes, agenda item 18
C/CN.5/334	Progress made by the United Nations in the social field during the period 1 January 1957—31 December 1958 and proposals for the programme of work 1959-1961; report of the Secretary-General	Mimeographed
C/CN.5/334/Add.3	Progress made by the United Nations in the social field during the period 1 January 1957—31 December 1958: Technical assistance in the social field 1957-1958: report of the Secretary-General	Ditto
C/CN.7/AC.3/9	Draft Single Convention on Narcotic Drugs (Third draft)	Ditto
C/TAC/95	United Nations Programme of Technical Assistance: report of the Secretary-General on programmes of technical assistance financed by the regular budget	Ditto

Document No.	Title	Observations and references
	Financial implications	
A/4119/Add.1	Financial implications of the proposals contained in document A/4119	Official Records of the General A sembly, Fourteenth Session Annexes, agenda item 24
A/4242	Financial implications of the draft resolution submitted by the Fourth Committee in document A/4240: report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda item 41
A/4243	Financial implications of the draft resolution submitted by the Fourth Committee in document A/4240: report of the Fifth Committee	Ibid.
A/4282	Financial implications of draft resolution V submitted by the Third Committee in document A/4250: letter dated 12 November 1959 from the Chairman of the Fifth Committee to the President of the General Assembly	
A/4283	Financial implications of the draft resolution contained in document A/L.268	Ibid., agenda item 24
A/4288	Financial implications of draft resolution III submitted by the Second Committee in document A/4287: letter dated 19 November 1959 from the Chairman of the Fifth Committee to the President of the General Assembly	
A/4289	Financial implications of the draft resolution submitted by the Third Committee in document A/4279: report of the Fifth Committee	Ibid., agenda item 71
A/4303	Financial implications of the draft resolution submitted by the Sixth Committee in document A/4305: report of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly	Ibid., agenda item 56
A/4309	Financial implications of the draft resolution submitted by the Sixth Committee in document A/4305: report of the Fifth Committee	Ibid.
A/4318	Financial implications of the draft resolutions IV, VII and IX submitted by the Second Committee in document A/4321: report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., agenda items 30 and 12
A/4326	Financial implications of the draft resolutions IV, VII and IX submitted by the Second Committee in document A/4321: report of the Fifth Committee	Ibid.
A/4337	Financial implications of the draft resolution submitted by the Sixth Committee in document A/4312: letter dated 4 December 1959 from the Chairman of the Fifth Committee to the President of the General Assembly	Ibid., agenda item 57
A/4349	Financial implications of the draft resolution submitted by the Fourth Committee in document A/4348: note by the Secretary-General	Ibid., agenda item 41
A/C.5/789	Financial implications of the draft resolution submitted by the Fourth Committee in document A/4240: note by the Secretary-General	Ibid.
A/C.5/803	Financial implications of the draft resolution submitted by the Third Committee in document A/4279: note by the Secretary-General	Ibid., agenda item 71
A/C.5/805	Financial implications of the draft resolution submitted by the Sixth Committee in document A/4305: note by the Secretary-General	Ibid., agenda item 56
A/C.5/812	Financial implications of the draft resolution VII submitted by the Second Committee in document A/4321: note by the Secretary-General	Ibid., agenda items 30 and 12

GENERAL ASSEMBLY

ANNEXES
FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 45: Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:*

- (a) Advisory Committee on Administrative and Budgetary Questions;
- (b) Committee on Contributions;
- (c) Board of Auditors;
- (d) Investments Committee: confirmation of the appointments made by the Secretary-General;
- (e) United Nations Administrative Tribunal;
- (f) United Nations Staff Pension Committee

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^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 724th, 732nd, 741st and 743rd meetings; and ibid., Plenary Meetings, 838th meeting.

(a) Advisory Committee on Administrative and Budgetary Questions

DOCUMENTS A/4123 AND ADD.1

Note by the Secretary-General

Document A/4123

"Rule 156

[Original text: English] [16 June 1959]

1. The rules of procedure of the General Assembly provide that:

"The General Assembly shall appoint an Advisory Committee on Administrative and Budgetary Questions (hereinafter called the 'Advisory Committee'), with a membership of nine, including at least two financial experts of recognized standing."

"Rule 157

"The members of the Advisory Committee, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The two financial experts shall not retire simultaneously. The General Assembly shall appoint the members of the Advisory Committee at the regular session immediately preceding the expiration of the term of office of the members, or, in the case of vacancies, at the next session."

- 2. The present membership of the Committee is as follows:
 - Mr. Thanassis Aghnides (Greece);
 - Mr. Carlos Blanco (Cuba);
 - Mr. Eduardo Carrizosa (Colombia);
 - Mr. John E. Fobes (United States of America);
 - Mr. André Ganem (France);
 - Mr. A. H. M. Hillis (United Kingdom of Great Britain and Northern Ireland);
 - Mr. Kadhim Khalaf (Iraq);
 - Mr. T. J. Natarajan (India);
 - Mr. Alexei F. Sokirkin (Union of Soviet Socialist Republics).
- 3. At its eleventh session the General Assembly [resolution 1076 (XI) of 21 December 1956] appointed the following persons as members of the Committee for a three-year term commencing on 1 January 1957:
 - Mr. André Ganem:
 - Mr. Kadhim Khalaf;
 - Mr. T. J. Natarajan.

- 4. Since the terms of office of Mr. Ganem, Mr. Khalaf and Mr. Natarajan are due to expire on 31 December 1959, it will be necessary for the General Assembly, at its fourteenth session in 1959, to appoint three persons to fill the resulting vacancies. The members so appointed will serve for a period of three years commencing on 1 January 1960.
- 5. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft resolution containing the names of the persons recommended for appointment. It is suggested that a similar procedure should be followed at the fourteenth session.

Document A/4123/Add.1

[Original text: English]
[7 August 1959]

- 1. At its thirteenth session, the General Assembly, by resolution 1271 (XIII) of 14 November 1958, appointed Mr. John E. Fobes (United States of America) as a member of the Advisory Committee on Administrative and Budgetary Questions for a three-year term commencing on 1 January 1959.
- 2. In a letter dated 6 July 1959, addressed to the Secretary-General, Mr. John E. Fobes submitted his resignation from the membership of the Committee, effective 31 December 1959.
- 3. Thus, in addition to the three vacancies in the membership of the Committee to which it will be necessary for the General Assembly to appoint members for a three-year term to commence on 1 January 1960 (A/4123), there now exists a further vacancy for the unexpired term of office of Mr. Fobes, that is 1 January 1960 to 31 December 1961, to which it will also be necessary for the General Assembly to appoint a member.

DOCUMENT A/4246

Report of the Fifth Committee

[Original text: English] [23 October 1959]

- 1. At its 724th meeting held on 20 October 1959, the Fifth Committee considered two notes by the Secretary-General on vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions: the first (A/4123) concerning the regular vacancies which will occur on the expiration of the terms of office of three members on 31 December 1959; the second (A/4123/Add.1) concerning the vacancy resulting, with effect on 31 December 1959, from the resignation of one of the members of the Committee.
- 2. Members of the Fifth Committee had previously been invited to suggest names of persons who might be recommended to the General Assembly for appointment to the Advisory Committee in accordance with the provisions of rules 156 and 157 of the rules of procedure of the Assembly. At the same time the matter was considered by the Fifth Committee, four candidates had been proposed in respect of the three regular vacancies and one candidate in respect of the remaining vacancy.
- 3. The Committee voted by secret ballot to decide who should be recommended for appointment.

4. The result of the ballot relating to the vacancy arising from the resignation of a member of the Advisory Committee was as follows:

Number of ballot papers:	82
Invalid ballots:	1
Number of valid ballots:	81
Abstentions:	1
Number of members voting:	80
Required majority:	41
Number of votes obtained:	
Mr. Albert F. Bender	75

Three other persons received a total of five votes.

- 5. Mr. Bender was declared recommended for appointment as a member of the Advisory Committee for a two-year term to commence on 1 January 1960.
- 6. The result of the ballot relating to the three regular vacancies was as follows:

Number of ballot papers:	82
Invalid ballots:	0
Number of valid ballots:	82
Abstentions:	0

Advisory Committee for a three-year term to commence on 1 January 1960.

Number of votes obtained:

Mr. Andre Ganem	04
Mr. Agha Shahi	59
Mr. Ismat T. Kittani	5 6
Mr. T. J. Natarajan	46

Two other persons received one vote each.

7. Mr. Ganem, Mr. Shahi and Mr. Kittani, having received the highest number of votes, were declared recommended for appointment as members of the

Recommendation of the Fifth Committee

8. Accordingly, the Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

(b) Committee on Contributions

DOCUMENTS A /4126 AND ADD.1

Note by the Secretary-General

Document A /4126

[Original text: English] [23 June 1959]

1. The rules of procedure of the General Assembly provide that:

"Rule 160

"The members of the Committee on Contributions, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for a period of three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The General Assembly shall appoint the members of the Committee on Contributions at the regular session immediately preceding the expiration of the term of office of the members, or, in case of vacancies, at the next session."

- 2. The present membership of the Committee is as follows:
 - Mr. Georgy P. Arkadev (Union of Soviet Socialist Republics);
 - Mr. Raymond T. Bowman (United States of America);
 - Mr. René Charron (France);
 - Mr. Fernando A. Galvão (Brazil);
 - Mr. A. H. M. Hillis (United Kingdom of Great Britain and Northern Ireland);
 - Mr. F. Nouredin Kia (Iran);
 - Mr. Arthur S. Lall (India);
 - Mr. Jerzy Michalowski (Poland);
 - Mr. José Pareja (Peru);
 - Mr. Sidney Pollock (Canada).
- 3. At its eleventh session, the General Assembly (resolution 1077 (XI) of 21 December 1956) appointed the following persons as members of the Committee for a three-year term commencing on 1 January 1957:
 - Mr. Arthur H. Clough;
 - Mr. Fernando A. Galvão;
 - Mr. Sidney Pollock.

At its twelfth session, the General Assembly was informed of the resignation of Mr. Clough. The Assembly (resolution 1195 B (XII) of 13 December 1957) appointed Mr. A. H. M. Hillis for a two-year term commencing on 1 January 1958, to fill the unexpired term of office of Mr. Clough.

- 4. Since the terms of office of Mr. Galvão, Mr. Hillis and Mr. Pollock are due to expire on 31 December 1959, it will be necessary for the General Assembly, at its fourteenth session in 1959, to appoint three persons to fill the resulting vacancies. The members thus appointed will serve for a period of three years commencing on 1 January 1960.
- 5. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft resolution containing the names of the persons recommended for appointment. It is suggested that a similar procedure should be followed at the fourteenth session.

Document A/4216/Add.1

[Original text: English] [30 September 1959]

- 1. By resolution 1195A (XII) of 13 December 1957, the General Assembly appointed Mr. Arthur S. Lall (India) as a member of the Committee on Contributions for a three-year term commencing on 1 January 1958.
- 2. The Secretary-General has received a letter from Mr. Lall in which he has tendered his resignation from membership in the Committee.
- 3. Accordingly, in addition to the three vacancies in the membership of the Committee on Contributions to which it will be necessary for the General Assembly to appoint members for a three-year term to commence on 1 January 1960 (A/4126), there now exists a further vacancy for the unexpired term of office of Mr. Lall, that is to 31 December 1960, to which it will also be necessary for the General Assembly to appoint a member.

DOCUMENT A/4248

Report of the Fifth Committee

[Original text: English] [27 October 1959]

- 1. At its 727th meeting held on 22 October 1959, the Fifth Committee considered two notes by the Secretary-General on vacancies in the membership of the Committee on Contributions: the first (A/4126) concerning the regular vacancies which will occur on the expiration of the term of office of three members on 31 December 1959; the second (A/4126/Add.1) concerning the vacancy resulting from the resignation of one of the members of the Committee.
- 2. Members of the Fifth Committee had previously been invited to suggest names of persons who might be recommended to the General Assembly for appointment to the Committee on Contributions in accordance with the provisions of rules 159 and 160 of the rules of procedure of the Assembly. At the time the matter was considered by the Fifth Committee, three candidates had been proposed in respect of the three regular vacancies and one candidate in respect of the remaining vacancy.
- 3. To decide who should be recommended for appointment, the Committee voted by secret ballot.
- 4. The result of the ballot relating to the vacancy arising from the resignation of a member of t' Committee on Contributions was as follows:

Number of ballot papers:	66
Invalid ballots:	0
Number of valid ballots:	66
Abstentions:	3
Number of members voting:	63
Required majority:	32
Number of votes obtained:	
Mr. Chandra Shekhar Jha	63

- 5. Mr. Jha was declared recommended for appointment as a member of the Committee on Contributions for the unexpired term of office of the member who had resigned.
- 6. The result of the ballot relating to the three regular vacancies was as follows:

Number of ballot papers:	66
Invalid ballots:	0
Number of valid ballots:	66
Abstentions:	1
Number of members voting:	65
Required majority:	33
Number of votes obtained:	
Mr. Sidney Pollock	63
Mr. José A. Correa	62
Mr. A. H. M. Hillis	61

One other person received one vote.

7. Mr. Pollock, Mr. Correa and Mr. Hillis, having received the required majority, were declared recommended for appointment as members of the Committee on Contributions for a three-year term to commence on 1 January 1960.

Recommendation of the Fifth Committee

8. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

(<u>c</u>) Board of Auditors

DOCUMENT A/4120

Note by the Secretary-General

[Original text: English] [15 June 1959]

- 1. Resolution 74 (I), adopted by the General Assembly on 7 December 1946, provides:
 - "That in 1947, and every year thereafter, the General Assembly shall appoint an Auditor to take office from 1 July of the following year and to serve for a period of three years."
- 2. The present membership of the Board of Auditors is as follows:

The Auditor-General (or officer holding the equivalent title) of Colombia;

The Auditor-General (or officer holding the equivalent title) of the Netherlands;

The Auditor-General (or officer holding the equivalent title) of Norway.

3. The Auditor-General of Colombia was appointed to the Board by the General Assembly at its eleventh session (resolution 1093 (XI) of 27 February 1957) for

- a three-year term which expires on 30 June 1960. Thus the General Assembly will be required at its fourteenth session, in 1959, to fill the resulting vacancy by the appointment as a member of the Board of the Auditor-General (or officer holding the equivalent title) of a Member State. The Auditor thus appointed will serve for a period of three years commencing 1 July 1960.
- 4. The existing system of external audit involves the provision by members of the Board of Auditors of technical staff from their respective national audit services for the performance of the detailed audit of the accounts. Under the most recentallocation of work among the members of the Board, the Auditor-General of Colombia is to provide the staff for the audit of the accounts of the United Nations Children's Fund, the United Nations Emergency Force and the United Nations Joint Staff Pension Fund. It is estimated that the audit of these accounts involves the assignment

each year of a Chief Auditor for 130 working days, and two Senior Auditors for 210 working days each; and that, further, the Auditor-General himself will need to devote the equivalent of one month to United Nations business.

5. At previous sessions, a draft resolution including

the name of a Member State whose Auditor-General (or officer holding the equivalent title) was recommended for appointment has been submitted by the Fifth Committee to the General Assembly. It is suggested that a similar procedure should be followed at the fourteenth session.

DOCUMENT A/C.5/L.580

Note by the Secretariat

[Original text: English] [10 November 1959]

- 1. The General Assembly is required to appoint the Auditor-General (or officer holding the equivalent title) of a Member State to the Board of Auditors, to fill the vacancy which will occur on 1 July 1960 with the expiration of the term of office of the Auditor-General of Colombia (A/4120).
- 2. The Government of Colombia has informed the Secretary-General that the Auditor-General of Colombia is available for reappointment to the Board of Auditors.
- 3. There is set out in an annex to this note, the text of a note from the Pakistan Mission to the United Nations to the Secretary-General, which the Pakistan Mission has requested be circulated to Member States.

ANNEX

- NOTE, DATED 9 NOVEMBER 1959, FROM THE PAKISTAN MISSION TO THE UNITED NATIONS TO THE SECRETARY-GENERAL
- 1. The Pakistan Mission to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to its letter No. GA/116-59 dated 26 October 1959, transmitting the decision of the Government of Pakistan to offer the candidacy of the Auditor-General of Pakistan for appointment as a member of the United Nations

- Board of Auditors, against the vacancy arising from the expiry on 30 June 1960 of the term of appointment of the Auditor-General of Colombia.
- 2. The Government of Pakistan have always attached great importance to the Board of Auditors and have maintained that, because of the special responsibilities of the Board, the appointment of its members should be unanimous. It may be recalled that in 1957 the Government of Pakistan demonstrated their adherence to this principle when, notwithstanding support from a large number of Member States, they withdrew the candidacy of the Auditor-General of Pakistan in favour of the Auditor-General of Norway.
- 3. As the Government of Colombia has now made known its decision to renominate the Auditor-General of Colombia for appointment to the Board for another term, the Government of Pakistan have been obliged to reconsider their decision. Consistent with their approach to the question of unanimous election to the Board, and in view of the very cordial relations which exist between the two countries, the Government of Pakistan have decided, once again, to withdraw the candidacy of their Auditor-General in favour of the Auditor-General of Colombia.
- 4. At the same time, the Government of Pakistan maintain their continued interest in the Board of Auditors and will be glad to make the services of the Auditor-General of Pakistan available to the United Nations at the time when the next vacancy occurs in its membership.

DOCUMENT A /4273

Report of the Fifth Committee

[Original text: English] [13 November 1959]

- 1. At its 743rd meeting, held on 12 November 1959, the Fifth Committee considered a note by the Secretary-General (A/4120) concerning the vacancy which will occur in the membership of the Board of Auditors at the expiration of the term of office of one of its members on 30 June 1960.
- 2. The Chairman had previously invited members of the Fifth Committee to make suggestions with respect to the Auditor-General (or officer holding equivalent title) who might be recommended to the General Assembly for appointment to membership in the Board of Auditors. At the time the matter was considered by the Committee, the Government of Colombia had informed the Secretary-General that the Auditor-General of Colombia would be available for reappointment to the Board of Auditors, should the General Assembly so desire.
- 3. For the purpose of deciding who should be recommended for appointment, the Committee proceeded to vote by secret ballot. The result of the ballot was as follows:

Number of ballot papers:	60
Invalid ballots:	0
Number of valid ballots:	60
Abstentions:	0
Number of members voting:	60
Required majority:	31
Number of votes obtained:	

Number of votes obtained:

The Auditor-General of Colombia 57

4. The Auditor-General of one other Member State received three votes. The Auditor-General of Colombia, having obtained the required majority, was declared recommended for appointment.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

(g) Investments Committee: confirmation of the appointments made by the Secretary-General

DOCUMENT A /4177

Note by the Secretary-General

[Original text: English] [7 August 1959]

- 1. Resolution 155 (II), which was adopted by the General Assembly on 15 November 1947, established an Investments Committee in accordance with the provision of section 25 of the Provisional Regulations for the United Nations Joint Staff Pension Fund and provided, inter alia, as follows:
 - "The normal term of office of a member of the Investments Committee shall be three years, and members shall be eligible for reappointment. At the regular session of the General Assembly each year, the Secretary-General shall submit the appointments which he has made after consultation with the Advisory Committee on Administrative and Budgetary Questions."
- 2. The present membership of the Committee is as follows:

- Mr. Ivar Rooth (Sweden);
- Mr. Leslie R. Rounds (United States of America);
- Mr. Jacques Rueff (France).
- 3. Under the terms of resolution 1078 (XI), adopted by the General Assembly on 21 December 1956, the term of office of Mr. Rueff will expire on 31 December 1959.
- 4. The Secretary-General believes it important to retain the assistance and advice of Mr. Rueff in the Investments Committee. The Advisory Committee on Administrative and Budgetary Questions had concurred in this reappointment and Mr. Rueff is willing to continue to serve.
- 5. Thus, the Secretary-General submits to the General Assembly, for its confirmation, the reappointment of Mr. Jacques Rueff as a member of the Investments Committee for a three-year term to commence on 1 January 1960.

DOCUMENT A /4247

Report of the Fifth Committee

[Original text: English] [27 October 1959]

- 1. At its 727th meeting, held on 22 October 1959, the Fifth Committee considered a note by the Secretary-General (A/4177) concerning the reappointment of Mr. Jacques Rueff (France) to fill the vacancy in the membership of the Investments Committee which will occur at the expiration of Mr. Rueff's present term of office on 31 December 1959.
- 2. The Fifth Committee was informed that the Secretary-General considered it important to retain the assistance and advice of Mr. Rueff in the Investments Committee. Mr. Rueff had indicated his willingness to continue to serve, and the Advisory Committee on Administrative and Budgetary Questions had expressed its concurrence in his reappointment. The Fifth Com-

mittee decided, without objection, to recommend the confirmation by the General Assembly of the reappointment of Mr. Rueff, and a tribute was paid to the services he has rendered to the United Nations through his membership on the Investments Committee.

Recommendation of the Fifth Committee

3. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

(e) United Nations Administrative Tribunal

DOCUMENTS A/4127 AND ADD.1

Note by the Secretary-General

Document A/4127

- 1. Article 3 (paragraphs 1 and 2) of the Statute of the United Nations Administrative Tribunal (General Assembly resolution 351 A (IV)), provides that:
 - "1. The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Only three shall sit in any particular case.
 - "2. The members shall be appointed by the General Assembly for three years, and they may be reap-

[Original text: English] [23 June 1959]

- pointed; provided, however, that of the members initially appointed, the terms of two members shall expire at the end of one year and the terms of two members shall expire at the end of two years. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."
- 2. The present composition of the Tribunal is as follows:

Mrs. Paul Bastid (France);

The Right Honourable Lord Crook (United Kingdom of Great Britain and Northern Ireland);

Mr. Francisco A. Forteza (Uruguay);

Mr. Omar Loutfi (United Arab Republic);

Mr. Bror Arvid Sture Petrén (Sweden);

Mr. Harold Riegelman (United States of America);

Mr. R. Venkataraman (India).

3. At its eleventh session, the General Assembly (resolution 1079 (XI) of 21 December 1956) appointed the following persons as members of the Tribunal for a three-year term, commencing on 1 January 1957:

The Right Honourable Lord Crook; Mr. Jacob Mark Lashly.

- 4. At its thirteenth session, the General Assembly was informed of the resignation of Mr. Jacob Mark Lashly. The Assembly (resolution 1251 (XIII) of 30 October 1958) appointed Mr. Harold Riegelman for a term ending on 31 December 1959, to fill the unexpired term of office of Mr. Lashly.
- 5. Since the terms of office of The Right Honourable Lord Crook and Mr. Riegelman are due to expire on 31 December 1959, it will be necessary for the General Assembly, at its fourteenth session in 1959, to appoint two persons to fill the resulting vacancies. The persons so appointed will serve for a period of three years commencing on 1 January 1960.

6. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft resolution containing the names of the persons recommended for appointment to the Tribunal. It is suggested that a similar procedure should be followed at the fourteenth session.

Document A/4127/Add.1

[Original text: English] [5 November 1959]

- 1. In his note the Secretary-General informed the General Assembly of the vacancies which will occur in the membership of the Administrative Tribunal with the expiration, on 31 December 1959, of the terms of office of the Right Honourable Lord Crook and Mr. Harold Riegelman (A/4127).
- 2. By a letter dated 26 October 1959, the President of the Administrative Tribunal notified the Secretary-General of the resignation of Mr. Riegelman from the membership of the Administrative Tribunal, effective 1 October 1959.
- 3. Thus, in addition to the two regular vacancies referred to in paragraph 1 above, there exists a further vacancy for the unexpired portion of the term of office of Mr. Riegelman.

DOCUMENT A/4274

Report of the Fifth Committee

[Original text: English] [13 November 1959]

- 1. At its 741st meeting held on 10 November 1959, the Fifth Committee considered two notes by the Secretary-General on vacancies in the membership of the United Nations Administrative Tribunal: the first (A/4127) concerning the regular vacancies which will occur on the expiration of the term of office of two members on 31 December 1959; the second (A/4127/ Add.1) concerning the vacancy resulting from the resignation of one of the members of the Tribunal.
- 2. Members of the Fifth Committee had previously been invited to suggest names of person's who might be recommended to the General Assembly for appointment to the Administrative Tribunal in accordance with the provisions of article 3 of its Statute. At the time the matter was considered by the Fifth Committee, the remaining vacancy.
- 3. The Committee voted by secret ballot to decide who should be recommended for appointment.
- 4. The result of the ballot relating to the two regular vacancies was as follows:

Number of ballot papers:	63
Invalid ballots:	0
Number of valid ballots:	63
Abstentions:	1
Number of members voting:	62
Required majority:	32
Number of votes obtained:	

two candidates had been proposed in respect of the two regular vacancies and one candidate in respect of

The Right Honourable Lord Crook 62 Mr. James J. Casey 61

- 5. Lord Crook and Mr. Casey, having received the required majority, were declared recommended for appointment as members of the United Nations Administrative Tribunal for a three-year term to commence on 1 January 1960.
- 6. The result of the ballot relating to the vacancy arising from the resignation of a member of the Administrative Tribunal was as follows:

Number of ballot papers:	64
Invalid ballots:	0
Number of valid ballots:	64
Abstentions:	1
Number of members voting:	63
Required majority:	32
Number of votes obtained:	
Mr. James J. Casev	63

7. Mr. Casey was declared recommended for appointment as a member of the Administrative Tribunal for the unexpired term of office of the member who had resigned.

Recommendation of the Fifth Committee

8. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

(f) United Nations Staff Pension Committee

DOCUMENT A /4215

Note by the Secretary-General

[Original text: English] [22 September 1959]

1. At its thirteenth session, the General Assembly, by resolution 1293 (XIII) of 5 December 1958, appointed the following persons as members and alternate members of the United Nations Staff Pension Committee for a three-year term to commence on 1 January 1959:

Members:

- Mr. A. H. M. Hillis (United Kingdom of Great Britain and Northern Ireland);
- Mr. Rigoberto Torres Astorga (Chile);
- Mr. Albert S. Watson (United States of America);

Alternate members:

- Mr. Bahman Ahaneen (Iran);
- Mr. Johan Kaufmann (Netherlands);
- Mr. Arthur C. Liveran (Israel).

- 2. By a letter dated 10 September 1959, Mr. Watson submitted his resignation from the membership of the United Nations Staff Pension Committee. Thus, it will be necessary for the General Assembly at its fourteenth session to appoint a member to the Committee to fill the unexpired term of office of Mr. Watson.
- 3. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft resolution containing the name of the person recommended for appointment. It is suggested that a similar procedure be followed at the fourteenth session.

DOCUMENT A /4255

Report of the Fifth Committee

[Original text: English]
[3 November 1959]

- 1. At its 732nd meeting held on 29 October 1959, the Fifth Committee considered a note by the Secretary-General (A/4215) on a vacancy which had occurred in the membership of the United Nations Staff Pension Committee as a result of the resignation of one of its members.
- 2. Members of the Fifth Committee had previously been invited to suggest names of persons who might be recommended for appointment to the Staff Pension Committee. At the time the matter was considered by the Fifth Committee, one candidate had been proposed.
- 3. To decide who should be recommended for appointment, the Committee voted by secret ballot, the result of which was as follows:

Number of ballot papers:	63
Invalid ballots:	0
Number of valid ballots:	63

Abstentions:	2
Number of members voting:	61
Required majority:	31
Number of votes obtained:	
Mr. Albert F. Bender	61

4. Mr. Bender was declared recommended for appointment as a member of the Staff Pension Committee for the unexpired portion of the term of office of the member who had resigned.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting on 17 November 1959, the General Assembly adopted the draft resolutions submitted by the Fifth Committee on parts (a) (A/4246, para. 8); (b) (A/4248, para. 8); (c) (A/4273, para. 5); (d) (A/4247, para. 3); (e) (A/4274, para. 8) and (f) (A/4255, para. 5) of agenda item 45. For the final texts, see resolutions 1367 (XIV), 1368 (XIV), 1369 (XIV), 1370 (XIV), 1371 (XIV) and 1372 (XIV).

Resolutions adopted by the General Assembly

1367 (XIV). APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

The General Assembly

- 1. <u>Appoints</u> the following persons as members of the Advisory Committee on Administrative and Budgetary Questions:
 - Mr. Albert F. Bender,
 - Mr. André Ganem.
 - Mr. Ismat T. Kittani,
 - Mr. Agha Shahi;

2. <u>Declares</u> Mr. Ganem, Mr. Kittani and Mr. Shahi to be appointed for a three-year term to commence on 1 January 1960, and Mr. Bender to be appointed for a two-year term to commence on 1 January 1960.

838th plenary meeting, 17 November 1959.

1368 (XIV). APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE ON CONTRIBUTIONS

The General Assembly

1. <u>Appoints</u> the following persons as members of the Committee on Contributions:

Mr. José A. Correa,

Mr. A. H. M. Hillis,

Mr. Chandra Shekhar Jha,

Mr. Sidney Pollock;

2. <u>Declares</u> Mr. Correa, Mr. Hillis and Mr. Pollock to be appointed for a three-year term to commence on 1 January 1960, and Mr. Jha to be appointed for a period commencing on the date of the present resolution and ending on 31 December 1960.

838th plenary meeting, 17 November 1959.

1369 (XIV). APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF AUDITORS

The General Assembly

Appoints the Auditor-General of Colombia as a member of the Board of Auditors for a three-year term to commence on 1 July 1960.

838th plenary meeting, 17 November 1959.

1370 (XIV). CONFIRMATION OF THE APPOINTMENT MADE BY THE SECRETARY-GENERAL TO THE

MEMBERSHIP OF THE INVESTMENTS COMMITTEE

The General Assembly

<u>Confirms</u> the reappointment by the Secretary-General of Mr. Jacques Rueff as a member of the Investments Committee for a three-year term to commence on 1 January 1960.

838th plenary meeting, 17 November 1959.

1371 (XIV). APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

The General Assembly

1. Appoints the following persons as members of the United Nations Administrative Tribunal:

Mr. James J. Casey,

The Right Honourable Lord Crook;

2. <u>Declares</u> Mr. Casey and the Right Honourable Lord Crook to be appointed for a three-year term to commence on 1 January 1960, and Mr. Casey to be appointed for a period commencing on the date of the present resolution and ending on 31 December 1959.

838th plenary meeting, 17 November 1959.

1372 (XIV). APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE UNITED NATIONS STAFF PENSION COMMITTEE

The General Assembly

1. Appoints the following person as a member of the United Nations Staff Pension Committee:

Mr. Albert F. Bender;

2. <u>Declares</u> Mr. Bender to be appointed for a period commencing on the date of the present resolution and ending on 31 December 1961.

838th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 45 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/C.5/L.569	Note by the Secretariat containing biographical information on candidates for the vacancies on the Advisory Committee on Administrative and Budgetary Questions	Mimeographed
A/C.5/L.570	Note by the Secretariat containing biographical information on candidates for the vacancy on the Committee on Contributions	Ditto
A/C.5/L.583	Note by the Secretary-General	Ditto
A/C.5/L.571	Note by the Secretariat containing biographical information on a candidate for the vacancy on the United Nations Staff Pension Committee	Ditto

ANNEXES

GENERAL ASSEMBLY





FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 46: Report of the Negotiating Committee for Extra-Budgetary Funds*

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DOCUMENTS A /4267 AND ADD.1

Report of the Negotiating Committee for Extra-Budgetary Funds

[Original text: English] [10 November 1959]

Document A /4267

- 1. The General Assembly, at its thirteenth session (resolution 1296 B (XIII) of 5 December 1958) decided to re-establish the Negotiating Committee for Extra-Budgetary Funds, and re-affirmed the terms of reference of the Committee as laid down in resolution 693 (VII) of 25 October 1952. Pursuant to this decision, the President of the Assembly appointed a Committee composed of the representatives of the following Member States: Argentina, Brazil, Canada, France, Lebanon, New Zealand, Pakistan, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Committee elected Mr. Arnould of Canada as Chairman.
- 2. Under its terms of reference, the Negotiating Committee is to assist in obtaining pledges of voluntary contributions from Governments for the financing of programmes approved by the General Assembly for which funds are not available through the regular budget of the United Nations. These programmes are the programmes of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the Expanded Programme of Technical Assistance, and the United Nations Special Fund.
- 3. The main concern of the Committee for the last few years has been the two refugee programmes—those of UNRWA and of the High Commissioner for Refugees—which have experienced the greatest financial difficulties. In an effort to bring about an increase in the level of contributions, the General Assembly at its twelfth session initiated the procedure of convening

an ad hoc Committee of the Whole Assembly where pledges of voluntary contributions for these two programmes would be announced. As this new pledging procedure had undoubtedly had the desired effect of broadening the interest in, and increasing the financial support of, the United Nations refugee programmes, the General Assembly decided (resolution 1296 A (XIII)) to repeat this procedure at its fourteenth session. In spite of the results achieved, the contributions pledged by Governments at the Pledging Conference held in 1958 were insufficient to meet the minimum needs of the two agencies for 1959. The General Assembly decided, therefore, to continue the mandate of the Negotiating Committee for another year, particularly to assist in the task of raising the additional funds required for these two programmes.

4. The Committee has continued its efforts on behalf of the agencies in various ways throughout the year. In the name of the Committee, the Chairman has from time to time addressed detailed letters to delegations for the information of their Governments on the financial situation of the agencies. The Chairman and members of the Committee have also this year through a series of visits to delegations and through personal approaches to representatives of Governments endeavoured to stimulate the interest in, and support for, the two refugee programmes. These personal contacts with delegations gave the Committee the opprtunity to discuss with them the financial difficulties of the refugee organizations and to seek their advice and assistance in the attempt to meet the target figures set for these programmes. The Committee would like to record its appreciation of the unfailing cordiality with which it was received by delegations, the interest shown by them in the particular problems with which the agencies were faced and their co-operation in bringing these problems to the attention of their Governments. If it should be decided to continue the work of the Committee in 1960, the Committee would plan to proceed

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 757th and 759th meetings; and ibid., Plenary Meetings, 846th meeting.

with such visits, and it would hope that delegations would co-operate with it as they have in 1959.

5. A summary of the present financial situation of the voluntary programmes with which the Committee is concerned and of the Committee's activities during the past year, is given in the following paragraphs. An annex showing the contributions pledged and the total payments received as at 31 October 1959 in respect of these programmes is attached.

EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE AND THE SPECIAL FUND

6. At the 1959 United Nations Pledging Conference on the Expanded Programme of Technical Assistance and the Special Fund held on 8 October 1959, seventytwo Governments pledged contributions to the two programmes for 1960. Since then, a number of new pledges and increases in contributions have been announced, and several Governments have indicated that pledges will be announced later. As payment of the full amount of some of the contributions pledged. including that of the United States of America of \$40 million, is based on the assumption that the target figure of \$100 million (as established under General Assembly resolution 1317 (XIII)) will be reached for the two programmes, it is not possible at present to determine the final amount of these contributions. On the basis of present pledges and taking into account the matching provisions, the total of contributions by 31 October 1959 represent approximately \$29.4 million for the Expanded Programme of Technical Assistance and \$32 million for the Special Fund. As additional contributions are still expected for both programmes, the final totals for 1960 will undoubtedly be substantially higher.

7. For the year 1959, contributions totalling \$29.8 million have been pledged by eighty-three Governments to the Expanded Programme of Technical Assistance, while the contributions pledged by sixty-seven Governments to the United Nations Special Fund total approximately \$25.8 million.

UNITED NATIONS CHILDREN'S FUND

8. As in former years, the Negotiating Committee has worked in close contact with UNICEF and has been regularly informed of the status of contributions to the Children's Fund. In consultation with the Executive Director of UNICEF, the Chairman of the Negotiating Committee has addressed appeals for contributions to a number of Governments which had not contributed in the past or had not done so for some years, in order to enlist their financial support of the programme. So far, one Government to which the appeal had been directed has found it possible to announce a contribution to UNICEF which continues to follow up with the others.

9. On 31 October 1959, approximately \$18.4 million had been contributed or pledged by seventy-nine Governments. It is expected that the total number of donor Governments will this year be approximately the same as in 1958, when eighty-seven contributed, and that the total of Government contributions will amount to approximately \$19 million compared with \$20 million in 1958. On the basis of present information, it is likely that the \$11 million pledged by the United States Government cannot be drawn in full and that as much as \$1.5 million may be forfeited for lack of matching

funds. Taking into account revenue from other sources, it is estimated that the total of the Children's Fund for 1959 will be only \$22.5 million, compared with \$23 million in 1958.

10. This will be the first time since 1952 that UNICEF's income from all sources has been lower than in the preceding year. However, it is hoped that the upward trend will be resumed in 1960. It is believed that a number of Governments, which did not increase their support in the current year, will do so during 1960. Substantial increases in contributions will, however, be required if a further loss from the United States contribution due to lack of matching funds is to be avoided; the United States had pledged \$12 million, an increase of \$1 million, and, to draw that sum in full, \$13 million will be needed in contributions by other Governments as compared with the total of \$9.5 million contributed this year.

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES

11. The General Assembly at its thirteenth session (resolution 1315 (XIII) of 12 December 1958) drew the attention of Governments to the precarious financial position of UNRWA and urged them to consider to what extent they could contribute or increase their contributions in order that the Agency might carry out relief and rehabilitation programmes for the welfare of refugees.

12. The budget estimates for the relief and rehabilitation programmes of the Agency for 1959 amounted, in all, to \$37.6 million, including \$4.2 million for selfsupport projects and other activities. In addition, the Agency had requested \$6.5 million to bring its working capital to a safer level. As at 31 October 1959, Governments had pledged contributions totalling \$21 million for the financing of the relief and rehabilitation programmes of UNRWA for the current year. If, however the regular contributors to the programmes which have not yet announced their contributions for the second half of 1959 will contribute at the same level as in previous years, it is estimated that UNRWA will be able to reach the target figure for the two minimum budgets, representing relief and first priority rehabilitation.

13. As UNRWA's mandate does not at present run beyond 30 June 1960 and the future of the Agency will be considered and decided at the fourteenth session of the General Assembly, the Director of UNRWA has submitted to the General Assembly a budget for the first six months of 1960 only (A/4123, annex G). He has, however, included a plan of expenditure for the whole year. The Negotiating Committee has communicated to Governments a summary of the budget estimates prepared by the Director showing requirements of \$19.4 million for the first half of 1960 and \$38.7 million for the whole year should the Agency be continued. These estimates provide principally for continuation of basic relief and education services at existing standards, together with a modest expansion in the Agency's education and vocational training programmes and certain essential improvements in camps.

PROGRAMMES OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

14. At its thirteenth session, the General Assembly adopted resolution 1284 (XIII) in which it inter alia,

appealed to Governments of States Members of the United Nations and members of the specialized agencies to support the High Commissioner's programme, either through financial contributions or through offers of resettlement or both.

- 15. The High Commissioner, in appealing for funds in 1959, had been authorized by the UNREF Executive Committee to draw attention either to the programme estimated at \$4.7 million or to the one estimated at \$6 million, as considered by the Committee. The amount of \$4.7 million was recommended on the assumption that \$3.7 million might be financed from governmental contributions and the remaining \$1 million met from private sources. It was recognized that, if resources to a level of approximately \$6 million could be made available to the High Commissioner in 1959, it would be possible to meet additional pressing needs of refugees in particular to intensify the camp clearance programme and to provide permanent solutions for a larger number of non-settled refugees living outside camps.
- 16. By 31 October 1959, the High Commissioner had received in governmental pledges, promises and payments a total of \$3,818,481 in respect of his 1959 programme, including contributions totalling \$762,058 stated by their donors to be for the World Refugee Year
- 17. At its first special session, held between 15 and 19 June 1959, the Executive Committee of the High Commissioners's Programme discussed budgetary requirements for 1960 and adopted a financial target of \$12 million, including \$4.7 million in regular allocations and \$7.3 million in special World Refugee Year allocations. A detailed break-down of this allocation is given in the report of the Executive Committee (A/4104/Rev.1, appendix II, para. 51).

WORLD REFUGEE YEAR

- 18. The General Assembly at its thirteenth session endorsed the proposal for a World Refugee Year to begin in June 1959 (resolution 1285 (XIII)). The aims of the World Refugee Year, in terms of the resolution, are <u>inter alia</u>: (a) to focus interest on the refugee problems, to encourage additional financial contributions from Governments, voluntary agencies and the general public, and (b) to encourage additional opportunities for permanent refugee solutions.
- 19. The Negotiating Committee has followed with interest the response of Governments to this worldwide effort to help resolve the refugee problems. As the World Refugee Year has only been in operation for about fou. months, it is too early to forecast the final results, but already many Governments have announced definite additional support to refugees and, at the end of October 1959 more than sixty Governments had indicated their intention to participate in one way or another in promoting the aims of the World Refugee Year. This special endeavour for refugees has undoubtedly facilitated the work of the Negotiating Committee this year by stimulating interest in the problems of refugees and by encouraging financial support of the agencies dealing with these problems. The Special Representative of the Secretary-General for the World Refugee Year, has, at meetings of the Negotiating Committee, reported personally on the year's progress and has kept the

Committee constantly informed of developments. The Committee would wish to pay tribute to the Secretary-General and to his personal representative for the results so far achieved and to record its appreciation of their close co-operation with the Committee.

20. The Committee would also wish to refer to the statement made by the President of the General Assembly (824th meeting) in which he pointed out that, however encouraging the beginning of the World Refugee Year might be, its success was by no means assured. Its ultimate success, as stated by the President, still depends on the concrete response that has yet to be made known by the Governments that have been called upon to participate.

Ad hoc COMMITTEE OF THE WHOLE ASSEMBLY

- 21. At its thirteenth session, the General Assembly decided (resolution 1296 A (XIII)) that an ad hoc Committee of the Whole Assembly, under the chairmanship of the President of the session should be convened as soon as practicable after the opening of the fourteenth session, where pledges of voluntary contributions for the two refugee programmes for the following year would be announced. The General Assembly further decided that, in order to ensure maximum attendance, as great advance publicity as possible should be given to the meetings of the ad hoc Committee and they should be so scheduled that no other meetings were held at the same time.
- 22. The Secretary-General in his communication of 14 July 1959 called the attention of Governments to resolution 1296 A (XIII) and urged them to give particular and immediate consideration to the question of their contributions so that at the meeting of the ad hoc Committee they would be able to announce their financial support of the two refugee programmes.
- 23. The Negotiating Committee, referring to the fact that consideration of the annual report of the Director of UNRWA (A/4213) and of the Secretary-General's proposals for the continuation of United Nations assistance to Palestine refugees (A/4121) beyong 30 June 1960 have been placed on the agenda of the Special Political Committee, has informed Governments by letter of 7 October 1959 that it considers it desirable that the item be considered and the future of the Agency decided before the pledging conference for the refugee programmes takes place. No definite date has, therefore, yet been set for the conference, but it is expected that it will be late in November.
- 24. In his statement on the World Refugee Year, referred to in paragraph 20 of the present report, the President of the General Assembly has also drawn attention to the forthcoming meetings of the ad hoc Committee, and has urged all Members of the Assembly if they had not already done so, to give the most careful consideration to the contributions they will make and announce at the pledging conference for the refugee programmes.
- 25. The Negotiating Committee will issue as an addendum to the present report a review of the outcome of the conference. It is hoped that on the occasion of World Refugee Year many Governments will find it possible to contribute significantly to the refugee programmes and that sufficient funds will be made available for the solution of many problems of

refugees and for the relief of distress of others. As the Committee was re-established for another year, particularly to assist in raising funds for the two refugee agencies, the General Assembly may wish to decide in the light of the results of the conference, the need for extending the mandate of the Committee, which expires at the close of the fourteenth session of the General Assembly.

26. The Committee would like to record its gratitude to the many delegations that have responded to its appeals for financial support of the agencies with which it is concerned and also to the directors and staff of the various agencies involved, which, in addition to their own fund-raising efforts, have so fully co-operated with the Committee.

ANNEX
Statement of pledges of contributions for the financial year 1959

(as at 31 October 1959)

	Expanded Programme of Technical Assistance	Special Fund	UNRWA	UNHCR	UNICEF
Member States		Uı	nited States dollar	rs .	
Afghanistan	12,500	6,000	****		10,000
Albania	2,000			_	
Argentina	99,692	100,000		a/	_
Australia	625,000	-	95,200	22 4, 000 ^{<u>a</u>/}	-
Austria	57,692	-	2,000	12,000	38,462
Belgium	437,500	250,000	30,000	50,000	200,000
Bolivia	20,789			30,000 b/	1 000 504
Brazil	832,432	208,108		30,000	1,009,564
Bulgaria	14,706	14,706	****		2,206
Burma	35,000 50,000	10,000		_	56,000
Byelorussian Soviet Socialist Republic	50,000	50,000	486	571	37,500
Cambodia	6,171	2,000			679,073
Canada	2,000,000 20,000	2,000,000 5,000	2,075,000	303,956 1,000 b/	14,726
Chile	55,612	55,612	_	8,520 b/	80,000
China.	20,000	20,000	_	5,000	
Colombia	126,800	16,393	-	-	253,869
Costa Rica	10,053	-			30,000
Cuba	125,000			5,000b/	
Czechoslovakia	104,444	69,444			34,722
Denmark	651,513	332,996	21,720	72,390	72,400
Dominican Republic				5,000	20,000
Ecuador	11,333	10,000	_		10,000
El Salvador	7,700	<u> </u>		-	20,000
Ethiopia	20,000	29,187		- -/	12,000
Federation of Malaya	20,000	5,000	3,000	2,000 ª/	24,500
Finland	25,000			-	19,687
France	1,555,288	1,072,068	245,828 ^c /	177,143	669,809
Ghana	44,100	28,000	3,000	3,000	14,000
Greece	30,000	25,000	15,000	9,000	10,000
Guatemala	12,000	8,000		-	
Haiti	14,400	22,000	-	-	
Honduras	10,000	40.00			20,000
Hungary	42,608	42,608	_		12,876
Iceland	3,888			-	16,560
India	525,000	500,000	21,008	_	483,000
Indonesia	49,207 50,495	19,815	-		100,000
Iran	50,495 56,000	50,000	6,000		240,000 56,000
Iraq	14,000	28,006	2,814	4,693	7,000
Israel	50,000	15,000	2,014	5,000	25,000
Italy	400,000	600,000	120,000	3,000	288,000
Japan	135,000	480,000	10,000	-	130,000
Jordan	5,881		100,000	-	2,244
Laos	3,000	3,000	1,000		500
Lebanon	7,813	15,625	15,000		_
Liberia	25,000	10,000	5,000	-	5,000
Libya	6,000	10,000	10,000	-	-,
Luxembourg	4,000	3,000	2,000	3,000, /	5,000
Mexico	113,600	34,000	·	20,000 b/	500,000
Morocco	10,000	20,000	4,796	2,381	17,887
Nepal	5,000	1,000		_	
Netherlands	1,202,000	2,440,105	65,790	139,211	78,947
New Zealand	210,000	70,000	140,000	56,000	210,000
Nicaragua			-		10,000
Norway	461,991	377,992	42,000	98,000	67,200

ANNEX (continued)

Member States (continued) 170,000 Pakistan 170,000 Panama 4,000 Paraguay 12,000 Peru 30,000 Polilippines 66,000 Poland 75,000 Portugal 15,000 Romania 16,667 Saudi Arabia 25,000 Spain 50,000 Sudan 119,350 Sweden 902,764 Thailand 38,186 Tunisia 2,000 Turkey 210,000 Unitedy 2210,000 United Arab Republic 125,000 United Arab Republic 12,000,000 United Kingdom of Great Britain and Northern Northern 2,240,000 United Kingdom of Great Britain and Northern Northern 2,240,000 United Kingdom of Great Britain and Northern Northern 2,240,000 United Kingdom of Great Britain and Northern Norenal 12,000,000	Special Fund	UNRWA	UNHCR	UNICEF
Panama	U	nited States dolla	rs	
Panama	104,998	20,964		75,534
Paraguay	1,000	·		10,000
Peru 30,000 Philippines 66,000 Poland 75,000 Portugal 15,000 Romania 16,667 Saudi Arabia 25,000 Spain 50,000 Sudan 119,350 Sweden 902,764 Thailand 38,186 Tunisia 2,000 Turkey 210,000 Ukrainian Soviet Socialist Republic 125,000 United Arab Republic 1,000,000 United Arab Republic 1,000,000 United Kingdom of Great Britain and Northern 2,240,000 United States of America 12,000,000 Uruguay 120,000 Venezuela 350,000 Yugoslavia 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 3,500 Liechtenstein — Monaco 1,013 Switzerland 348,837 Viet-Nam 25,7	10,000	_	_	10,000
Philippines	10,000		-	74,947
Poland. 75,000 Portugal. 15,000 Romania. 16,667 Saudi Arabia 25,000 Spain. 50,000 Sudan. 119,350 Sweden. 902,764 Thailand. 38,186 Tunisia 2,000 Turkey. 210,000 Ukrainian Soviet Socialist Republic 125,000 Union of Soviet Socialist Republics 1,000,000 United Arab Republic 114,877 Egyptian Region Syrian Region 114,877 Egyptian Region 12,000,000 United Kingdom of Great Britain and Northern 2,240,000 Uruguay. 120,000 Venezuela. 350,000 Yugoslavia 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Liechtenstein	66,000		-	102,462
Portugal	125,000	_	-	50,000
Romania	10,000	-	_	
Saudi Arabia	16,667		-	25,000
Spain		212,000		_ `
Sudan.	-	<u></u>	-	23,810
Thailand. 38,186 Tunisia . 2,000 Turkey. 210,000 Ukrainian Soviet Socialist Republic. 125,000 Union of Soviet Socialist Republics 1,000,000 United Arab Republic . 114,877 Egyptian Region Syrian Region. United Kingdom of Great Britain and Northern 2,240,000 Urited States of America 12,000,000 Urited States of America 12,000,000 Venezuela 350,000 Yugoslavia 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 3,500 Liechtenstein	27,000	-	- * ₀ /	
Tunisia	2,103,228	57,915	144,984 ^a /	260,618
Tunisia	160,000		<u> </u>	150,000
Turkey	2,000	2,000	2,000	8,160
Ukrainian Soviet Socialist Republic. 125,000 United Arab Republic 114,877 Egyptian Region Syrian Region. 12,000,000 United Kingdom of Great Britain and Northern 2,240,000 United States of America 12,000,000 1	210,000	5,000	2,667	161,071
United Arab Republic	125,000	<u>—</u>	<u>-</u>	75,000
Egyptian Region Syrian Region United Kingdom of Great Britain and Northern 2,240,000 United States of America 12,000,000 9 Uruguay 120,000 Yenezuela 350,000 Yugoslavia 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 1,013 Switzerland 348,837 Viet-Nam 25,714 Other contributors Bahrein British Honduras Brunei Gaza Authority Hong Kong North Borneo Rhodesia and Nyasaland, Federation of Sarawak Singapore West Indies Federation: Antigua Grenada.	1,000,000	-		500,000
Egyptian Region Syrian Region United Kingdom of Great Britain and Northern 2,240,000 United States of America 12,000,000 9 Uruguay 120,000 Yenezuela 350,000 Yugoslavia 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 1,013 Switzerland 348,837 Viet-Nam 25,714 Other contributors Bahrein British Honduras Brunei Gaza Authority Hong Kong North Borneo Rhodesia and Nyasaland, Federation of Sarawak Singapore West Indies Federation: Antigua Grenada.	287,191			•
United Kingdom of Great Britain and Northern	•	340,000		106,907
United Kingdom of Great Britain and Northern		83,000		8,108
Northern		-		-
United States of America. 12,000,000 9 Uruguay. 120,000 Yugoslavia. 350,000 Yugoslavia. 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 3,500 Liechtenstein	1,000,000	5,400,000	280,000 , _ ,	658,000
Uruguay. 120,000 Venezuela. 350,000 Yugoslavia 116,667 Non-member States Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 3,500 Liechtenstein		11,500,000 £/	1,750,000 a/g/	9,500,000 h
Venezuela. 350,000 Yugoslavia. 116,667 Non-member States 1,190,476 Germany, Federal Republic of 1,000 Korea, Republic of 3,500 Liechtenstein — Monaco 1,013 Switzerland. 348,837 Viet-Nam. 25,714 Other contributors Bahrein — Brunei — Gaza Authority — Hong Kong — North Borneo — Rhodesia and Nyasaland, Federation of — Sarawak — Singapore — West Indies Federation: — Antigua — Grenada —	10,012,011		1,100,000	2,000,000 =
Yugoslavia 116,667 Non-member States 1,190,476 Germany, Federal Republic of 1,000 Korea, Republic of 3,500 Liechtenstein — Monaco 1,013 Switzerland 348,837 Viet-Nam 25,714 Other contributors Bahrein — Brunei — Gaza Authority — Hong Kong — North Borneo — Rhodesia and Nyasaland, Federation of — Sarawak — Singapore — West Indies Federation: — Antigua — Grenada —	44,000	_	6,000	_
Non-member States Germany, Federal Republic of	150,000	40,000	15,000	200,000
Germany, Federal Republic of 1,190,476 Holy See 1,000 Korea, Republic of 3,500 Liechtenstein — Monaco 1,013 Switzerland 348,837 Viet-Nam 25,714 Other contributors Bahrein — Brunei — Gaza Authority — Hong Kong — North Borneo — Rhodesia and Nyasaland, Federation of — Sarawak — Singapore — West Indies Federation: — Antigua — Grenada —		23,233	20,000	200,000
Holy See				
Korea, Republic of 3,500 Liechtenstein — Monaco 1,013 Switzerland 348,837 Viet-Nam 25,714 Other contributors Bahrein — British Honduras — Brunei — Gaza Authority — Hong Kong — North Borneo — Rhodesia and Nyasaland, Federation of — Sarawak — Singapore — West Indies Federation: — Antigua — Grenada —	476,190	238,095	209,524 3,000 ² /	523,810
Liechtenstein — — — — — — — — — — — — — — — — — — —	1,000	-	3,000 ²⁴	1,000
Liechtenstein — — — — — — — — — — — — — — — — — — —	_	-	-	2,000
Switzerland. 348,837 Viet-Nam. 25,714 Other contributors Bahrein — British Honduras — Brunei — Gaza Authority — Hong Kong — North Borneo — Rhodesia and Nyasaland, Federation of — Sarawak — Singapore — West Indies Federation: — Antigua — Grenada —	-		1,100,	702
Viet-Nam	2,026	203	2,041 ^b /	2,041
Other contributors Bahrein	465,116	35,047	156,977. ,	269,100
Bahrein — British Honduras	16,686	2,500	2,500 ^b /	5,000
Bahrein				
British Honduras. — Brunei — Gaza Authority — Hong Kong — North Borneo — Rhodesia and Nyasaland, Federation of — Sarawak . — Singapore . — West Indies Federation: Antigua — Grenada. —				
Brunei	-	-	-	
Gaza Authority Hong Kong North Borneo Rhodesia and Nyasaland, Federation of Sarawak Singapore West Indies Federation: Antigua Grenada.		-	-	350
Hong Kong North Borneo Rhodesia and Nyasaland, Federation of Sarawak Singapore West Indies Federation: Antigua Grenada.	-	-	-	1,633
North Borneo Rhodesia and Nyasaland, Federation of Sarawak Singapore West Indies Federation: Antigua Grenada.	_	78,000		
Rhodesia and Nyasaland, Federation of . — Sarawak	-			3,500
Sarawak. — Singapore. — West Indies Federation: Antigua — Grenada. —			_	327
Singapore West Indies Federation: Antigua Grenada	****		2,823	
West Indies Federation: Antigua			_	3,267
Antigua — Grenada. — —		-	_	6,533
Grenada —				
			-	117
Jamaica	•	-	-	583
		_		5,621
Trinidad and Tobago			-	7,000
TOTALS 29,810,259	25,781,278	21,051,366	3,818,481	18,425,933
TOTAL payments as at 31 October 1959 24,120,623	19,661,777	20,761,810	3,255,529	10,443,396

^{2/} Includes a contribution for World Refugee Year.

b/ Represents contribution for World Refugee Year.

Q/ Includes contribution for scholarships and rent of camps and warehouse sites.

d Part of 1959 contribution.

e/ Estimated amount \$38 million has been pledged to the Expanded Programme of Technical Assistance and the Special Fund subject to the condition that it will not exceed 40 per cent of the total contributions of each of the two programmes.

f/ This amount represents half of the total pledge for the fiscal year 1958-1959. The contribution is subject to the condition that it must not exceed 70 per cent of the total contributions to the programme.

g/ The contribution is subject to the condition that it will be at the rate of one-third of the total governmental contributions to the Fund.

h/ Estimated amount: a total of \$11 million was pledged subject to the condition that the contribution shall not exceed 50 per cent of total governmental contributions to the Fund.

Document A/4267/Add.1

[Original text: English] [29 February 1960]

- 1. The Negotiating Committee for Extra-Budgetary Funds in its report to the General Assembly at its fourteenth session (A/4267) indicated that it would issue as an addendum to the report a review of the results of the meetings of the adhoc Committee of the Whole Assembly to be held during the fourteenth session for the announcement of contributions to UNRWA and to the programmes of the UNHCR. In the light of these results, the Committee would make its recommendations on the continuation of the procedure of a special pledging conference for the two refugee programmes as well as on the extension of the mandate of the Committee itself.
- 2. On account of the late date at which the Pledging Conference was held it was not possible for the Negotiating Committee to issue the addendum to the report in time for the General Assembly to consider it at its fourteenth session. Instead, the Chairman of the Negotiating Committee presented to the Fifth Committee (757th meeting) a supplementary oral report on the Committee's recommendations for future action and these recommendations were endorsed by the General Assembly in resolution 1440 (XIV).
- 3. In order to complete the record, the Negotiating Committee has decided to issue the annexed statement of the financial contributions announced by Governments at the meetings of the <u>ad hoc</u> Committee of the Whole Assembly held on 10 December 1959. The statement lists the contributions pledged to UNRWA and to the programmes of the United Nations High Commissioner for Refugees as well as the special contributions announced for the World Refugee Year. A summary of the results is given in the following paragraphs.

United Nations Relief and Works Agency for Palestine Refugees in the Near East

4. According to the budget estimates submitted by the Director of UNRWA to the General Assembly (A/4213, annex G), approximately \$38.7 million would be required for the 1960 programmes of the Agency. Of this, nearly \$34 million would be needed for the normal programmes of relief and general education, while the balance would be used for expansion of the self-support programme, mainly through increased vocational training and improvements in the general educational system-such as the provision of more university scholarships-and through a programme of individual grants and loans to help to finance small-scale agriculture and commercial enterprises. At the Pledging Conference contributions totalling \$29.9 million were announced by thirty Governments to UNRWA. Of that amount, approximately \$18.3 million were for the 1960 programmes while the balance was for the last half of 1959. If it is assumed that Governments which have not yet pledged for the year 1960 or for the second half of 1960 will, in due course do so at their usual rates, it is reasonable to foresee possible total receipts for 1960 of approximately \$33 to \$34 million; in other words, financing for the normal programmes of relief and education would practically be assured, but no funds would be

available for an expansion of the self-support programmes. The Director of UNRWA has indicated his intention of using contributions received through the World Refugee Year for this latter programme and has expressed the hope that they will be generous.

Programmes of the United Nations High Commissioner for Refugees

5. The financial target approved for the budgetary requirements of the programmes of the United Nations High Commissioner for Refugees for 1960 by the Executive Committee for the High Commissioner's Programme is \$12 million, including \$4.7 million in regular allocations and \$7.3 million in special World Refugee Year allocations. The programmes are the Far Eastern programme, the programme for camp clearance, the fund for special hardship cases, the programme for non-settled refugees living outside camps, particularly those in the handicapped category. the programme for new refugees in Greece, the emergency account for individual cases and the programme for legal assistance (A/4104/Rev.1, appendix II, para. 51). At the Pledging Conference, contributions totalling \$5 million were pledged by twenty-nine Governments to the High Commissioner's programmes. Of that sum, \$3,368,979 was for 1960, including \$529,251 special World Refugee Year contributions, towards the regular programmes. In addition, contributions totalling \$472 667 were announced for the programme for refugees from Algeria and \$27,315 to UNHCR for Chinese refugees in Hong Kong.

World Refugee Year

- 6. At the Pledging Conference for the two refugee programmes, Governments were invited to announce not only the financial contributions which they would make to one or both of the United Nations refugee programmes, but also to describe more generally the various ways in which their countries-the Governments, voluntary organizations and/or private persons-were participating in the World Refugee Year in response to the General Assembly's resolution 1285 (XIII). At the Conference, a total of nearly \$7 million was pledged by Governments as additional contributions on the occasion of World Refugee Year. Targets for fund-raising announced by various national committees and/or non-governmental organizations totalled several times this figure. The formation of national committee, composed often of representatives of nongovernmental organizations and private persons for the purpose, inter alia of raising funds from the general public and to which Governments have often contributed is a typical method of participation in the World Refugee Year. 1/In most cases, the final decision as to how the various funds raised will be allocated has not yet been made but it is fair to assume that a significant portion will eventually be used for the benefit of the refugees under one or the other of the two United Nations programmes.
- 7. The Committee would also wish to refer to the statement made by the Secretary-General at the Pledging Conference in which he pointed out that "... if the various undertakings in progress or being
- 1/ For the complete record of the participation of Governments in the World Refugee Year, targets set by national committees etc., see Official Records of the General Assembly, Fourteenth Session, ad Hoc Committee of the Whole Assembly, first and second meetings.

considered are actually fulfilled, many refugees will find their problems solved and others will have been very greatly helped. Secondly, there are no grounds for complacency: if the World Refugee Year is really to be remembered as a helpful endeavour, it must be seen as a first, and not a last, effort pointing to a more effective and humane approach to refugee problems everywhere".

ANNEX

Table 1

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Contributions announced at the Pledging Conference (\$US equivalents)

Countries	Regular contributions a/		Regular contribu	
Countries	For 1959		For 1960	
h/	\$		\$	
Australia b/	95,200		95,200	
Austria	_		2,000	
Belgium	_		15,000	
Cambodia	_		571	
Canada,			500,000	
Denmarkb/	21,720		21,720	
Federal Republic of Germany			238,095	
Federation of Malaya			1,500	
France	_		122,449	
Ghana			3,000	
Greece	-		15,000	
India	21,000			
Iran	_		5,941	
Ireland	-		7,000	
Italy	-		80,000	
Japan			10,000	
Liberia			5,000	
Morocco	_		4,000	
Netherlands	_		65,790	
Pakistan			21,000	
Sweden			58,000	
Switzerland	-		34,562	
Turkey	-		5,000	
United Kingdom of Great Britain and Northern Ireland	-		5,400,000	
United States of America C/	11,500,000		11,500,000	
Yugoslavia	_		40,000	
Total	11,637,920		18,250,828	
GRAND TOTAL		29,888,748		
		• •		

a/ For special World Refugee Year contributions to UNRWA, see table 3.

Table 2

PROGRAMMES OF THE HIGH COMMISSIONER FOR REFUGEES

Contributions announced at the Pledging Conference

(\$US equivalents)

	Regular contributions 2/		
Countries	For 1959	For 1960	
Australia	112,000	\$	
Austria		6,000	
Belgium		200,000	
Cambodia	_	571	
Canada	_	290,000	
China	_	1,000	
Denmark	mans.	72,390	
Federal Republic of Germany		209,524	

b/ Contribution pledged for 1959/1960.

c/ The contribution of \$23,000,000 pledged to UNRWA for 1959/1960 is subject to the condition that it must not exceed 70 per cent of the total governmental contributions to the UNRWA programmes for that period.

Table 2 (continued)

	Regula		
Countries	For 1959		For 1960
Federation of Malaya	\$		1,000
France			259,184
Ghana			3,000
Greece			9,000
Ireland			4,693
Israel			10,000
Italy	_		3,000
Netherlands	-		139,211
Sweden			116,000
Switzerland			132,489
Turkey	-		2,666
United Kingdom of Great Britain and Northern Ireland			280,000,
United States of America			1,100,000 b/
Total	112,000		2,839,728
GRAND TOTAL		2,951,728	

 $[\]underline{a}/$ For special World Refugee Year contributions to the UNHCR Programmes, see table 3. $\underline{b}/$ The contribution of \$1,100,000 pledged is subject to the condition that it must not exceed 33 1/3 per cent of the total governmental contributions to the regular programmes.

Table 3 WORLD REFUGEE YEAR 2/ Pledges and contributions announced at the Pledging Conference

(\$US equivalents)

	UNHCR				Pledges and contributions	Total of WRY
Countries	Regular programme	Algerian refugees	Chinese refugees in Hong Kong	to national committees and other UNRWA WRY purposes	pledges and contributions announced	
	\$	\$	\$	\$	\$	\$
Australia	112,000	_	_	_	$_{76,923}$ b/	112,000
Austria		_			76,923	76,923
Burma	1,050	-	_	1,050	- 0/	2,100
Canada		_	_	_	810,000 0	810,000
Denmark	347,474			_	14,478 d	361,952
Federation of Malaya	1,000	_		1,500		2,500
Federal Republic of Ger- many	_	_	_	_	125,000 ^b /	125,000
Ghana	_	3,000	_	_	125,000	3,000
Greece	2,500	-	_	2,500		5,000
Holy See	1,000	1,000	1,000	1,000	_	4,000
Mexico	20,000	_		-	_ ,	20,000
Morocco		2,000		_	8 <mark>0,000e/</mark>	82,000
Netherlands	123,947		26,315			150,262
Pakistan	1,050	_	 ,	1,050	_	2,100
Sweden	29,000	_	_	´ –	,	29,000
Switzerland	172,811 . ,	_	_	,	230,415b/	403,226
Thailand	$_{1,250}$ f/	-	_	$1,250^{\frac{f}{L}}$	_	2,500
Tunisia	1,000			1,000		2,000
Union of South Africa	23,000		_	-	_	23,000
United Kingdom of Great Britain and Northern						
Ireland	_	_			560,000 ^b /	560,000
United States of America	770,000	300,000	_	_	2,930,000 ^c /	4,000,000
Yugoslavia		166,667 (in kind)	_	_	_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	166,667
J	1,607,082	472,667	27,315	9,350	4,826,816	6,943,230

a/ The statement covers only the announcements made at the Pledging Conference. A complete report on the results of the World Refugee Year will be submitted by the Secretary-General to the General Assembly at its fifteenth session.

b/ National committee.

c/ For various WRY purposes.

d For Father Pire's programmes.

Services for Algerian refugees.

The approximate value of twenty tons of rice subsequently increased to fifty tons (\$6,250).

Table 4

Summary of pledges and contributions announced at the Pledging Conference
(\$US equivalents)

	UNRWA	UNHCR	World Refugee Year
	\$	\$	\$
Regular contributions	29,888,748	2,951,728	
UNRWA	9,350		9,350
UNHCR regular programmes	•	1,607,082	1,607,082
Algerian refugees		472,667	472,667
Chinese refugees in Hong Kong		27,315	27,315
National committees and other WRY purposes		<u> </u>	4,826,816
	29,898,098	5,058,792	6,943,230

Note: In addition to announcing the financial contributions that have been listed, a number of Governments described the various other measures they are taking to assist refugees on the occasion of the World Refugee Year, such as the public information campaigns carried out in their countries, and the fund-raising targets established by national committees, etc. The measures described included also the admission of refugees not eligible under normal immigration criteria, for instance those suffering from tuberculosis, the handicapped and the aged:

<u>France</u>: Has undertaken the responsibility for 110 refugees coming from Greek camps and 250 old people or hardship cases coming principally from China.

New Zealand: Will receive fifty refugee families including handicapped or elderly members and possibly a further group.

Sweden; Will receive approximately 400 "hard-core" refugees.

DOCUMENT A /4334

Report of the Fifth Committee

[Original text: English] [4 December 1959]

- 1. At its 757th meeting held on 3 December 1959, the Fifth Committee considered the report of the Negotiating Committee for Extra-Budgetary Funds (A/4267). In addition to the report, the Fifth Committee had before it a draft resolution (A/C.5/L.597 and Add.1) submitted by Argentina, Canada, Lebanon, New Zealand and Pakistan.
- 2. The Chairman of the Negotiating Committee, Mr. Arnould (Canada) introduced the Committee's report. Referring to the procedure of holding meetings of an ad hoc Committee of the Whole Assembly for the announcement of contributions to the two refugee programmes, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Programme of the United Nations High Commissioner for Refugees (UNHCR), the Chairman explained that it had this year been necessary to adopt a procedure different from that followed in previous years. As the future of UNRWA was being reviewed by the General Assembly, the Negotiating Committee was of the opinion that it would not be desirable to hold the Pledging Conference for UNRWA until the Agency's future had been decided. It had considered the possibility of separate sessions for the two refugee programmes, but had decided in favour of a joint conference at which Governments would also report on their countries' efforts for the World Refugee Year. This would emphasize the importance of the Conference and mark the occasion of the World Refugee Year. He had now been informed that the date of the Conference had been tentatively fixed for 9 December 1959 pro-
- vided that the item concerning UNRWA had been completed by that time.
- 3. Owing to the late date of the Conference, it would not be possible for the Negotiating Committee to submit to the fourteenth session a supplementary written report analysing the results of the Conference and making its recommendations on the continuation of the procedure of a special pledging conference for the two refugee programmes, as well as on the extension of the mandate of the Committee itself. The Negotiating Committee had, therefore, authorized him to present an oral supplementary report.
- 4. As regards the meetings of the <u>ad hoc</u> Committee of the Whole Assembly, the Negotiating Committee, on the basis of the results of such meetings held in previous years, considered that this procedure had proved its usefulness, and would recommend its continuation. The Negotiating Committee had wished to reiterate the rules for the Conference set out in paragraph 21 of its report, namely: (1) that the meetings should be held as early as practicable in the session; (2) in order to assure maximum attendance as great advance publicity as possible should be given to them, and (3) they should be so scheduled that no other meetings were held at the same time, and it hoped that these rules would be reaffirmed by the General Assembly.
- 5. Concerning the continuation of the mandate of the Negotiating Committee, which expires at the close of the fourteenth session, the representatives of UNRWA,

UNHCR and of UNICEF had expressed the hope that the services of the Committee would continue to be available to them next year. The Committee itself was of the opinion that it had a useful function to perform and taking into account the wishes of the agencies with which it was concerned, decided to recommend that the Negotiating Committee should be re-established for another year. If this recommendation were endorsed by the General Assembly, it would be the intention of the Committee to continue its series of visits to the permanent delegations. The Chairman of the Negotiating Committee stressed, however, that the continuance of the Committee would not in itself discharge the General Assembly from its responsibility for ensuring the financial support for the agencies created by the Assembly to meet a recognized need.

6. The representative of Pakistan, in introducing the joint draft resolution stated that it recommended the continuation of the procedure of convening an ad hoc Committee of the Whole Assembly for the two refugee programmes, and that these meetings be held as early as possible after the opening of the General Assembly when many Ministers for Foreign Affairs were still in New York, which would ensure attendance at the meetings at the highest level. The draft resolution also recommended that the Negotiating Committee be reestablished for another year.

- 7. The question of UNRWA was still before the General Assembly, but from the discussion so far it was evident that assistance to the refugees in some form or another would be continued, a majority of the delegations having requested that the UNRWA mandate be continued.
- 8. The result of the voting on the draft resolution, a separate vote on the phrase "but members of one or more of the specialized agencies" in operative paragraph 2 of part A having been requested by the representatives of the Union of Soviet Socialist Republics, was as follows: The phrase "but members of one or more of the specialized agencies" in operative paragraph 2 of part A was adopted by 44 votes to 8, with 4 abstentions. The draft resolution as a whole was adopted by 48 votes to none, with 8 abstentions.

Recommendations of the Fifth Committee

9. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting on 5 December 1959, the General Assembly adopted draft resolutions A and B submitted by the Fifth Committee (A/4334, para. 9). For the final texts, see resolutions 1440 A (XIV) and 1440 B (XIV) below.

At the same meeting the President of the General Assembly appointed a Negotiating Committee for Extra-Budgetary Funds to serve until the close of the fifteenth session of the Assembly. The Committee is composed as follows: Argentina, Brazil, Canada, France, Lebanon, New Zealand, Pakistan, United Kingdom of Great Britain and Northern Ireland and United States of America.

Resolutions adopted by the General Assembly

1440 (XIV). REPORT OF THE NEGOTIATING COM-MITTEE FOR EXTRA-BUDGETARY FUNDS

A

The General Assembly,

Having considered the report of the Negotiating Committee for Extra-Budgetary Funds (A/4267) appointed at the thirteenth session of the General Assembly,

Decides that:

- 1. An <u>ad hoc</u> Committee of the whole Assembly, under the chairmanship of the President of the session, shall be convened as soon as practicable after the opening of the fifteenth session, where pledges of voluntary contributions for the refugee programmes for the following year would be announced;
- 2. States not Members of the United Nations, but members of one or more of the specialized agencies, shall be invited to attend the meetings of the <u>ad hoc</u> Committee for the purpose of announcing their pledges to the refugee programmes;

3. In order to ensure maximum attendance, as great advance publicity as possible shall be given to the meetings of the <u>ad hoc</u> Committee and they shall be so scheduled that no other meetings are held at the same time.

846th plenary meeting, 5 December 1959.

В

The General Assembly,

- 1. Requests the President of the General Assembly to appoint a Negotiating Committee for Extra-Budgetary Funds consisting of not more than ten members, with the same terms of reference as those laid down in Assembly resolution 693 (VII) of 25 October 1952, to serve from the close of the fourteenth session to the close of the fifteenth session of the Assembly;
- 2. <u>Decides</u> to include in the provisional agenda of its fifteenth session the item entitled "Report of the Negotiating Committee for Extra-Budgetary Funds".

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 46 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4104/Rev.1	Report of the United Nations High Commissioner for Refugees	Official Records of the General Assembly, Fourteenth Session, Supplement No. 11
A/4121	Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General	Ibid., Annexes, agenda item 27
A/4213	Annual report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1958 - 30 June 1959	Ibid., Supplement No. 14
A/C.5/L.597 and Add.1	Argentina, Canada, Lebanon, New Zealand and Pakistan: draft resolution	Adopted without change. See A/4334, para. 9
A/C.5/L.605	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Commit- tee at its 759th meeting see A/4334

ENERAL SSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

fficial Records

genda item 47: Scale of assessments for the apportionment of the expenses of the United Nations:

report of the Committee on Contributions*

CONTENTS ument No. Title Page A/C.5/778 Collection of contributions as at 14 September 1959; report of the Secretary-General. 1 A/4270 Report of the Fifth Committee. 7 tion taken by the General Assembly. 8 seck list of documents. 9

DOCUMENT A/C.5/778

Collection of contributions as at 14 September 1959: report of the Secretary-General

[Original text: English]
[16 September 1959]

- 1. In compliance with Financial Regulation 5.7, and e request made at the 672nd meeting of the Fifth mmittee at the thirteenth session of the General sembly, a statement on the collection of contribuns to the United Nations budget and assessments the United Nations Emergency Force Special count, containing the following tables, is annexed:
- I. Collection of contributions to the United Nations budget for 1959 (including the adjustments of advances to the Working Capital Fund);
- Collection of arrear contributions for the years 1956, 1957 and 1958;
- Collection of assessments to the United Nations Emergency Force Special Fund Account for 1959;

IV. Collections of assessments to the United Nations Emergency Force Special Account for 1957 and 1958.

Each of these tables shows: (a) the amounts payable by Member States as of 1 January 1959; (b) the amounts collected during the periods: January-March, April-June, July-14 September 1959; (c) the balances outstanding on 14 September 1959, and (d) the comparable totals for 1958.

2. As at 14 September 1959, the contributions payable by Member States for the years prior to 1957 have been paid in full, and for 1957 the amounts outstanding represent in all cases less than the total contributions due for that year. At the present time therefore, no Member State is in arrears in the payment of its financial obligations to the Organization to the extent that Article 19 of the Charter would apply.

 ${\it Table~I}$ Collection of contributions to the United Nations budget for 1959

	Net contributions for 1959 (Including adjustments of advances to Work-		Payments received during		Below Justa	
	ing Capital Fund) United States	January/March	April/June	July/14 September	Balance due 14 September 1959	
mber States	dollars		United States dollars			
ghanistan	33,190		33,190.00		-	
pania		1,800.00	<u>-</u>		20,642.00	
gentina	592,118				592,118.00	
stralia	1,012,506	_	506,253.00	506,253.00	<u>-</u>	
stria	258,999	13,000.00	<u> </u>	23,000.00	222,999.00	
lgium	725,003		-	<u>.</u>	725,003.00	
livia	19,381			_	19,381.00	
azil	563,295		30,000.00		533,295.00	
lgaria	94,209		15,000.00	20,000.00	59,209.00	

For the discussion of this item, see Official Records of the reral Assembly, Fourteenth Session, Fifth Committee, 710th, 'th and 742nd meetings; and ibid., Plenary Meeting, 838th eting

 ${\it Table} \ I \ {\it (continued)}$ Collection of contributions to the United Nations budget for 1959

	Net contributions for 1959 (Including adjustments of advances to Work-		Payments received during		
	ing Capital Fund)				Balance due 14 September 1959
Member States	United States dollars	January, March	A pril/June United States dollars	July/14 September	United States dollar
Burma	40.420			14,792.00	25,466.00
Byelorussian Soviet Socialist Republic	263,662	_			263,662.00
Cambodia			15,410.51	7,031.49	
Canada		1,635,107.00	72,294.00		
Ceylon		, <u>, , , , , , , , , , , , , , , , , , </u>	53,881.00		
Chile	140,028			_	140,028.00
China	2,783,910				2,783,910.00
Colombia	162,786	_		-	162,786.00
Costa Rica	22,442				22,442.00
Cuba Czechoslovakia	132,104 473,589	_	150,000.00	155,000.00	132,104.00 168,589.00
Denmark	315,481	315,481.00		133,000.00	100,009.00
Dominican Republic	27,326		27,236.00	90.00	
Ecuador	35,670	_		1,182.71	34,487.29
El Salvador	25,145	25,145.00	_		
Ethiopia	22,550	<u> </u>	-		22,550.00
Federation of Malaya	84,754		84,754.00		_
Finland	201,949	50,000.00	151,949.00		
France	3,698,946	1,500,111.00		1,100,000.00	1,098,835.00
Ghana	39,428		39,428.00		41.155.00
Greece	131,155	20,000.00		90,000.00	41,155.00 3,168.00
Guatemala Haiti	23,168 21,278	20,000.00	_	_	21,278.00
Honduras	22,164				22,164.00
Hungary	242,143		10,585.00	Wildreds.	231,558.00
Iceland	22,442	22,442.00			<u> </u>
India	1,220,176	<u> </u>	790,764.00		429,412.00
Indonesia	256,995		256,995.00		
Iran	102,920		_		102,920.00
Iraq	42,071		_		42,071.00
Ireland	85,298	_		85,298.00	74.000.00
Israel	74,099 1,311,098				74,099.00 1,311,098.00
Italy	1,288,546			_	1,288,546.0
Japan Jordan	22,442		22,442.00		1,200,510.00
Laos	22,442	_	22,442.00		_
Lebanon	28,051	_		_	28,051.00
Liberia	22,442	_	22,442.00	_	-
Libya	22,442	_	—		22,442.00
Luxembourg	32,389		32,389.00		
Mexico	400,832				400,832.00
Morocco	82,989	81.00a	_		82,908.00
Nepal	22,442		519,274.00		22,442.00
Netherlands New Zealand	519,274 225,185	337.00a	319,274.00	224,848.00	
Nicaragua	22,287	-	_		22,287.00
Norway	267,170	249,000.00	18,170.00		
Pakistan	193,278		<u>-</u>	53,278.00	140,000.00
Panama	18,841	*****		<u>.</u>	18,841.00
Paraguay	22,442				22,442.00
Peru	50,613			37,959.75	12,653.25
Philippines	247,888		175 000 00		247,888.00
Poland	706,184		175,000.00		531,184.00
Portugal	103,295 157,394	2,076.00	103,295.00 50,000.00		105,318.00
Romania Saudi Arabia	31,439	2,070.00	31,439.00		
Spain	481,690	<u>-</u>			481,690.00
Sudan	22,550			21,500.29	1,049.71
Sweden	747,544	1,540.00a	200,780.00		545,224.00
Thailand	81,570	-	_	81,570.00	
Tunisia	28,051				28,051.00
Turkey	320,669			160,334.50	160,334.50
Ukrainian Soviet Socialist Republic	1,009,744			117,150.00	892,594.00
Union of South Africa	269,939	269,939.00	******	2 212 214 00	3,812,811.00
Union of Soviet Socialist Republics.	7,625,625			3,812,814.00	150,859.00
United Arab Republic	150,859				130,839.0

 ${\it Table~I~(continued)}$ Collection of contributions to the United Nations budget for 1959

	Net contributions for 1959 (Including adjustments of advances to Work-				
	ing Capital Fund)	January/March	April/June	July/14 September	Balance due 14 September 1959
Member States	United States dollars		United States dollars		United States dollars
United Kingdom of Great Britain					
and Northern Ireland	4,284,814	1,076,349.98	2,504,232.01	352,116.01	352,116.00
United States of America	20,302,115			20,302,115.00	
Uruguay	53,520		_		53,520.00
Venezuela	294,833				294,833.00
Yemen					22,442.00
Yugoslavia		437.30a	80,324.00	97,298.80	<u>-</u>
Totals	57,514,415	5,182,846.28	6,019,969.42	27,263,811.55	19,047,787.75
	Net contributions for 1958 (Including adjustments of advances to Work- ing Capital Fund)				Balance due 14 PSeptember 1958
	United States dollars				United States dollars
Totals	46,760,421	3,049,636.58	6,631,962.45	21,236,786.13	15,842,035.84

^a Credit resulting from exchange difference in respect of the 1958 contribution.

 $Table_{2}^{k}II$ Collection of arrear contributions for the years 1956, 1957 and 1958

,	Catal amount of announ	Payment received during			
	Total amount of arrear contributions due on 1 January 1959	January/ March	A pril/ June	July/ 14 September	Balance due 14 September 1959
Member States	United States dollars		United States dollars	· <u> </u>	United States dollars
Albania	. 8,200.00	8,200.00			_
Argentina			79,690.10		_
Austria	. 208,598.00	208,598.00			-
Belgium	. 41,450.00	41,450.00			
Bolivia		10,200.00		19,845.00	30,473.00
Bulgaria		19,326.00			
Burma	,	11,231.50	1,687.50		8,793.16
Cambodia			2,968.49		
Chile		125,687.20	2,700.17		122,312.16
China		120,007.20	1,000,000.00	993,043.00	2,169,929.05
Costa Rica					2,989.99
Cuba		_			109,677.92
Ecuador			7,920.58	18,238.74	109,077.92
El Salvador.	,		1,920.30	10,230.74	1 200 00
	-,	24,055.00			1,200.00
Ghana Honduras		24,033.00	_		
	,	_		202.402.00	18,374.72
Hungary India			140,000,00	202,193.00	163,667.00
	,	111 542 56	140,000.00		
Iran		111,543.56	-	_	
Israel	,	10,081.00	42,666.00	30,000.00	
Lebanon		_	2,500.00		
Libya			5,320.72		1,065.98
Mexico		300,599.60	non-parameter.	_	
Morocco		55,356.00			_
Nicaragua	9,822.26		9,786.26		36.00
Pakistan		_	_	140,000.00	
Paraguay	18,799.00	_	_	<u> </u>	18,799.00
Peru			65,726.16	_	
Philippines	88,917.59	88,917.59	<u> </u>		
Poland		<u> </u>	333,531.25	_	
Romania		122,924.00			-
Spain		-			503,362.00
Sudan		27.234.29	_	10,116.71	
United Arab Republic/Syria				_	36,316.08

	T-4-1 4-6				
	Total amount of arrear contributions due on 1 January 1959	January/ March	April/ June	July/ 14 September	Balance due 14 September 1959
Member States	United States dollars		United States dollars		United States dollar
Uruguay Venezuela Yemen	185,696.76	17,382.00	185,696.76		122,624.00
Totals	7,799,505.07	1,182,775.74	1,877,493.82	1,413,436.45	3,325,799.06
2	Cotal amount of arrear contributions due on 1 January 1958				Balance due 14 September 1958
	United States dollars				United States dollar
Totals	s 8,828,042.00	1,259,829.83	1,541,683.96	2,279,710.28	3,746,817.93

 ${\it Table~III}$ Collection of assessments to the United Nations Emergency Force Special Account for 1959

	Net Assessments to				Palanas Jus	
	the UNEF Special Account for 1959	January/March	April/June	July/14 September	Balance due 14 September 1959	
Member States	United States dollars		United States dol	lars	United States dollars	
Afghanistan	9,092				9,092	
Albania	6,062				6,062	
Argentina		_	_		168,180	
Australia	271,155		135,578	135,577		
Austria			<u></u>	15,194	50,000	
Belgium	197,018			-	197,018	
Bolivia	•	_	******		6,056	
Brazil ^b	•		90,000		64,535	
Bulgaria	•		_		24,257	
Burma				12,102		
Byelorussian Soviet Socialist Republic			_		71,219	
Cambodia		4,000		2,062	-11,217	
Canada		472,287		2,002		
Ceylon.		412,201	15,132			
	•	_	15,152	_	40,900	
China					,	
China	•				759,151	
Colombia	,		_	Mary Code	46,946	
Costa Rica		_			6,062	
Cuba					37,874	
Czechoslovakia	•	_			131,856	
Denmark	90,894		90,894			
Dominican Republic		_		7,565		
Ecuador			_		9,097	
El Salvador			_	_	7,571	
Ethiopia					9,067	
Federation of Malaya	•	-	25,848			
Finland	54,549	54,549				
France	968,929		968,929			
Ghana	10,643		10,643	_	_	
Greece	34,847	*******			34,847	
Guatemala	7,566				7,566	
Haiti	6,062			_	6,062	
Honduras	6,062		-	_	6,062	
Hungary	63,627		_		63,627	
Iceland	6,062			_	6,062	
Indiab	372,529			_	372,529	
Indonesia	71,204			71,204	<u></u> '	
Iran	31,792	_	_		31,792	
Iraq	13,623				13,623	
Ireland	24,231			24.231	-0,000	
Israel	21,205	_	_	21,205		
Italy	341,053				341,053	
	331,986	_	_	_	331,986	
Japan	331,700			_	551,760	

 ${\it Table~III}~{\it (continued)}$ Collection of assessments to the United Nations Emergency Force Special Account for 1959

	Net Assements to	Payments received during			P-1	
	the UNEF Special Account for 1959	January/March	April/June	July/14 September	Balance due 14 September 1959	
Member States	United States dollars		United States dolla	ars	United States dollars	
'ordan	6,062				6,062	
_aos	6,062		6,062			
_ebanon	7,576				7,576	
_iberia	6,048	_			6,048	
Libya	6,062				6,062	
Luxembourg	9,092	_		9,092		
Mexico	107,564				107,564	
Morocco	21,226		_		21,226	
Vepal	6,062				6,062	
Netherlands	152,790		152,790		<u>—</u> ′	
New Zealand			<u></u>	63,545	_	
Nicaragua	6,062	_			6,062	
Norway	74,255		74,255			
Pakistan	60,522			60,522		
Panama	6,056	_		—	6.056	
Paraguay	6,062				6,062	
	16.649				16,649	
PeruPhilippines	65,172				65,172	
				—	•	
Poland	207,514		20.202	_	207,514	
Portugal	30,283		30,283		51 440	
Romania	51,442				51,442	
Suadi Arabia	9,087		_		9,087	
Spain	140,826			_	140,826	
Sudan	9,067			-	9,067	
Sweden	210,606		210,606			
Thailand	24,246			24,246		
Tunisia	7,576				7,576	
Turkey	89,389		-		89,389	
Ukrainian Soviet Socialist Republic	272,747			- .	272,747	
Union of South Africa	84,786	-		84,786	_	
Union of Soviet Socialist Republics	2,063,805			_	2,063,805	
United Arab Republic	48,432				48,432	
United Kingdom of Great Britain and						
Northern Ireland	1,173,737			850,000	323,737	
United States of America	4,943,146		4,943,146			
Uruguay	18,164			_	18,164	
Venezuela	75,806				75,806	
Yemen	6,062				6,062	
Yugoslavia ^b	53,034				53,034	
Totals	15,163,774	530,836	6,754,166	1,381,331	6,497,441	
	Net contributions to UNEF Special Account for 1958				Balance due 14 September 1958	
	United States dollars				United States dollars	
Totals	25,000,000	988,750	9,096,624	900,874	14,013,752	

^b Invoices, when received for services rendered in connexion with the contingents provided by Brazil, India and Yugoslavia to UNEF, will be set off against the unpaid contributions.

Member States	T-4-1		Payme	nts received duri	ng	
	Total amount of arrear contributions due on 1 January 1959		January/ March	April/ June	July/14 September	Balance due 14 September 1959
	Unit	ted States dollars United States		d States dollars	Un	United States dollars
Afghanistan		17,814		_	_	17,814
Albania		15,876	_	_	_	15,876
Argentina		456,869		_		456,869
Belgium		369,559	369,559			
Bolivia		19,845			_	19.845
Bulgaria		55,565				55,565

 $Table\ IV\ (continued)$ Collection of arrear assessments due for the United Nations Emergency Force Special Account for the years 1957 and 1958

	Potal amount of on	Payn	uring		
Member States	otal amount of arrear contributions due on 1 January 1959	January/ March	A pril/ June	July/ 14 Septemb	Balance due 14 er September 1959
	United States dollars	Un	ited States dolla	ars	nited States dollar.
Burma	. 25,000	25,000	_	_	
Byelorussian Soviet Socialist Republic				-	188,010
Cambodia		7,876			
Chile	. 116,569	<u> </u>			116,569
China	. 1,907,548				1,907,548
Costa Rica					11,876
Cuba	. 77,662				77,662
Zechoslovakia		-	-		328,393
Ecuador	. 19,845		_	8,345	11,500
El Salvador	. 23,814			<u>.</u>	23,814
Ethiopia	. 43,659				43,659
Ghana		20,923		_	
Greece	. 76 ,879				76,879
Honduras					11,876
Iungary					165,072
celand		_			10,000
ndia°					1,161,283
ran		_		77,662	27,000
rag					35,627
reland	4 = ' 0 0 0	45,000			
apan	•	480,000			
ordan		100,000			15,876
ebanonebanon			_		19,845
iberia			6,048		1,828
		_	0,040	_	15,876
ibya	202,020			_	202,828
Mexico		47,627	_		202,020
Morocco	44'084	47,027			11 076
Vepal			7,938		11,876
Vicaragua			1,938	_	10.045
² anama				_	19,845
Paraguay		_	_		15,876
Peru		_			44,534
Philippines					160,227
Coland		_			609,159
Romania					195,948
audi Arabia					27,783
pain					444,962
Sudan	`		_		43,659
unisia		19,845			
Curkey					75,545
Jkrainian Soviet Socialist Republic			_	_	721,759
Inion of Soviet Socialist Republics	. 5,455,676			-	5,455,676
Inited Arab Republic:	440.202				4.0.000
Egypt	. 140,383	_	_	-	140,383
Syria	31,752	000.000			31,752
Inited Kingdom of Great Britain and Northern Ireland		990,000		·*·····	47 502
Jruguay		_	 ,	-	47,503
Venezuela		-		_	125,165
demen					15,876
⁷ ugoslavia	. 104,383	104,383			
Total	s 15,416,724	2,110,213	13,986	86,007	13,206,518
a	tal amount of arrear miributions due on 1 January 1958		-		Balance due 14 September 1958
v	nited States dollars			(Inited States dolla
Total	s 8,844,988	774,645	2,917,878	63,406	5,089,059

^o Invoices, when received for services rendered in connexion with the contingents provided by India to UNEF will be set off against the unpaid contributions.

DOCUMENT A/4270

Report of the Fifth Committee

[Original text: English]
[12 November 1959]

- 1. The Fifth Committee, at its 710th meeting held in 28 September 1959, and at its 717th meeting held in 9 October 1959, considered the item entitled "Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions". The Fifth Committee had before it he report of the Committee on Contributions A/4112) and a report of the Secretary-General A/C.5/778) on the collection of contributions as at 4 September 1959.
- 2. The Chairman of the Committee on Contribuions, in introducing the Committee's report, paid a ribute to Mr. Arthur S. Lall, who had been Chairman of the Committee for six years. He drew attention to he two main questions dealt with in the Committee's eport:
- (a) The assessment of the new Member State, the Republic of Guinea;
- (b) Consideration, under General Assembly resolution 1308 B (XIII) of 10 December 1958, of the possibility of making available to Member States the tatistical and other information at the Committee's lisposal.

Assessment of the Republic of Guinea

- 3. The Chairman explained that the Committee on Contributions had taken into account the excepionally difficult situation of the new Member State and had recommended that its assessment should be he minimum of 0.04 per cent. The existing United Vations scale of assessments was approved by the General Assembly (resolution 1308 A (XIII)) for the hree years 1959, 1960 and 1961 and, rather than revise he three-year scale, the Committee had recommended hat the assessment of Guinea should be additional to he existing scale of 100 per cent. Should the Commitee have to consider the assessment of other new Members before the next review of the scale to be indertaken in 1961, the inclusion in the scale of the issessment for Guinea could be re-examined. In the ight of the General Assembly's decisions in respect of the Member States admitted in 1955, 1956 and 1957, he Committee had recommended that Guinea should contribute for 1958—the year of its admission to nembership—one-ninth of the assessment for the full
- 4. The representative of Guinea, referring to the conomic difficulties of his country as a newly independent State, asked that it be exempted from any contribution to the United Nations. His request was supported by the Ethiopian delegation. After an explanation by the Chairman of the Committee on Contributions that the General Assembly had established a minimum assessment of 0.04 per cent for all Member States, and that the Committee had no authority to exceed it, the representative of Guinea accepted the Committee's recommendations for its assessment.
- 5. The Fifth Committee approved unanimously the issessments recommended for the Republic of Guinea.

- AVAILABILITY OF THE DATA AT THE DISPOSAL OF THE COMMITTEE ON CONTRIBUTIONS
- 6. The Chairman of the Committee on Contributions explained that under General Assembly resolution 1308 B (XIII) the Committee had considered the possibility of making available to Member States, on their request, the statistical and other information at its disposal. As the statistics on estimates of national income were not strictly comparable for all Member States, the Committee had to take into account the varying quality of the available data and, before arriving at its final assessments, to make, in the case of each country, a detailed study of all relevant statistical and other economic data at its disposal. The conversion of the national income estimates into a common currency unit also presented various difficulties affecting the comparability of the data. The material was complex and drawn from many sources, and since a full report of the Committee's deliberations could not be given, publication of the basic material might be misleading and entail discussion of intricate and controversial issues which could not readily be resolved in a committee of more than eighty members. For that reason, the General Assembly had appointed the Committee on Contributions, a small group of experts. The Committee had, however, proposed (A/4112, para. 23) that Member States which so desired should be given access to the background documentation on the basis of which their own assessments had been established.
- 7. At the 717th meeting of the Fifth Committee, the following draft resolution (A/C.5/L.568) was submitted jointly by Ecuador and Venezuela:
 - "The General Assembly.
 - "Considering the wish expressed by certain Member States that their representatives should have access to the statistical and other information at the disposal of the Committee on Contributions,
 - "Having examined the report of the Committee on Contributions in this connexion (A/4112, section IV),
 - "Considering that while in principle the material at the disposal of the Committee on Contributions should be available to all Member States, there are practical difficulties, as pointed out by the Committee, in the way of general disclosure of the information in question,
 - "1. Notes with approval the suggestion by the Committee on Contributions that all the statistical and other factual information pertaining to the assessment of any individual Member State should, on its request, be made available to that Member; and
 - "2. Recommends that the Committee on Contributions review this matter periodically, so that, as far as the Committee deems it feasible, any future requests for information from representatives of Member States wishing to acquaint themselves with other statistical information and supplementary

material used by the Committee as a basis for its recommendations may be granted."

- 8. In introducing the draft resolution, the representative of Ecuador recalled the reasons which, in 1958, had prompted certain delegations to request that consideration be given to the possibility of making an arrangement whereby Member States might, on their request, acquaint themselves with the material on which the Committee on Contributions based the scale of assessments. The proposed arrangement for making available to Member States the information on which their own assessments had been based constituted a step forward. Under that arrangement, however, a Member State whose assessment had been increased would not be able to compare its own assessment with that of another country whose economic situation might be similar. The Committee had advanced cogent arguments for not making available to all Member States the whole of the material at its disposal, drawing attention in particular to the practical difficulties involved and to the fact that the Committee had been granted discretionary power in the evaluation of any of the relevant factors. Account had been taken in the draft resolution of all those points.
- 9. A number of delegations expressed support for the draft resolution as representing a reasonable compromise that met the requirements of certain delegations and paid due regard to the observations of the Committee on Contributions. Other delegations stressed that the establishment of the scale was a complex matter involving not only statistical material but also factors of judgement. Without reference to those factors, the material at the disposal of the Committee might be misleading, and, as the Committee on Contributions had pointed out, there would be no practicable method of acquainting Member States with all the considerations that guided it in the preparation of the scale. Furthermore, as the material was voluminous, it might prove difficult for Member States to undertake a sufficiently detailed study of the data, and they might reach conclusions based on inadequate information. The complexity of the task was one of the main reasons why it had been entrusted to the Committee on Contributions, a small group of experts whose competence and impartiality had always been recognized. There was the further consideration that, were access to all the material to be authorized, Member States might be reluctant to continue supplying confidential information to the Committee on Contributions. That would have an adverse effect on the work of the Committee and, in the last analysis, on the scale of assessments. For those reasons, many delegations favoured the existing system, which had worked satisfactorily for many years.
- 10. Some delegations, while not opposed to the draft resolution, had certain reservations with regard to the wording of the third preambular paragraph and the second operative paragraph. They were not convinced that it would be desirable to adopt the principle that the material at the Committee's disposal should be made available to all Member States. The phrase in operative paragraph 2 "as far as the Committee deems

- it feasible" might also be open to differing interpretations. In reply to questions raised, the Chairman of the Committee on Contributions pointed out that if the principle laid down in the third preambular paragraph was adopted, Member States might insist on the principle and assume that it was for the Committee or Contributions to solve the practical difficulties.
- 11. In the course of the discussion, several ora amendments were proposed and drafting suggestions made in connexion with the third preambular paragraph and operative paragraph 2 of the draft resolution. The representative of Ecuador agreed, on behalf of the sponsors, to the following revised text of the two paragraphs:

Third preambular paragraph

"Considering that while it would be desirable i the material at the disposal of the Committee or Contributions could be made available to all Mem ber States, there are practical difficulties, as pointed out by the Committee, in the way of general dis closure of the information in question."

Operative paragraph 2

- "Recommends that the Committee on Contributions review this matter periodically so that, at the discretion of that Committee, any future requests for pertinent information from representatives o Member States wishing to acquaint themselves with other statistical information and supplementary factual material used by the Committee as a basis for its recommendations may be granted."
- 12. The representative of the United Arab Republic suggested the addition of the phrase "subject to the consent of the countries concerned" after the words "at the discretion of that Committee" in operative paragraph 2. The amendment was considered unneces sary by the representative of Ecuador, since it must be assumed that the Committee on Contributions would consult with Member States before releasing confidential information supplied by them in connexion with their assessments.

DECISION OF THE COMMITTEE

13. At the request of the representative of India the third preambular paragraph and operative paragraph 2 of the draft resolution were voted on separately. The third preambular paragraph, as amended was adopted by 42 votes to 16, with 8 abstentions Operative paragraph 2, as amended, was adopted by 41 votes to 14, with 10 abstentions. The draft resolution as a whole, as amended, was adopted by 44 votes to one, with 20 abstentions.

Recommendation of the Fifth Committee

14. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

[Text adopted by the General Assembly without change See "Action by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting, on 17 November 1959, the General Assembly adopted the draft resolutions submitted by the Fifth Committee (A/4270, para. 14). For the final texts, see resolutions 1373 A (XIV) and 1373 B (XIV).

Resolutions adopted by the General Assembly

1373 (XIV). Scale of assessment for the apportionment of the expenses of the United Nations

Α

The General Assembly Resolves that:

- 1. For the years 1959, 1960 and 1961 the assessment or Guinea shall be 0.04 per cent, which shall be in addition to the scale of assessments of 100 per cent contained in paragraph 1 of General Assembly resoution 1308 A (XIII) of 10 December 1958, and shall be applied to the same bases of assessment as for all other Member States;
- 2. Guinea, which became a Member of the United Nations on 12 December 1958, shall contribute for the year of admission to membership an amount equal to one-ninth of 0.04 per cent applied to the net budget or 1958;
- 3. The advance to the Working Capital Fund by Guinea, under regulation 5.8 of the Financial Reguations of the United Nations, shall be 0.04 per cent of the total amount of the Fund and shall be carried as an advance additional to the authorized level of the Fund pending the inclusion of the rate of assessment or Guinea in the scale of 100 per cent.

838th plenary meeting, 17 November, 1959.

В

The General Assembly,

Considering the wish expressed by certain Member States that their representatives should have access to the statistical and other information at the disposal of the Committee on Contributions,

Having examined the report of the Committee on Contributions in this connexion (A/4112, part IV),

Considering that, while it would be desirable if the material at the disposal of the Committee on Contributions could be made available to all Member States, there are practical difficulties, as pointed out by the Committee, in the way of general disclosure of the information in question,

- 1. Notes with approval the suggestion of the Committee on Contributions that all the statistical and other factual information pertaining to the assessment of any individual Member State should, on its request, be made available to that Member;
- 2. Recommends that the Committee on Contributions review this matter periodically, so that, at the discretion of that Committee, any future requests for pertinent information from representatives of Member States wishing to acquaint themselves with other statistical information and supplementary factual material used by the Committee as a basis for its recommendations may be granted.

838th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 47 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
1/4112	Report of the Committee on Contributions	Official Records of the General Assembly, Fourteenth Session, Supplement No. 10
\/C.5/L.568	Ecuador and Venezuela: draft resolution	Incorporated in A/4270, para. 7
\/C.5/L.582	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 742nd meeting, see A/4270

ANNEXES

GENERAL ASSEMBLY



FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 48: Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account**

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DOCUMENT A /4229

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[2 October 1959]

- 1. In accordance with paragraph 7 of General Assembly resolution 519 A (VI) of 12 January 1952, the Advisory Committee on Administrative and Budgetary Questions has considered a note by the Secretary-General (A/4163) submitting the audit reports for the year ended 31 December 1958 relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account of the Expanded Programme of Technical Assistance.
- 2. The total of allocations (and other credits) made during the year under review from the Special Account to organizations participating in the Expanded Programme amounted to \$33,914,242. In addition, an amount of \$2,091,100 was available to the United Nations from the Organization's regular budget,

bringing the total funds available to all the participating organizations to \$36,005,342. Obligations were incurred during the year to a total of \$33,960,894, excluding costs charged to funds provided by recipient Governments for local costs. The excess of available funds over obligations incurred thus amounted to \$2,044,448 which, together with savings and miscellaneous income of \$794,426, results in a total balance as at 31 December 1958 of \$2,838,874.

3. The following table shows the proportion which administrative and operational services costs have borne to total obligations (excluding obligations against local costs assessments) incurred during the year 1958 by the several participating organizations:

	Total obligation (1)	Administrative and operational services costs (2)	Column (2) as of colum (3)	n (1) a/
	United S	tates dollars		
International Labour Organisation	3,422,850	497,748	14.54	(14.05)
Food and Agriculture Organization of the United Nations United Nations Educational, Scientific and Cultural Organiza-	8,352,499	1,195,078	14.31	(13.35)
tion	5,447,695	505,278	9.28	(11.90)
International Civil Aviation Organization	1,284,496	149,335	11.63	(11.74)
World Health Organization	5,602,112	722,418	12.90	(12.52)
World Health Organization	9,851,242	1,472,409	14.95	(14.58)
	33,960,894	$\overline{4,542,266}$	13.37	(13,39)

a/Corresponding percentages for 1957 are given in parentheses.

^{*}Document A/4163 relating to agenda item 48 appears as a separate fascicle.

^{**}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 741st meeting; and ibid., Plenary Meetings, 838th meeting.

b/ Including amounts in respect of the International Telecommunication Union and the World Meteorological Organization. Figures also include obligations incurred against funds made available from the United Nations regular budget.

- 4. It should be noted that the percentages shown above, which relate (except in the case of the United Nations) solely to expenditures charged to allocations from the Special Account, are not entirely meaningful as indices of the administrative overhead of technical assistance activities. This is because the facilities provided to the programme from the regular budgets vary from organization to organization. In addition, in the context of a growing integration of the regular and expanded programmes, which is a prerequisite for their effectiveness, the identification of the extra costs attributable to the Expanded Programme not only appears somewhat illogical but, in practice, is becoming increasingly difficult, artificial and time-consuming.
- 5. Having regard to these circumstances, and on the basis of recommendations made by the Advisory Committee (A/3832 and A/4130), the Economic and Social Council, at its twenty-sixth and twenty-eighth sessions, has taken the following decisions (resolutions 702 (XXVI) of 31 July 1958 and 737 (XXVIII) of 30 July 1959):
- (a) All participating organizations should consolidate in their regular budgets all administrative and operational services costs of their Expanded Programme activities, and should arrange for a consolidated review of the total budget by their respective legislative organs;
- (b) Allocations from the Special Account towards the administrative and operational services costs of the organizations would be made in lump-sum amounts (which would be treated by the organizations as income in aid of the regular budget);
- (c) For 1959, the lump-sum allocations would be in amounts not exceeding the corresponding allocations for 1958; 1/
- (d) The lump-sum allocations for subsequent years would be as follows: $1/\sqrt{}$
- (i) For 1960, in amounts not exceeding the corresponding 1959 allocations;
- (ii) For 1961, in amounts which shall be half-way between the 1960 allocations and the equivalent of 12 per cent of 1959 project allocations including local cost assessments;
- (iii) For 1962, in amounts equivalent to 12 per cent of the 1959 project allocations including local cost assessments.
- 6. One of the consequences of these measures is to bring the totality of the administrative overhead of an organization in respect of all of its programmes (including the Expanded Programme) under effective legislative review, in one piece, by the appropriate bodies of the organization. Incidentally, also since the administrative and operational services costs of Expanded Programme activities will no longer be separately identified, an analysis of the kind reflected in the table under paragraph 3 above will become inappropriate. Significance will attach rather to an analysis of the total administrative arrangements and

- overhead of each organization in support of all its operational activities. This kind of analysis will doubtless be undertaken by the budgetary bodies of the participating organization and will also be covered in the annual report of the Advisory Committee on the administrative budgets of the specialized agencies.
- 7. Reference is made in the audit reports in respect of the ILO and WHO to the fact that the Technical Assistance Board (TAB) finance manual had not been kept currently up to date. The external auditor has also raised the question of the scope of the detailed material to be included in the manual. On the first point, the Advisory Committee understands that a complete revision of the manual was issued in April 1959 and that arrangements have been made to keep the organizations currently informed of all revisions. As to the scope of the material for inclusion in the manual, the Committee is informed that, inasmuch as internal financial procedures vary among the organizations, it is necessary in the interests of uniformity to include sufficiently detailed rules in the TAB manual.
- 8. The Advisory Committee would suggest that efforts should be made in the Administrative Committee on Co-ordination and TAB to obtain greater uniformity in the financial rules that are applied to the regular programmes in the different organizations. The Committee would also reaffirm its previous view 2/that, so far as practicable, the TAB financial rules and procedures might be brought more closely into line with those followed in respect of the regular programmes.
- 9. The external auditor of FAO has pointed out that, although on an over-all basis obligations incurred remained within allocations and other available funds, obligations in respect of "general earmarkings" (i.e., generally convertible currencies) exceeded the relevant allocations by \$55,645. The Advisory Committee understands that while FAO has agreed with TAB that a recurrence of this situation should be avoided, under decisions of the Technical Assistance Committee, no distinction is made between currencies in respect of earmarkings.
- 10. As regards the problem of unliquidated obligations, to which attention was drawn in 1958, 3/ the Advisory Committee understands that the participating organizations have agreed in TAB that there should be a more careful and conservative estimating of the amounts needed to meet unliquidated obligations. Evidence of this approach is found in the fact that the trend of the last few years showing an increase in unliquidated obligations from year to year has now been reversed. Thus the funds set apart at the end of 1958 for unliquidated obligations of prior years amounted to a total of \$5,497,497 as compared with \$6,012,540 at the end of 1957.

^{1/}The Council also decided on exceptional treatment in certain cases (see resolutions cited).

^{2/}See Official Records of the General Assembly, Ninth Session, Annexes, agenda item 45, document A/2661 (separate fascicle) paras. 26 to 28.

^{3/&}lt;u>Ibid.</u>, <u>Thirteenth Session</u>, <u>Annexes</u>, agenda item 49, document A/3975, para. 5.

DOCUMENT A/4275

Report of the Fifth Committee

[Original text: English] [13 November 1959]

1. At its 741st meeting, held on 10 November 1959, the Fifth Committee considered the agenda item entitled "Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account". The Committee had before it a note by the Secretary-General transmitting these reports (A/4163) as well as a report of the Advisory Committee on Administrative and Budgetary Questions (A/4229).

Recommendation of the Fifth Committee

2. The Fifth Committee decided unanimously to recommend to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting, on 17 November 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4275, para. 2). For the final text, see resolution 1374 (XIV).

Resolution adopted by the General Assembly

1373 (XIV). AUDIT REPORTS RELATING TO EXPENDITURE BY SPECIALIZED AGENCIES OF TECHNICAL ASSISTANCE FUNDS ALLOCATED FROM THE SPECIAL ACCOUNT

The General Assembly

<u>Takes note</u> of the audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account for the financial year ended 31 December 1958 (A/4163), and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as set forth in its sixteenth report to the General Assembly at its fourteenth session (A/4229).

838th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 48 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3832	Allocation of the administrative and operational services costs of technical assistance between regular and Expanded Programme budgets: report of the Advisory Committee on Administrative and Budgetary Questions	Mimeographed
A/4130	Allocation of the administrative and operational services costs of technical assistance between regular and Expanded Programme budgets: report of the Advisory Committee on Administrative and Budgetary Questions	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 49
A/4163	Note by the Secretary-General	Ibid., separate fascicle.

GENERAL ASSEMBLY

Official Records



ANNEXES

FOURTEENTH SESSION
NEW YORK, 1959

[Original text: English] [22 July 1959]

DOCUMENT A/4163

Audit reports for the year ended 31 December 1958 relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account

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Note by the Secretary-General

- 1. In accordance with the requirements of General Assembly resolution 519 A (VI) adopted on 12 January 1952, there are submitted herewith the audit reports for the year ended 31 December 1958 relating to expenditures by the specialized agencies of technical assistance funds alocated from the Special Account. Paragraph 7 of the resolution reads as follows:
 - "Calls on the specialized agencies participating in the Expanded Programme of Technical Assistance to provide, in their regular budget documents, information concerning their estimates for the expenditure of technical assistance funds; and to transmit to the General Assembly, for examination and approval, the audit reports relating to expenditure of technical assistance funds allocated from the Special Account after approval of the appropriate audit reports by the general conferences of their agencies or by such other authorities of the agencies as are constitutionally authorized to approve them."
- 2. Attached to the present document is a combined statement (annex 1) showing the status of funds of all the participating organizations under the Expanded Programme as at 31 December 1958, which summarizes the separate audited financial statements submitted by the specialized agencies, together with similar information regarding the transactions of the United Nations as a participating organization in the Programme and the cost of the Technical Assistance Board secretariat.
- 3. The audited financial statements of the specialized agencies are attached as annexes 2 to 8; these comprise for each agency the financial statement showing the status of its funds, in the forms prescribed by the Technical Assistance Board, bearing the certificate of the external auditors, and the relevant audit report submitted to the general conference of the agency concerned. As in pre-

¹ ITU submitted a statement of account in Swiss francs certified correct by the Acting Secretary-General.

¹ Audit reports of specialized agencies, Annexes (XIV)

vious years, the detailed supporting schedules furnished by the several agencies, to which references are made in the financial statements, are not included in this submission but are made available to the Advisory Committee on Administrative and Budgetary Questions.

- 4. The audit reports of the following agencies for the year 1958 have been approved by their general conference:
- (a) The International Telecommunication Union, on 11 June 1959;
- (b) The World Meteorological Organization, on 4 May 1959;
- (c) The International Labour Organisation, on 18 June 1959;
- (d) The International Civil Aviation Organization, on 9 July 1959;
- (e) The World Health Organization, on 22 May

The audit reports for the years 1957 and 1958 relating to the accounts of the Food and Agriculture Organization will be submitted to the tenth session of the FAO Con-

ference to convene in November 1959. The United Nations Educational, Scientific and Cultural Organization's audit report for 1957 was approved by the Executive Board on behalf of the UNESCO General Conference on 3 December 1958; the report for 1958 will be submitted for approval at the next session of the UNESCO General Conference, which will be held in November 1959.

- 5. The audited financial statements of the United Nations as a participating organization in the Expanded Programme are presented in the financial reports and accounts for the year ended 31 December 1958.² Also included in the same document are financial statements in respect of the secretariat of the Technical Assistance Board, as well as a statement (schedule H) showing the status of the Special Account as at 31 December 1958.
- 6. A consolidated statement which reflects the financial transactions of the Expanded Programme as a whole is attached as annex 9.

² See Official Records of the General Assembly, Fourteenth Session, Supplement No. 6.

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

Combined statement showing the status of funds of participating organizations and the technical assistance board secretariat at 31 December 1958. Based on the accounts certified by their external auditors (Expressed in United States dollars)

Total

		(1)	n presseu	in Onneu	Siutes au	11473)					
Francisco of allocations and other income and allocations	United Nations	<i>ITU</i> •	<i>WM0</i>	1LO	FAO	UNESCO	ICAO	WHO	Total participating Organizations	TAB Secretariat	Total (Expanded Programme)
Excess of allocations and other income over obliga- tions incurred as at 31 December 1957	1,306,264	460	6,020	743,701	761,824	2,054,966	93,380	677,957	5,644,572	66,391	5,710,963
verted in 1958. Allocations during 1958. Provision from United Nations budget.	(808,094) 7,468,857 2,091,100	(460) 24,500	(1,320) 50,000 —	(293,701) 3,298,030	(480,783) 8,380,732 —	(316,560) 4,590,866 —	(27,317) 1,287,500	(220,039) 5,317,459 —	(2,148,274) 30,417,944 2,091,100	(66,391) 1,966,600 —	(2,214,665) 32,384,544 2,091,100
	10,058,127	24,500	54,700	3,748,030	8,661,773	6,329,272	1,353,563	5,775,377	36,005,342	1,966,600	37,971,942
Less: Obligations incurred during 1958: Project costs (gross)	8,849,590 (470,757)			3,160,771 (235,669)	7,749,964 (592,543)	5,266,180 (323,763)	1,277,532 (142,371)	5,326,970 (447,276)	31,631,007 2,212,379		31,631,007 2,212,379
Projects cost (net)	8,378,833 939,666 453,348	6,481 18,474	27,734 26,706	2,925,102 288,491 209,257	7,157,421 644,861 550,217	4,942,417 225,613 279,665	1,135,161 25,732 123,603	4,879,694 515,007 207,411	29,418,628 2,673,585 1,868,681	1,955,222	29,418,628 2,673,585 3,823,903
	9,771,847	24,955	54,440	3,422,850	8,352,499	5,447,695	1,284,496	5,602,112	33,960,894	1,955,222	35,916,116
Excess of allocations over obligations incurred	286,280	(455)	260	325,180	309,274	881,577	69,067	173,265	2,044,448	11,378	2,055,826
Add: Savings on liquidation of prior years' obligations. Miscellaneous income	273,068 103,616 (63,332)		— — (4)	148,288 4,603 (5,849)	245,682 38,765 (30,856)	101,922 6,909 (29,379)	1,824 5,204 (13,675)	25,319 7,573 (25,252)	796,103 166,670 (168,347)	14,116 7,090	810,219 173,760 (168,347)
Balances as per certified accounts as at 31 December 1958	599,632	(455)	256	472,222	562,865	961,029	62,420	180,905	2,838,874	32,584	2,871,458
Represented by: Cash at banks and on hand Undrawn allocations Amounts receivable, advances, etc	1,201,692 1,430,386 358,991 	24,500 ———————————————————————————————————	5,127 — — — 5,127	731,380 658,248 26,903 1,416,531	463,855 834,452 481,504 1,779,811	701,948 1,158,141 343,869 	134,359 (76,206) 107,111 165,264	749,520 209,211 43,970 1,002,701	3,987,881 4,238,732 1,362,348 9,588,961	41,003 111,610 31,981 ————————————————————————————————————	4,028,884 4,350,342 1,394,329 9,773,555
Less: Unliquidated 1958 obligations Unliquidated 1957 obligations Accounts payable and sundry credit balances	1,673,805 342,508 375,124	24,955	4,813	417,629 248,311 278,369	886,159 152,700 178,087	695,928 158,286 388,715	74,010 27,384 1,450	629,599 161,410 30,787	4,406,898 1,090,599 1,252,590	100,217	4,507,115 1,090,599 1,304,383
	2,391,437	24,955	4,871	944,309	1,216,946	1,242,929	102,844	821,796	6,750,087	152,010	6,902,097
	599,632	(455)	256	472,222	562,865	961,029	62.420	180,905	2,838,874	32,584	2,871,458

[•] ITU submitted a statement of account in Swiss francs certified correct by the Acting Secretary-General.

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

STATEMENT SHOWING THE STATUS OF FUNDS OF THE INTERNATIONAL LABOUR ORGANISATION AS AT 31 DECEMBER 1958

(Expressed in United States dollars)	\$	\$
Balance as at 31 December 1957		743,700.87
Less: Excess of 1957 allocations and other income over obligations incurred surrendered to the Special Account		293,700.87
Balance, reallocated in 1958		450,000.00 3,298,030.00
Obligations incurred during 1958: \$ Project costs (schedule A) (gross)		3,748,030.00
Project costs (net) Operational services costs (schedule B) Administrative costs (schedule C)	2,925,101.76 288,490.76 209,257.14	3,422,849.66
Excess of allocations and other available funds over obligations incurred		325,180.34
Other income: Savings on liquidation of prior years' obligations	148,288.12 4,602.80	
Less: Exchange adjustments (net)	152,890.92 5,848.83	147,042.09
Balance as at 31 December 1958, to revert to the Special Account		472,222.43
Represented by: Cash at banks, on hand or in transit	731,380.24 658,247.91 26,902.78	
Less:		1,416,530.93
Unliquidated obligations, 1958	417,628.48 248,310.56 278,369.46	944,308.50
		472,222.43
Certified correct (Signed) D. W. Stacey Chief of the Budget and Control Service		H. WHEELER and Financial Comptroller

AUDIT CERTIFICATE

The financial statements relating to the net allocations made to the International Labour Organisation in connection with the Expanded Programme of Technical Assistance for Economic Development of Under-developed Countries for the year ended 31 December 1958, have been examined in accordance with the directions of the undersigned. All the information and explanations required have been obtained, and this is to certify, as a result of the audit, that, in the opinion of the undersigned, the above Statement and the related schedules of project costs, operational services and administrative costs are correct, subject to the observations in my report.

> (Signed) UNO BRUNSKOG External Auditor

AUDIT RELATING TO THE OPERATIONS OF THE INTERNATIONAL LABOUR ORGANISATION UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE YEAR 1958

- 1. I certify the correctness of the statement submitted by the International Labour Organisation showing the status of the Special Account for the Expanded Programme of Technical Assistance as at 31 December 1958.
- 2. The balance to be returned to the Special Account for the Technical Assistance Programme amounted to \$472,222, of which \$255,000, representing supplies and equipment ordered prior to 30 November 1958 but not delivered before 31 December 1958, will be re-allocated to the International Labour Organisation for 1959. The net surplus for 1958 was consequently \$217,222 of which \$147,042 arose out of savings on the liquidation of the obligations of prior years, of receipt of miscellaneous income and exchange adjustments.
- 3. In 1958 there were savings on unliquidated obligations for 1956 amounting to \$148,288. These savings are made up as follows:

	Unliquidated obligations at the end of 1956 \$	Savings as at 31 December 1958 \$
Experts	168,988 196,018 12,002	84,874 74,313 4,867
	377,008	164,054
Less:		
Exchange and other adjustments		15,766
NET SAVINGS		148,288

The savings under the item "Experts" relate to savings on the provisions for annual leave (\$36,078), income tax (\$13,390) and travel and various expenses (\$35,406).

The savings in the obligated amounts relating to fellows and worker trainees were made up as follows:

Savings due to:

	\$
Cancellations	35,900
Changes in duration	18,576
Changes in study programme	19,837
Total	74,313

4. Accounts receivable and other credit balances amount to \$27,369. Three trust funds, made available by the Governments of Iran, of Tunisia and of Venezuela to be used for Technical Assistance projects to be carried out by the Organisation in accordance with requests received from those Governments, have been credited to this account.

The situation of these funds is as follows:

	Government of Iran \$	Government of Tunisia \$	Government of Venezuela
Balance available as at 1 January 1958 Received during 1958	43,774 14,257	18,371 50,000	246,200
Disbursements during 1958	58,031 33,253	68,371 43,956	246,200 3
Balance as at 31 December 1958	24,778	24,415	246,197

As at 31 December 1958, this account also included a credit of \$2,562 representing balances of gifts destined to various projects of the Andean Indian Programme.

5. The total unliquidated obligations at the end of the year 1958 were composed as follows:

	Balance in respect of 1957 \$	Balance in respect of 1958 \$	Total \$
Fellows and worker trainees Experts and seminars Equipment delivered but not paid	160,240 88,064 7	217,713 195,067 4,848	377,953 283,131 4,855
Total	248,311	417,628	665,939

Experience gained during recent years enabled the Organisation to reduce the provisions for unliquidated obligations relating to 1958 thereby reducing the savings likely to be reported in subsequent years.

- 6. The administrative and operational services costs represent 14.5 per cent of the obligations incurred. The corresponding proportion for the year 1957 was 14 per cent.
- 7. When the United Nations Expanded Programme of Technical Assistance was started it soon became apparent that some basic financial rules would be required for the programme. Consequently, a TAB financial manual was developed in co-operation with participating organizations. This manual contained only rules such as were required to carry out the various resolutions of the United Nations relating to the Special Account and the decisions of the Economic and Social Council, and TAC. The manual was later expanded to include decisions of TAB in respect of financial matters.

During the course of my examination of the ILO technical assistance accounts, I have occasion to refer to this manual from time to time. I noted that during 1958 the manual then in use was the 1957 manual but that various articles had been revised during the year 1958. These revisions were finally circulated in a document dated 3 February 1959, more than one month after the close of the year to which the financial rules applied.

Quite apart from the difficulties which this situation produces for the agencies concerned, I consider it to be an unsatisfactory situation for me in carrying out my audit of the accounts during the year. I urge that TAB bring up to date its finance manual and keep it up to date so that it will be available during the financial year to which it applies and not after the closing of the financial year.

Geneva, 24 March 1959

(Signed) Uno Brunskog External Auditor

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

Statement showing the status of funds of the Food and Agriculture Organization as at 31 December 1958

(Expressed in United States dollars)

Balance as at 31 December 1957	\$	\$ 761,824.00
balance as at 31 December 1937		701,824.00
Less: Excess of 1957 allocations and other income over obligations incurred surrendered to the Special Account		480,783.00
Balance, reallocated in 1958		281,041.00
Allocations from contributions and other available funds in 1958		8,380,732.10
		8,661,773.10
Obligations incurred during 1958:		, ,
Obligations incurred during 1938. Project costs (schedule A) (gross) 7,749,963.43 Less: Local cost allocations 592,542.54		
Project costs (net)	7,157,420.89 644,860.96 550,217.41	8,352,499.26
Excess of allocations and other available funds over obligations incurred		309,273.84
Other income: Savings on liquidation of prior years' obligations	284,447.58	
Less: Exchange adjustments (net)	30,856.83	253,590.75
Balance as at 31 December 1958, to revert to the Special Account		562,864.59
Represented by: Cash at banks, on hand or in transit	463,855.11 834,452.08 481,503.64	1,779,810.83
Less: Unliquidated obligations, 1958 Unliquidated obligations, 1957 Acounts payable and other credit balances	886,159.41 152,699.96 178,086.87	1,216,946.24
	•	562,864.59
(Signed) W. K. Mudie Chief, Finance Branch		ed) B. R. Sen rector-General

AUDIT CERTIFICATE

I have examined the above Statement. I have obtained all the information and explanations that I have required, and I certify, as the result of my audit, that in my opinion this statement and the related schedules of costs are correct.

(Signed) E. G. COMPTON (Comptroller and Auditor-General, Great Britain)

External Auditor

EXTRACT FROM THE REPORT OF THE EXTERNAL AUDITOR TO THE CONFERENCE OF THE FOOD AND AGRICULTURE ORGANIZATION ON THE ACCOUNTS OF THE REGULAR PROGRAMME FOR THE YEAR ENDED 31 DECEMBER 1958

Allocation of administrative and operational services costs between regular and expanded technical assistance programmes

In previous reports my predecessor commented on the problem of the proper allocation of headquarters and regional costs between the regular and technical assistance programmes. He mentioned that the broad conception of the Technical Assistance Board's regulations was that the administrative and technical services of the participating agencies should be available for the Technical Assistance Programme and that only the identifiable additional costs involved should be recovered from technical assistance funds. This method of allocation created a special problem for FAO because its technical assistance programme was exceptionally large in relation to the regular programme, with the result that a disproportionate share of the actual costs fell to be borne by the regular programme budgets.

This basis of allocation continued in use throughout 1958. Following consideration by the United Nations Advisory Committee on Administrative and Budgetary Questions and by the organizations concerned, however, ECOSOC adopted resolution 702 (XXVI) dated 31 July 1958 which provided that, for 1959, allocations from the Expanded Programme Special Account for administrative and operational services costs of the participating organizations would be met in the form of lump-sum amounts which should not exceed, and should preferably be less than, the corresponding amounts allocated for 1958. For subsequent years these lump-sum amounts may not be exceeded unless the allocation for project costs proposed for any participating organization vary by more than 10 per cent from the 1959 allocation for the same purpose. The resolution also requested the Advisory Committee to consider whether or not the regular budgets of participating organizations should assume all, or a specific part of the administrative and operational services costs of the Expanded Programme.

F

REPORT OF THE EXTERNAL AUDITOR TO THE CONFERENCE OF THE FOOD AND AGRICULTURE ORGANIZATION ON THE ACCOUNT OF THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE YEAR ENDED 31 DECEMBER 1958

- 1. Part III of the accounts of the Food and Agriculture Organization for the year ended 31 December 1958 consists of the statement of account of the technical assistance funds allocated to the organization, together with the related schedules of project, operational services and administrative costs. The statement and schedules are in the form prescribed by the Technical Assistance Board.
- 2. My examination has been carried out in conjunction with my audit of the accounts of the regular programme of the organization and in accordance with the financial regulations of the organization and the statement of principles governing audit procedure annexed to those regulations. I have also examined the reports of the Internal Auditor, the effectiveness of whose work during the year has materially facilitated my own examination. In accordance with the arrangements made between the Technical Assistance Board and the Joint Panel of Auditors of the United Nations, a certified copy of the statement and schedules, and a copy of this report, have been sent to the Board. A copy of that part of my report on the regular programme which refers to the allocation of overhead costs between the regular and technical assistance programmes has also been sent to the Board.
- 3. In the course of my examination a number of questions have been raised with the organization and answered satisfactorily. The subjects dealt with below alone appear to call for separate mention in my report.

Analysis of 1958 allocations, obligations and contractual commitments

4. Article 16.1 of the Technical Assistance Board manual on financial policies and procedures provides:

"Each participating organization shall keep its relevant obligations at all times within (i) funds earmarked to it for its current year's programme (ECOSOC resolution 521 (XVII), (ii) the amounts re-allocated for firm contractual commitments as at 30 November of the previous financial year, and (iii) the Working Capital and Reserve Fund authorizations for contingency purposes. Limitations by currencies shall be observed."

Statement I of the EPTA account shows that the over-all excess of allocations and other available funds over the obligations incurred was \$309,274. The following analysis of allocations, obligations and contractual commitments shows, however, that obligations in respect of "general earmarkings" (i.e. generally convertible currencies) exceeded the relevant allocations by \$55,645.

			Restricted dirocutions				
Allocations	General earmarkings \$ 7,524,300	Contingency allocations \$ 363,311	Brazilian services \$ 92,921	Danish \$ 115,200	USSR \$ 285,00 0	7;otals 8,380, 732	
Re-allocation for 1957 contractual commitments					214,351	281,041	
Obligations	7,590,990 7,646,635 ¹	363,311 333,365	92,921 92,921	115,200 90,873	499,351 188, 7 05	8,661,773 8,352,499 ¹	
Contractual commitments	(55,645) 19,317	29,946 —		24,327	310,646 277,294	309 ,27 4 296,611	
Balances	(74,962)	29,946		24,327	33,352	12,663	

² After deducting \$592,543 for local cost allocations.

- 5. Under article 14.1 of the Board's manual, all unobligated funds in the hands of participating organizations as at 31 December revert to the Special Account. This article provides, however, for sufficient funds to be reallocated to organizations, within the final figures of unobligated funds in their hands at 31 December, to enable them to honour their contractual commitments in respect of orders for supplies and equipment placed by 30 November but still undelivered at 31 December. To this end, participating organizations are asked to submit to the Board statements showing their contractual commitments by project and the currency group in which the respective obligations were incurred. The analysis in paragraph 4 above shows that contractual commitments in respect of "general earmarkings" (generally convertible currencies) amounted to \$19,317 but that as obligations had exceeded the relevant allocations there was no balance under this head available for reallocation.
- 6. The TAB have approved, subject to audited accounts, reallocations in respect of these and other contractual commitments amounting in all to \$296,611 out of the over-all balance of unobligated funds in their hands at 31 December 1958 (\$309,274). I observe, however, that this unobligated balance was composed of currency holdings made available only for restricted purposes, and the carry-over of contingency allocations which under article 14.1 (vi) would normally revert to the Special Account.

Ex gratia payments and statement of losses and writes-off

- 7. I have examined the circumstances in which the ex gratia payment of \$578 was made during 1958 and the losses and writes-off totalling \$4,168 which are listed in the financial report accompanying these accounts. I have no comments to make upon them.
- 8. I wish to record my appreciation of the willing co-operation of the officers of the organization during my examination.

(Signed) E. G. COMPTON (Comptroller and Auditor-General, Great Britain) External Auditor

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

STATEMENT SHOWING THE STATUS OF FUNDS OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AS AT 31 DECEMBER 1958

(Expressed in United States dollars)

Balance as at 31 December 1957	\$	\$ 2,054,966
Less:		2,001,000
Excess of 1957 allocations and other income over obligations incurred sur- rendered to the Special Account		316,560
Balance, reallocated in 1958		1,738,406 4,590,866
		6,329,272
Obligations incurred during 1958:		
Project costs (schedule A) (gross) 5,266,180 Less: Local cost allocations 323,763		
Project costs (net)	4,942,417 225,613 279,665	5,447,695
Excess of allocations and other available funds over obligations incurred	And the state of t	881,577
Other income:		
Savings on liquidation of prior years' obligations	101,922 6,909	
	108,831	
Less: Exchange adjustments (net)	29,379	79,452
Balance as at 31 December 1958, to revert to the Special Account		961,029
Represented by:		
Cash at banks, on hand or in transit	701,948 1,158,141 343,869	2,203,958
Less:		
Unliquidated obligations, 1958	695,928 158,286 388,715	1,242,929
		961,029
CERTIFIED CORRECT (Signed) R. HARPER-SMITH Comptroller	(Signed) Vittori	APPROVED no VERONESE ector-General

AUDIT CERTIFICATE

I have examined the foregoing statement. I have obtained all the information and explanations that I have required, and I certify, as the result of my audit, that in my opinion this statement and the related schedules of cost are correct.

(Signed) E. G. COMPTON (Comptroller and Auditor-General, Great Britain)

External Auditor

REPORT OF THE EXTERNAL AUDITOR ON THE STATEMENT SHOWING THE STATUS OF ALLOCATIONS TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AS AT DECEMBER 1958

- 1. The statement is in the form set out in annex IV to the Technical Assistance Board Finance Manual, as revised by the Board's circular letter TAB/CM/901/ADD.1 dated 3 February 1959.
- 2. Allocations from contributions and other available funds in 1958 were \$4,590,866, compared with \$4,604,348 in 1957, and the balance reallocated in 1958 was \$1,738,406, compared with \$1,500,750 in 1957. Income from allocations and reallocations therefore increased from \$6,105,098 in 1957 to \$6,329,272 in 1958, an increase of three per cent. As the statement shows, the excess of allocations, etc., over obligations was \$881,577, being approximately 14 per cent of the total allocations for the year. Obligations amounting to \$897,559, however, had been cancelled as at 31 December 1958 because goods or services had not been received or rendered by that date. Before this adjustment the contract commitments actually entered into by the organization exceeded the unobligated balance of \$881,577 by \$15,982. This over-commitment was due to a shortfall of \$37,137 in total income consequent on lower earnings from local costs, allocations for which were, on reassessment, reduced by the Technical Assistance Board after the close of the year of account.
- 3. About 32 per cent (\$2,053,554) of the allocations, etc., in 1958 consisted of certain specified currencies for which utilization targets were prescribed by the Technical Assistance Committee. Obligations in the specified currencies recorded during 1958 in respect of projects to which these allocations related amounted to \$2,050,813 of which \$1,501,966 represented contractual commitments entered into in 1957 or earlier, the funds for which were reallocated in 1958. Obligations amounting to \$754,426 were cancelled owing to the non-delivery of goods by 31 December 1958.
- 4. The net loss on exchange during the year was \$29,379 as shown in the statement: of this figure \$19,554 resulted from the devaluation of the French franc from 420 to 494 to the United States dollar with effect from 29 December 1958.

(Signed) E. G. COMPTON Comptroller and Auditor-General, Great Britain External Auditor

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

Statement showing the status of funds of the International Civil Aviation Organization as at 31 December 1958

(Expressed in United States dollars)

Balance as at 31 December 1957	\$	\$ 93,380
Less:		·
Excess of 1957 allocations and other income over obligations incurred sur-		27,317
rendered to the Special Account		
Balance, reallocated in 1958		66,063 1,287,500
Obligations incurred during 1958:		1,353,563
Project costs (schedule A) (gross)		
Project costs (net)	1,135,161 25,732 123,603	1,284,496
Excess of allocations and other available funds over obligations incurred		69,067
Other income:		
Savings on liquidation of prior years' obligations	1,824 5,204	
Less: Exchange adjustments (net)	7,028 13,675	(6,647)
Balance as at 31 December 1958, to revert to the Special Account		62,420
Represented by:		
Cash at banks, on hand or in transit	134,359 (76,206) 107,111	165,264
Less:		
Unliquidated obligations, 1958 Unliquidated obligations, 1957 Accounts payable and other credit balances	74,010 27,384 1,450	102,844
	***************************************	62,420
CERTIFIED CORRECT (Signed) J. Berrier Director, Bureau of Administration and Services		Approved L Ljungberg etary-General

AUDIT CERTIFICATE

The above statement showing the status of funds of the International Civil Aviation Organization, relating to the Expanded Programme of Technical Assistance, has been examined. I have obtained all the information and explanations required and certify, as a result of the audit, that the statement and the related schedules of project costs, operational services costs and administrative costs, are in accordance with the accounts maintained by the organization and are, in my opinion, correct.

(Signed) Watson SELLAR
External Auditor

- 1. The report on the audit of technical assistance accounts is not included in the audit report on the general accounts of the Organization because the Technical Assistance Board financial manual directs that the "external audit relating to the Expanded Programme shall be reported separately from that of the regular programme activities of the participating organizations".
- 2. The Secretary-General submitted a financial statement for the year ended 31 December 1958, showing the status of funds allocated to the International Civil Aviation Organization for the purposes of the Expanded Programme of Technical Assistance. This statement has been examined and certified as being in accordance with the accounts maintained by the Organization and, in my opinion, is correct.
- 3. An interim examination was made of the accounts in November 1958, while the year-end audit was conducted in February 1959. The various classes of transactions were, as in previous years, test-checked to the extent necessary to establish the correctness of the accounts and fairness of presentation in the financial statement and supporting schedules. All explanations required were provided and it is again recorded that the audit was facilitated by the co-operation extended by officers of the Secretariat.
- 4. Allocations to the Organization for the year 1958 are listed in the statement as being \$1,287,500; in addition a \$66,063 balance from 1957 was reallocated to the Organization for equipment purchased in 1957 but undelivered as at 31 December. The amount available was therefore \$1,353,563. There may be adjustments in this total when the 1958 account-closing confirmation is received from the Technical Assistance Board, but it seems reasonable to assume that, if any, these will be minor.
- 5. Obligations incurred amounted to \$1,284,496 after offsetting \$142,371 provided by recipient Governments as a contribution to experts' expenditures incurred locally. These local cost contributions were in previous years paid in to the central TAB account in New York to defray certain of the local experts' allowances, such as project service allowances, local travel, etc. In 1958, however, the loal cost share was paid direct to the participating agencies as part of the total allocation. A three-year analysis of obligations incurred is:

Project costs:	1956 \$	1957 \$	1958 \$
Personal services	730,114 115,938 130,448 36,556 25,726	736,015 174,885 138,019 80,968 9,078	1,021,006 137,517 67,804 36,064 15,141
Less: local cost allocations*	1,038,782	1,138,965	1,277,532 142,371
	1,038,782	1,138,965	1,135,161
Operational services costs	27,221	29,395	25,732
Administrative costs	114,408	123,971	123,603
	1,180,411	1,292,331	1,284,496

^{*} Local cost allocations were credited to income in 1956 and 1957.

- 6. It will be observed that obligations incurred for personnel services in 1958 increased considerably as compared with previous years. This is due to two factors; the first being the implementation of the new conditions of service for experts as from 1 January 1958, which caused a considerable increase in expert costs; the second reason is the fact that, as mentioned above, the local cost share is for the first time reflected in the project costs shown in this statement. The major decrease in the listing is in fellowship payments. This was dictated by financial considerations rather than by any change in policy. It is also noted that, despite the impact of rising costs, obligations incurred on account of operational services and Headquarters administration were \$4,000 less than those incurred in 1957. As a matter of fact, the \$149,335 outlay was \$16,000 less than the TAB allocations for the year.
- 7. All obligations charged in the year conform with the definition in the Technical Assistance Board finance manual:
 - "'Obligations' represent contracts or purchase orders which resulted or will result in a legal liability for payment of services rendered or goods received by 31 December of the current financial year and, in respect of fellowships, the full cost of completion of fellowships awarded before 31 December of the current financial year; provided that the fellow has been nominated by the requesting Government and accepted by the organization concerned and that a formal letter of award has been issued to the requesting Government, the actual placement of the fellow prior to 31 December in this sense not to be an essential consideration."

Of the 1958 obligations, a total of \$74,010 remained unliquidated at the close of the year, of which \$6,020 was with respect to fellowships.

- 8. By way of information, a total of \$27,384 of 1957 obligations remained unliquidated at 31 December 1958, with \$20,347 in connection with fellowships.
 - 9. The Technical Assistance Board finance manual includes the following direction:

"The participating organizations shall submit to the Board, as soon as audited accounts of the preceding year are available, a statement of supplies and equipment ordered on or before 30 November but not delivered as at 31 December of that year. The statement should identify those orders by project and show the currency group in which the respective obligations were incurred."

The listing prepared in conformity with this direction, and totalling \$66,160, was verified in the audit.

10. The 1958 financial statement shows allocations exceeded to the extent of \$76,206. This may be regarded as a technical or bookkeeping position, because at the financial year-end the organization had \$134,359 in bank accounts which might have applied against the \$76,206 item. However, in so doing, some local financial inconveniences as well as exchange losses might have resulted. For those reasons, no audit exception is taken to the accounting treatment.

(Signed) Watson Sellar External Auditor

6 March 1959

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

STATEMENT SHOWING THE STATUS OF FUNDS OF THE WORLD HEALTH ORGANIZATION AS AT 31 DECEMBER 1958 (Expressed in United States dollars)

Balance as at 31 December 1957	\$	\$ 6 77 ,957
Less:		•
Excess of 1957 allocations and other income over obligations incurred sur-		
rendered to the Special Account		220,039
Balance, reallocated in 1958		457,918
Allocations from contributions and other available funds in 1958		5,317,459
		5,775,377
Obligations incurred during 1958:		
\$		
Project costs (schedule A) (gross)		
Project costs (net)	4,879,694	
Operational services costs (schedule B)	515,007	
Administrative costs (schedule C)	207,411	5,602,112
Excess of allocations and other available funds over obligations incurred		173,265
Other income:		
Savings on liquidation of prior years' obligations	25.319	
Miscellaneous	7,573	
	32,892	
Less: Exchange adjustments (net)	25,252	7,640
Balance as at 31 December 1958, to revert to the Special Account		180,905
Represented by:		
Cash at banks, on hand or in transit	749,520	
Undrawn allocations	209,211	
Accounts receivable, advances, deposits, etc.	43,970	1,002,701
Less:		
Unliquidated obligations, 1958	629,599	
Unliquidated obligations, 1957	161,410	
Accounts payable and other credit balances	30,787	821,796
	•	180,905
Certified correct		
(C) D T T C	/ CO	

(Signed) Ted L. SMITH Chief, Finance

(Signed) Eric RENLUND Director, Division of Budget and Finance

AUDIT CERTIFICATE

The financial statements relating to the allocations made to the World Health Organization in connection with the Expanded Programme of Technical Assistance for Economic Development of Under-developed Countries for the year ended 31 December 1958 have been examined in accordance with the directions of the undersigned. All the information and explanations required have been obtained, and this is to certify, as a result of the audit, that, in the opinion of the undersigned, the above statement and the related schedules of project costs, operational services costs and administrative costs are correct subject to the observations in my report.

(Signed) Uno Brunskog
External Auditor

REPORT ON THE AUDIT RELATING TO THE OPERATIONS OF THE WORLD HEALTH ORGANIZATION UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE YEAR 1958

1. My examination has been carried out in the same way as my audit of the accounts relating to the regular budget of the organization. In this connexion I would point out the following:

When the United Nations Expanded Programme of Technical Assistance was started, it soon became apparent that some basic financial rules would be required for the programme. Consequently, a TAB finance manual was developed in co-operation with participating organizations. This manual contained only such rules as were required to carry out the various resolutions of the United Nations relating to the Special Account and the decisions of the Economic and Social Council and the TAC. The manual was later expanded to include decisions of the TAB in respect of financial matters.

I have noted a tendency to include in the TAB finance manual rules to govern the day to day financial operations of the individual agencies. Such detailed operations are normally covered by the agencies' own financial rules. In the case of WHO, such financial rules have existed practically since the inception of the organization and have been confirmed by the Executive Board and reported to the World Health Assembly; they apply to all funds received and disbursed by the organization. Whilst recognizing the need for a TAB finance manual to deal with the problems peculiar to the Special Account for the Expanded Programme, I consider it to be undesirable to include any such detailed items in the manual for which rules are already in force in the individual agencies, and which could lead to confusion and possibly to conflict in their application.

- 2. The administrative and operational services costs charged against the Expanded Programme represent 11.9 per cent of the total obligations incurred. The corresponding percentage for 1957 was 11.8 per cent.
- 3. Of the unliquidated obligations as at 31 December 1958, amounting to \$791,000, \$528,850 represent fellowships. The total amount of unliquidated obligations relating to fellowships, as originally calculated, was reduced subsequently by 10 per cent as a result of the experience gained during past years.
- 4. As can be seen from exhibit IV the balance to revert to the Special Account of the Expanded Programme of Technical Assistance amounts to \$180,905. Of that amount \$159,485 will be reallocated to WHO in 1959 in order to cover the costs for supplies ordered before 30 November 1958 but not delivered before the end of that year. Consequently, the net surplus for 1958 is in practice reduced to \$21,420, or 0.3 per cent of the total allocations.

(Signed) Uno Brunskog External Auditor

Geneva, 24 March 1959

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

STATEMENT SHOWING THE STATUS OF FUNDS OF THE WORLD METEOROLOGICAL ORGANIZATION
AS AT 31 DECEMBER 1958

(Expressed in United States dollars)

Balance as at 31 December 1957	\$	\$ 6,020
Less:		
Excess of 1955-57 allocations and other income over obligations incurred surrendered to the Special Account		1,320
Balance, reallocated in 1958	•	4,700
Allocations from contributions and other available funds in 1958	,	50,000
		54,700
Obligations incurred during 1958:		
Project costs (schedule A)	27,734 26,706	
	54,440	
Exchange adjustments (net)	4	54,444
Balance as at 31 December 1958, to revert to the Special Account		<u>256</u>
Represented by:		
Cash at banks, on hand or in transit	5,127	
Undrawn allocations		5,127
Taccounter receivable, deviations, deposite, etc. 111111111111111111111111111111111111		0,12.
Less:		
Unliquidated obligations, 1958	4,813	
Unliquidated obligations, 1957	58	4,871
		256
	•	
(Signed) E. H. Cook		D. A. Davies
Chief of the Finance Section	Secre	ctary-General

AUDIT CERTIFICATE

I have examined the foregoing statement. I have received all the information and explanations that I have required, and I certify, as a result of my audit, that in my opinion this statement is correct.

(Signed) E. G. COMPTON (Comptroller and Auditor-General, Great Britain) External Auditor

Report of the External Auditor on the statement showing the status of funds of the World Meteorological Organization as at 31 December 1958

(STATEMENT VIII)

- 11. The statement shows that allocations and reallocations amounting to \$54,700 were available during 1958 to defray the operational and administrative costs of the WMO technical assistance unit. Obligations incurred amounted to \$54,444, leaving \$256 to revert to the Special Account.
- 12. Savings of \$3,353 on administrative costs were used to purchase equipment for the technical assistance field programme of the organization, viz., \$2,722 in Morocco and \$631 in Tunisia.
- 13. I wish to record my appreciation of the willing co-operation of the officers of the organization during my examination.

(Signed) E. G. COMPTON (Comptroller and Auditor-General, Great Britain)

External Auditor

March 1959.

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

Obligations incurred—Administrative costs and operational services costs by the International Telecommunication Union for the period from 1 January to 31 December 1958

(Expressed in Swiss francs)

Administrative costs Personnel services	Cash disbursements 64,545.10 2,384.15 12,141.55	
Total administrative costs		79,070.80
Operational services costs		
Personnel services	21,879.70	
Hospitality	125.75	
Printing	2,063.53	
Communications	3,668.20	
Total operational services costs		27,737.18
. Grand total	_	106,807.98

at an exchange rate of 4.28 Sw.fr. for 1 US \$ = \$24,955.14 (approximate value for information only)

The accounts of the Technical Assistance Section are audited and approved by the authorities regularly responsible for auditing ITU finances.

CERTIFIED ACCURATE
Geneva, 17 February, 1959

(Signed) Gerald C. Gross Acting Secretary-General

Expanded Programme of Technical Assistance for the Economic Development of Under-developed Countries

Consolidated statement of the Special Account for the year ended 31 December 1958 (Expressed in United States dollars)

Balance as at 31 December 1957	or years' contributions	itions and exchan	ge adjustments	\$ 16,621,641 30,425,406 2,091,100 810,219 2,716,995
				52,665,361
Less: Obligations incurred:	Project costs (gross) \$	Operational services costs \$	Administrative costs \$	
United Nations ILO FAO UNESCO ICAO' WHO ITU WMO	8,849,590 3,160,771 7,749,964 5,266,180 1,277,532 5,326,970 —	939,666 288,491 644,861 225,613 25,732 515,007 6,481 27,734	453,348 209,257 550,217 279,665 123,603 207,411 18,474 26,706	10,242,604 3,658,519 8,945,042 5,771,458 1,426,867 6,049,388 24,955 54,440
·	31,631,007	2,673,585	1,868,681	36,173,273
TAB secretariat		• • • • • • • • • • • • • • • • • • • •		1,955,222
Total obligations incurred		• • • • • • • • • • • • • • • • • • • •		38,128,495
Exchange adjustments				103,526
				38,232,021
Balance as at 31 December 1958				14,433,340
				=======================================
Represented by: Cash at banks and on hand Interest bearing account with bank Accounts receivable, advances, deposits, funds in Contributions pledged but not yet received Contributions receivable from Governments towards	transit and service	ces not yet used.		11,338,601 3,908,253 1,686,900 3,656,804 1,066,839 21,657,397
Less:				21,007,007
Unliquidated 1958 obligations			. 1,090,599	7.224,057
	-			14,433,340
Note: The balance as at 31 December 1958 is made used unallocated funds on hand in the Special Account	gations incurred cellaneous income l	ess exchange adjus	tments	700,283 2,055,826 815,632 6,657,671 3,656,804 547,124
				14,433,340

fficial Records

ENERAL SSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

genda item 49: Administrative and Budgetary co-ordination between the United Nations and the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions*

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^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 741st, 1th to 746th and 758th meetings; and ibid., Plenary Meetings, 846th meeting.

ABBREVIATIONS

ACC	Administrative Committee on Co-ordination	IFRB	International Frequency Registration Board
CCIF	International Telephone Consultative	ILO	International Labour Organization
CCIR	Committee International Radio Consultative Committee	IMCO	Inter-governmental Maritime Consultative Organization
CCIT	International Telegraph Consultative Committee	ITU	International Telecommunication Union
CCITT	International Telegraph and Telephone	PASB	Pan American Sanitary Bureau
	Consultative Committee	TAB	Technical Assistance Board
ECA	Economic Commission for Africa	TAC	Technical Assistance Committee
ECAFE	Economic Commission for Asia and the Far East	UNESCO	United Nations Educational, Scientific and Cultural Organization
ECLA	Economic Commission for Latin America	UNICEF	United Nations Children's Fund
Expanded Programme	Expanded Programme of Technical Assistance	UNRWA	United Nations Relief and Works Agency Palestine Refugees in the Near East
FAO	Food and Agriculture Organization	UPU	Universal Postal Union
IAEA	International Atomic Energy Agency	WHO	World Health Organization
ICAO	International Civil Aviation Organization	WMO	World Meteorological Organization

DOCUMENT A/4130

Allocation of the administrative and operational services costs of technical assistance between the budge of the regular programme of technical assistance and the Expanded Programme of Technical Assistance

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: Englis [24 June 195

- 1. The Advisory Committee on Administrative and Budgetary Questions, in its 1958 report on the question of the allocation of the administrative and operational services costs of technical assistance between the Regular and the Expanded Programme budgets (A/3832), recorded the following conclusions and recommendations:
- (a) That each participating organization should consolidate in its regular budget the presentation of all its administrative and operational services costs;
- (b) That there should be a consolidated review of the total administrative and operational services costs by the legislative bodies of the organization;
- (c) That, if the Expanded Programme Special Account must bear a part of the total administrative and operational services costs, there should be an appropriate lump-sum credit to the regular budget from the Special Account:
- (d) That, for 1959, allocations from the Expanded Programme Special Account in respect of these costs should be made in the form of lump-sum amounts which, barring any major change in programmes, should not exceed the corresponding 1958 allocations;
- (e) That there is scope in the participating organizations for further efforts towards a gradual reduction of the total costs of administering their regular and Expanded Programme activities;
- (f) That the Advisory Committee will keep under review the problem whether any part of the total administrative and operational services costs should be financed from the Expanded Programme Special Account, and, if so, how this part can be determined, as a lump sum, on the basis of a simple formula; and that the long-term

need for such a formula as well as its character we depend on whether or not the entire administrative a operational services costs are to be borne on the regular budgets of the participating organizations, a problem which requires further study in the face of the wild divergence of views held on this point by the seve organizations.

2. At its twenty-sixth session, the Economic and Soc Council, having studied this question in the light of 1 Advisory Committee's conclusions and recommendation adopted resolution 702 (XXVI) of 31 July 1958.

In its further consideration of this matter, the A visory Committee took note, in particular, of operatiparagraphs 1, 2 and 3 of section I, and operative pargraph 1 of section II of that resolution.

- 3. At its 1959 summer session, the Advisory Co mittee had before it a note submitted by the Secretar General to the Technical Assistance Committee (TAC/83 and Add.1 and 3) containing the observatic and decisions of the participating organizations in resport the contents of Council resolution 702 (XXVI).
 - 4. The total problem resolves itself into the followin
- (a) The inclusion of all administrative and opertional services costs of an organization in the reguloudget of that organization, with an appropriate lum sum credit to that budget from the Special Account;
- (b) The assumption of these costs by the reguloudget, without any credits from the Special Account
- (c) In the absence of (b) above, the determination of the amount of the lump sum on the basis of a simp practical formula.

- . As regards paragraph 4 (a) above, the Advisory nmittee notes that nearly all the participating organions have expressed their readiness to adopt such a solidated presentation of the costs in question. The siderations which initially prompted the Committee nake this recommendation were outlined in detail in 1958 report (A/3832, paras. 5-10).
- . On the question mentioned in paragraph 4 (b) ve, there appears to be a considerable divergence of vs among the organizations. The United Nations scational, Scientific and Cultural Organization has ressed its willingness to do this gradually, as and en requested by the Council; the other organizations not find themselves able to take a similar position /TAC/83).
- . The Advisory Committee believes that the point at le transcends considerations of mere budgetary technes and procedures; it is a question involving a berate decision of policy which can be taken only by Governments that are assessed to finance the regular gets of the organizations.
- . In the absence of such a decision by Governments, ecomes necessary to pursue the point mentioned in agraph 4(c) above.
- . It appears to the Advisory Committee that, in the sent circumstances, there are at least three possibilities egards such a formula:
- a) The allocation of a somewhat arbitrary, fixed ount to each organization, which would be close to lump-sum credit allocated in 1959;
- b) A special formula of the type suggested earlier pehalf of the Food and Agriculture Organization of United Nations (FAO), (A/3598, paras. 67-69), ch would take account *inter alia* of the size of the anization's Expanded Programme allocations in relato its regular budget;
- c) A flat, common percentage of project allocations ne organization.
-). The formula in paragraph 9 (a) above, besides ig arbitrary and inflexible, would tend to perpetuate sent conditions without encouraging administrative ew and reform with a view to keeping administrative operational services costs as low as possible and thus timizing the amount of resources available for project lementation. Any special formula of the type set out aragraph 9 (b) above would be difficult to apply and Id involve the need for continuous review and modiion. It would also seek to differentiate between orizations on the basis of their internal administrative ctures and procedures, in respect of which certain ments would have to be made. The relationship zeen the size of the regular budget and that of the cations from the Special Account cannot always be sidered as an index of the relative capacity of the ilar budget to provide administrative support. In e cases the regular budget may be largely an adminisve and servicing budget; in others, it may include a tantial portion of funds for technical or operational grammes, grants or subsidies.
- . In these circumstances, the Advisory Committee eves that a formula as cited in paragraph 9 (c) above, flat, common percentage of project allocations offers nple and practical method of determining the lump-credits to be made from the Special Account.

- Naturally, such a percentage formula would be appropriate only within a reasonable range in respect of the size of programmes; it might provide too little for very small programmes and too much for those substantially above general current levels in the case of the larger participating organizations.
- 12. The Advisory Committee would suggest the use of project allocations alone (rather than the total of allocations for direct project costs and for administrative and operational services costs) as the basis for the percentage formula. It will prove simpler to determine the succeeding year's lump-sum payment for "overhead" costs by relating it to the proposed allocation for projects, which is determined first. Furthermore, the Committee would interpret project allocations as the total money allocated for projects from the central account, whether drawn from voluntary contributions and general resources of the Expanded Programme or from local costs assessments. It is assumed for this purpose that the entire allocation from local costs assessments is related to direct project costs rather than to "overhead".
- 13. The proportions which administrative and operational services costs (or allocations, in respect of 1959) bear to project costs (or allocations), as defined above, are given in respect of the years 1958 and 1959 in annex I to the present report. Having regard to the data in that annex, the Advisory Committee considers that, barring substantial changes in the size of the programme, the lump-sum payment to each organization towards its administrative and operational services costs should be brought down eventually to the equivalent of 12 per cent of its project allocations. This would mean that for every 100 units of proposed project allocations an additional 12 units would be provided for administrative and operational services costs. In terms, therefore, of total allocations of funds (by this illustration, 112 units), overhead would represent some 10.7 per cent.1 The Committee would indeed suggest, as a further objective to be achieved in due course, that "overhead" payments could be reduced so that they represented no more than 10 per cent of total allocations to the participating organizations. This would correspond to 11.1 per cent in terms of project allocations alone.
- 14, The fixing of the percentage allocation below the approximate current level would, in the Committee's view, promote care in the administration of projects and a continuous review of the procedures and expenditures in this regard, in order to achieve maximum efficiency and economy in the administrative aspects of the Expanded Programme.
- 15. The Advisory Committee appreciates that a 12 per cent objective (in terms of project allocations) might not be achieved in all organizations within the next few years, and, further, that some measure of flexibility might be needed in the application of the formula to organizations with small budgets. Nevertheless, the Committee is encouraged to suggest this objective by the fact that the corresponding percentage in UNESCO is well below 12 per cent in 1958 and 1959. If the approach suggested in this report is acceptable, the Economic and Social Council would wish (a) to specify a period within which all organizations would be governed by a percentage formula, and (b) to make appropriate provision for the flexibility of application suggested above.

¹ The corresponding percentages for 1958 and 1959 are given in annex II to the present report.

Annex I

ADMINISTRATIVE AND OPERATIONAL SERVICES COSTS AS A PERCENTAGE OF PROJECT COSTS, INCLUDING COSTS CHARGED TO LOCAL COSTS ASSESSMENTS.

Annex II

ADMINISTRATIVE AND OPERATIONAL SERVICES COSTS AS A 1 CENTAGE OF TOTAL COSTS, INCLUDING COSTS CHARGED LOCAL COSTS ASSESSMENTS.

	1958 Obligations	1959 Allocations		1958 Obligations	1959 Allocations
United Nations	15.6	17.1	United Nations	13.5	14.6
ILO	15.7	15.6	ILO	13.6	13.5
FAO	15.4	16.7	FAO	13.4	14.3
UNESCO	9.6	10.9	UNESCO	8.8	9.8
ICAO	11.7	15.3	ICAO	10.5	13.3
WHO	13.6	13.5	WHO	11.9	11.9
ITU	7.1	11.1	ITU	6.6	10.0
WMO	14.9	13.8	WMO	13.0	12.1
Average based on totals	13.9	15.0	Average based on totals	12.2	13.1

DOCUMENT A/4135

Administrative and budgetary co-ordination between the United Nations and the International Atomic Energy Agency

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [8 July 1959]

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I. Introduction

Nature of the inquiry and terms of reference of the Advisory Committee

. The Advisory Committee on Administrative and Igetary Questions met from 23 to 26 March 1959 at headquarters of the International Atomic Energy ency (IAEA) in Vienna, on the invitation of the ector-General of the Agency. The invitation was exded within the arrangements approved in 1954, and ffirmed in 1955 by the General Assembly (resolutions (IX) and 972 (X) and the Fifth Committee (A/1, para. 10 and A/3098, para. 8).

. In terms of the arrangements cited above and of the visions of article XVI of the Agreement between the ited Nations and the Agency, the Advisory Committee 1 consultations with the Director-General on various ters relating to administrative and budgetary coination. The Committee desires to record its grateful reciation of the co-operation and assistance which it gived from Mr. Sterling Cole, Director-General of EA, the Deputy Director-General for Administration, ison and Secretariat and other officials.

(2) Nature of the present report

. The present report follows generally the lines of the visory Committee's special studies of the several speized agencies; however, in view of the fact that the ency's participation in the Expanded Programme of thnical Assistance is of recent origin, there is less pe at this stage for an administrative appraisal of the ization of Expanded Programme funds within an grated programme of activities. Nevertheless, the visory Committee has paid attention to the organizatal administrative arrangements which have been initial in this regard, and their relationship to similar angements under other programmes of the Agency.

. The Advisory Committee will submit later a condated report in which it intends to formulate its genlocolusions and recommendations on administrative budgetary co-ordination between the United Nations the other organizations, with particular reference to mical assistance matters. Meanwhile, the Committee attempted to identify and summarize in this report tain basic factors relating to IAEA, which largely uence and determine what is practicable by way of pperation and co-ordination in the administrative and lgetary fields.

Nature and Structure of the International Atomic Energy Agency

Establishment, composition and purposes of IAEA

. The IAEA is an autonomous inter-governmental anization established under the auspices of the United tions, in terms of a statute which entered into force 28 July 1957 after having been unanimously approved 26 October 1956 by the Conference on the Statute, 1 at United Nations Headquarters and attended by ity Governments. The Agency's relationship with the ited Nations is governed by an Agreement which was oved by the General Assembly on 14 November 1957 solution 1145 (XII)) and by the General Conference the Agency on 23 October 1957. The Agency comsed seventy members as at 30 April 1959.

See document A/4172 in this fascicle.

- 6. The basic objectives of the Agency (article II of the statute) are "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world", and to "ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose". In order to fulfil these objectives, the Agency is authorized to undertake a variety of functions which may be summarized as follows:
- (a) Dissemination and exchange of information, knowledge and skills relating to the peaceful uses of atomic energy, and encouragement and assistance to research in that field:
- (b) Assistance to members in obtaining materials, services, equipment and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes;
- (c) Preparation and establishment of safeguards to ensure that materials, services, equipment, facilities and information made available by the Agency are not used to further any military purpose; establishment of standards of safety for protection of health and minimization of danger to life and property; application, in accordance with the Statute, of these safeguards and standards of safety.

(2) Structure of IAEA

- 7. The Statute provides for two directing authorities—a General Conference and a board of Governors—with an appropriate staff of the Agency, headed by a Director-General (see annex I).
- 8. The General Conference, consisting of representatives of all members, meets in regular annual sessions and in such special sessions as may be convened. The General Conference may, *inter alia*, discuss any questions or matters within the scope of the statute and may make recommendations to the Members of the Agency or to the Board of Governors on any such questions. Apart from the election of ten members of the Board, however, its powers of unilateral decision on substantive questions are limited to matters specifically referred to it for that purpose by the Board. Several important matters, such as the annual budget, reports to the United Nations, and agreements with the United Nations and other organizations, require the approval of both the General Conference and the Board of Governors. ³
- 9. The Board of Governors is composed of twenty-three Member States which are appointed in accordance with a procedure set out in article VI of the statute "to carry out the functions of the Agency in accordance with [the] statute, subject to its responsibilities to the General Conference as provided in [the] statute" (article VI para. F). The Board is organized in such a way as to be able to function continuously and to meet as often as may be necessary. All major policy decisions between the annual sessions of the General Conference are taken by the Board to which the Director-General has to report every two months all major developments in the work of the Agency.

(3) Special position of the Board of Governors

10. It will be seen from the preceding brief account of the structure of the Agency that the Statute accords a special position to the Board of Governors.⁴ The Board

³ Statute of IAEA, article V, paras. A, D, E (5-7) and article VI, para. A (3).

⁴This also obtains in ICAO, with respect to its Council. A major difference between the two bodies is that the ICAO Council has a non-voting, salaried president.

of the Agency is vested not only with legislative and policy-making functions, but with responsibilities of an executive and administrative character, which, in the United Nations and some other organizations, normally belong to the chief administrative officer. Thus the Board is authorized to "carry out" the functions of the Agency; the Board is also responsible for the submission of an annual budget to the General Conference and the exercise of borrowing powers on behalf of the Agency, subject to rules and limitations approved by the General Conference. The Director-General, who is appointed by the Board of Governors with the approval of the General Conference for a term of four years, is "under the authority and subject to the control of the Board". The role played by the Board in elaborating and supervising the implementation of the programme of work of the Agency is indicated by the fact that the Board held seventy-one meetings during 1958.

11. The Advisory Committee has previously, in the case of the international Civil Aviation Organization drawn attention to the risk of overlapping of administrative responsibilty and authority between the governing body of an organization and its chief administrative officer.⁵ While strong reasons probably dictated the arrangements stipulated in the Statute of the Agency, the same risk of overlap and of unclear definition of areas of responsibilty would seem to exist in the Agency also. It is possible that, with the passage of time, the Board will meet less frequently and will increasingly concentrate its attention, in respect of administrative matters, to questions of major importance.

12. It is of interest to note in this regard that in 1959 the Board plans to meet only once every three months as compared with the bi-monthly meetings of 1958. Nevertheless, this reduction in frequency of the meetings of the Board is largely explained by two factors. In the first place, the Board has set up a number of committees which will hereafter carry out much of the preparatory work on questions before the Board. Secondly, the preparatory stage of the Agency, which no doubt required frequent meetings of the Board, is coming to a close.

(4) Committees of the Board of Governors

13. The only permanent subsidiary organ that has been established so far by the Board of Governors is the Scientific Advisory Committee composed of seven scientists nominated by the Director-General with the concurrence of their Governments and appointed by the Board.⁶ In addition, however, the present Board has established the following committees composed of States members of the Board itself:

	M	lember
(a)	Committee to advise the Director-General on the Permanent Headquarters	
(b)	Committee on Agreements for the Supply of Fissionable Source and Other Materials	9
(c)	Committee on Non-Governmental Organizations	8
(d)	Technical Assistance Committee ⁷	17
(e)	Administrative and Budgetary Committee	13

⁵ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 50, document A/3861, para. 19.
⁶ The present members of the Scientific Advisory Committee,

⁷ This committee should not be confused with the Technical Assistance Committee (TAC) of the Economic and Social Council

14. While the existence of the several committees r simplify the task of the Board itself, it will not necessa reduce the programme of meetings in the Agency or workload of the Agency in terms of documentation other meetings services. It is also likely that the great and more frequent the number of meetings of organs subsidiary organs, the greater the pressure on the Sectariat as regards preparatory work. The Advisory Comittee trusts that the situation will be kept under rev in the light of experience with the working of the arrangements.

(5) Structure of the secretariat

- 15. The organizational structure of the secretariat the Agency (see annex II) reflects the considera varied tasks in which it is engaged, and provides for main departments, each under an official at the Dep Director-General level. Four of the departments deal with the substantive aspects of the Agency's activities with fifth, and largest, is concerned with administratiliaison and secretariat services.
- 16. The Director-General is assisted in the task co-ordinating the work of the secretariat by an indepartmental committee which meets weekly and cons of the Director General as the chairman and all Deputy Directors-General. In addition, a Technical Plining Committee, composed of the Deputy Director General, meets regularly in order to discuss exist scientific programmes and to plan future programm. There are also a number of other internal committ which assist in specific fields of activity.
- 17. The Advisory Committee naturally has a spe interest in the arrangements in the secretariat relating administrative, financial and servicing functions. The Department of Administration, Liaison and Sectariat provides these "staff and housekeeping" servicit is also concerned with the general area of liaison; advisory services. The organizational structure of the department is shown in annex III to the present rep
- 18. At the present time the administrative part of secretariat may appear to be somewhat too large by or parison with the substantive and technical services. T is partly due to the fact that the Agency has found much less easy to develop its technical services to the full strength since technical personnel, qualified in field of atomic energy, limited in numbers as they are not easily spared by their countries for internation work. The Advisory Committee has noted two points this regard. In the first place, intensified efforts are be made by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services, even for standed by the Agency to secure the services are the services and the Agency to secure the services are the services and the Agency to secure the services are the services are the services and the services are th
- 19. Apart from the representative of the Direct General at United Nations Headquarters, the Agency no offices away from its headquarters. However, Agency makes considerable use of the field offices other related services of the United Nations and specialized agencies in servicing its field missions a generally, in its work. With the further development its activities, the Agency may feel the need for a gree degree of assistance in the field. Such need, when it ari can, in the Advisory Committee's view, be largely met the assignment of individual officials of the Agency

⁶ The present members of the Scientific Advisory Committee, which is advisory to the Director-General, are the same persons as those usually selected by their Governments to serve on the United Nations Advisory Committee on the Peaceful Uses of Atomic Energy.

isting field offices of other organizations of the United ations family.

20. During the past year, the resources of the secreiat have been supplemented by panels of experts to al with specific questions as well as by the scientists ovided by Governments, at no or nominal cost, for short ssions. The Advisory Committee understands that this ter arrangement has proved extremely useful to the gency, especially in the first year of its operation, hough an indefinite continuation of the arrangement the present scale cannot, in the view of the secretariat, taken for granted. The Committee is informed that the gency may have to assume gradually the cost of obtaint these or similar services.

III. Scope of the Programmes of Work of the Agency

(1) General

- 21. The Agency's programmes of work are financed at the present time through three different means, although the method of financing does not correspond with a clear line of differentiation in the nature and scope of the programmes. The three methods are: (a) the regular budget of the Agency, financed by assessed contributions; (b) the operational budget financed by voluntary contributions and (c) the Special Account of the United Nations Expanded Programme of Technical Assistance.
- 22. A break-down of the estimated expenditures in 1959 from three different sources of financing is given below:

	Regular budget	Operational budget	Expanded Programme	Total
General policy:				
Conference and Board	897		_	897
Administrative and general expenses	1,253	_		1,253
Programme activities: Scientific information and conferences	550	_	_	550
Regulatory activities	1,050	_		1,050
Technical assistance	1,475	1,100	400b	2,975
Supporting technical facilities		400		400
	5,225	1,500	400	7.125

^{*} This covers programmes of a broad "technical assistance" character. See para. 26.

b This figure is minimal. Following an initial allocation of \$200,000, the Agency was advised that, on the basis of demonstrated needs, additional funds bringing the Agency's share up to \$500,000 could be made available from the Contingency Fund of the Executive Chairman of the Technical Assistance Board (TAB)

(2) Programmes under the regular budget⁸

- 23. The programmes financed from the regular budget the Agency cover scientific information and conferces, regulatory and standard-setting functions and a r amount of what may be called "technical assistance" the broad sense of the term.
- 24. The work in respect of scientific information, semurs and conferences is generally related to the Agency's sponsibilities concerning the dissemination and exange of information in fields having to do with the aceful uses of atomic energy. More particularly, the gency's efforts are also directed to preparing the ground r specific activities connected with its regulatory nctions.
- 25. Under article XII of its Statute, the Agency has tain responsibilities both for the establishment and ministration of safeguards against diversion to mility purposes of materials, services and facilities made ailable by it, and for the elaboration of international alth and safety standards as concerns atomic radiation. camples of matters falling within the latter function are development of regulations relating to third party ks resulting from atomic radiation, questions relating

The term "regular budget" is used here, as it is generally lerstood in United Nations organizations, to denote the basic lget which is financed by assessments on all member States in ordance with a scale normally determined by the supreme islative body of the organization concerned. The correspond-budget in IAEA is called the "administrative" budget, a newhat misleading term on which the Advisory Committee nmented in 1958 (document A/4016, paras. 6 and 8). Beging with the 1960 budget, the IAEA secretariat is proposing the of the term "regular budget" instead.

to the transportation of isotopes, waste disposal in international waters, and the protection of the environments of reactors.

- 26. A substantial portion of the regular budget is concerned with assistance to member States in the broad sense of the term. This assistance takes varied forms. It includes conferences and symposia which indirectly assist member States through the subsequent dissemination of the scientific information disclosed at such meetings. It includes exploratory missions by staff members and consultants to member States for the purpose of studies preliminary to the preparation of an Agency project and for work in the actual preparation or such projects. The staff of two secretariat divisions (Exchange and Training of Scientists and Experts, and Economic and Technical Assistance), financed entirely from the regular budget, are devoted to the administration of fellowships and special projects which are financed from the special operations budget. On the other hand, there are no funds in the regular budget itself for the provision of experts on specific projects in a member State or for fellowships and training facilities.
- 27. There is obviously some difficulty in the Agency in classifying expenditures according to a clear definition of technical assistance owing, in part, to the fact that a substantial part of the Agency's basic programme has itself the broad character of assistance to member States.

(3) Programmes under the operational budget

28. In 1958, the operational budget, which was relatively small at \$125,000, was devoted exclusively to the exchange and training of scientists, that is the award of

fellowships. Out of a total number of 287 applications for fellowships received in 1958, awards were made in 210 cases, representing some 73 per cent. A major part of the \$1,500,000 that has been set as a target for 1959 will also be expanded on fellowships.

- 29. An amount of \$400,000 was also approved in the 1959 budget for the construction of functional laboratory facilities needed to carry out activities in connection with the Agency's statutory functions.
- (4) Agency participation in the Expanded Programme of Technical Assistance
 - 30. Beginning with 1959, the Agency participates in

the Expanded Programme of Technical Assistance. Following an initial allocation of \$200,000, the Agency has been advised that on the basis of demonstrated needs. a ditional funds bringing the Agency's share up to \$500,00 could be made available from the Chairman's Contigency Fund. Expenditure in 1959 is estimated as at April at a minimum figure of \$400,000, mostly on fellow ships.

(5) Fields of activity covered by IAEA programme 31. The distribution of expenditures in 1958, the ir

tial year of operations, among fields of activity is show in the following table:

Table 2

1958 EXPENDITURES—BY FIELDS OF ACTIVITY^a

	Regular Budget		Operational Budget		Total	
	Amount (US dollars)	Percentage	Amount (US dollars)	Percentage	Amount (US dollars)	Percentage
Exchange and training of scientists and experts Scientific and technical information		11.77	125,000	100	218,471	23.98
		18.19	<u> </u>		142,790	15.67
Economic and technical assistance	91,819	11.70	_		91,819	10.08
Reactors	60,942	7.76			60,942	6.69
Technical supplies		7.21			56,617	6.21
Health, safety and waste disposal	97,537	12.42	_		97,537	10.71
Research		21.08			165,493	18.16
Isotopes		7.64			59,958	6.58
Safeguards		2.23			17,483	1.92
Inspection					<u> </u>	
	785,110	100.00	125,000	100	911,110	100.00

- ^a The figures include salaries and wages, common staff costs, staff travel, consultants and other temporary staff, seminars and me ings, hospitality, contractual scientific services, scientific and technical supplies and equipment. They do not include common service and supplies or permanent office equipment and furniture.
- 32. While a considerable acceleration of the programme is expected in 1959, no radical changes are likely to take place in the general pattern of distribution of the expenditure among the several fields of activity. Nevertheless, it is anticipated that there may be a relatively greater increase in such fields as scientific information, meetings and seminars, and reactors.

IV. Development and Integration of IAEA Programmes

(1) General

- 33. The procedures for the formulation, review, approval and implementation of programmes of work are virtually indentical for all programmes regardless of how they are eventually financed. All work programmes and projects are consequently included in a general way in the single annual document on the programme and budget submitted by the Board of Governors to the General Conference.
- (2) Procedures for the implementation of programmes
- 34. The standard procedure for the planning of the Agency's scientific and technical operations other than fellowships usually consists of a number of steps:
- (a) Initial planning by divisions, in response to the annual budget call issued in December of the second year preceding the programme and budget year in question; and review within the technical departments concerned;
- (b) Review by the Inter-Departmental Planning Committee, consisting of the heads of the technical departments, to ensure the technical soundness, feasibility

- and integration of the work programme. (The secretar of this committee is provided by the budget office, and t head of the Department for Administration, Liaison a Secretariat attends the meetings in an advisory capacity
- (c) Review and approval by the Director-Genera Inter-Departmental Committee, consisting of the Director-General and the heads of all departments;
- (d) Submission to the Board of Governors, and view by the Administrative and Budgetary Committee the Board;
- (e) Submission to the General Conference, and view by the Programme, Technical and Budget Comittee of the Conference;
- (f) Approval by the General Conference in the a tumn of the year preceding the programme and budayear in question.
- 35. Although these procedures appear somewhat e borate, it is understood that they are much simpler practice. One point which is worthy of comment is th as a result of leaving the initiative for programme form lation with individual divisions, it becomes necessary integrate into a programme elements that are separate conceived, as distinct from working out detailed pla within a general plan of work which in broad outline already envisaged. However, any resulting disadvanta is appreciably reduced, in terms of implementation programmes, by the further attention that is given to a development of actual plans of implementation within a framework of the approved programme. This second review of programmes is dealt with in the succeedi section of the present report.

-) Procedures for the implementation of programmes 36. Within the framework of the annual programme d budget, specific technical assistance projects are anned initially without regard to the eventual source finance. The decision whether to use funds from the erational budget, or to seek financing under the Exnded Programme,9 is taken subsequently in the light of ailable resources, and considerations such as a request a recipient Government that a project should be anced from Expanded Programme funds. The steps
- volved in the implementation of a specific project are: (a) Development of detailed plans of implementation the division concerned; and departmental review of

 (\bar{b}) Notification of plans to the Director-General's

ter-Departmental Committee;

- (c) Submission of major projects to the Board of overnors for its specific approval, with a preliminary view, where appropriate, by the Board's Committee on echnical Assistance;
- (d) Execution of plans by the division or divisions
- 37. The procedure, reflected in step (c) above, for view and approval by the Board of Governors and its ommittee on Technical Assistance may need to be idied further in order to establish clearer criteria to termine which projects require submission to the ard.

(4) Fellowships

38. A special procedure has been devised for the award fellowships, by which the Division of Exchange and aining is basically responsible for the administration the fellowships programme, but makes full use, nerever appropriate, of other technical divisions. wards of fellowships are made by the Director-General the advice of the Head of the Department of Training d Technical Information and in accordance with genal rules approved by the Board of Governors. In this gard, the procedure differs from that relating to other chnical assistance projects which are subject to detailed view and approval by the Board.

39. The Advisory Committee has gone into the details the procedures for the selection of fellows; while these ocedures generally follow the practices of other intertional organizations, they may need to be strengthened order to ensure that available funds are utilized most ectively for training in advanced atomic science, most

ated to the various national needs.

(5) Other projects

- 40. Special procedures have also been established in gard to the formulation and implementation of other rts of the Agency's programme such as fuel supply ojects, conferences and seminars, and research conicts. The Advisory Committee has received detailed inrmation on these procedures, and has no comments to er thereon at the present time.
- 41. As regards exploratory missions, the Advisory mmittee understands that such missions in future will carefully planned on the basis of the over-all proamme of the Agency and that their composition will such as to reduce to a minimum the need for including ministrative and servicing staff.
- Integration of the Agency in the country-programming procedures of the Expanded Programme of Technical Assistance
- This procedure presumably is limited to 1959, pending the olication to the Agency of the country-programming prolures of the Expanded Programme. See also paragraphs 42

- 42. The fact that the Agency had only recently begun participating in the Expanded Programme precluded it from following the usual country-programming procedures (Economic and Social Council resolution 542 B (XVIII) of 29 July 1954) in formulating its 1959 programme to be financed from the Special Account of the Expanded Programme. Consequently, the 1959 programme has been developed on the basis of requests received direct from member States and the recommendations of the preliminary assistance mission or missions and the exploratory missions. No distinction has been drawn in respect of examination of requests between projects financed from the Special Account and those financed out of the Agency's own resources. The Advisory Committee understands that for this purpose the fullest possible use has been made, of the TAB resident representatives and of the regional offices of the specialized agencies.
- 43. The Advisory Committee notes further that the Agency considers its full and speedy integration in the country-programming procedures as most desirable and that it wishes to use the services of the TAB resident representatives to the fullest extent possible. The Committee is, however, informed that this process may be somewhat slow owing to two factors: (a) the lack or slow emergence in the less developed countries of a body of law and of administrative arrangements and practices regulating the peaceful uses of atomic energy; and (b)the absence of regional offices of the Agency. While the first factor is largely dependent on Governments, any retarding effect of the second factor can be overcome by the utilization of TAB resident representatives, by the visits of exploratory missions, and, if necessary, by the assignment of Agency personnel to existing regional offices of sister organizations.

(7) Co-ordination and integration of programmes

- 44. It will be seen from preceding paragraphs that the procedures followed in the Agency for the development and implementation of programmes greatly facilitate the integration of the severally financed activities. Programme co-ordination between the Agency, on the one hand, and the United Nations and the specialized agencies, on the other, is sought not only through formal agreements but, and even more importantly, through close co-operation at the working level on a continuing basis. The Advisory Committee understands that this is particularly effective in respect of the Agency's programme of meetings and seminars, which is circulated to all interested organizations sufficiently in advance to avoid duplication of effort and to facilitate joint sponsorship and, in some cases, joint financing. On the other hand, the Committee learns that it has not been possible as yet to discuss with other agencies the feasibility of joint efforts in the matter of laboratories and research.
- 45. The Agency also maintains close working relationships with various regional inter-governmental agencies and with international non-governmental organizations in the field of atomic energy.10

¹⁰ In accordance with a resolution adopted by the General Conference at its first special session, the following six intergovermental organizations were invited to attend the second governmental organizations were invited to attend the second session of the General Conference: Commission for Technical Co-operation in Africa South of the Sahara (CCTA); European Organization for Nuclear Research (CERN); European Atomic Energy Community (EURATOM); Joint Institute for Nuclear Research; Organization of American States (OAS); European Nuclear Energy Agency of the Organization for European Economic Co-operation (OEEC). Action is pending on the grant of consultative status to some twelve international propagation. grant of consultative status to some twelve international nongovernmental organizations.

V. Administrative aspects of Agency programmes

(1) General administration

- 46. Reference has already been made at various points in the preceding sections to certain of the administrative aspects of the work of the Agency, and more particularly to the organization of the secretariat and the machinery within the secretariat for dealing with various administrative matters. Attention has also been drawn to the size of the administrative set-up in relation both to the total programme of the Agency and to the technical requirements of that programme. It is hoped that over the next few years the administrative arrangements in the secretariat will remain somewhat stable, and that any expansion of the establishment will be confined largely to certain technical divisions. In many cases, and particularly in respect of the exploratory missions mentioned in paragraph 26, it may be difficult to isolate what may be termed administrative and servicing costs as distinct from direct assistance to a member State. Continuing attention would need to be devoted to ensuring that semioperational activities do not involve unduly heavy administrative cost and servicing.
- 47. The distribution of established posts in the Agency by organizational segments is shown in annex IV to the present report.
- 48. The Advisory Committee notes also that in the organization of the administrative, financial and servicing segments of the secretariat, the Agency has been able to utilize the experience of other United Nations organizations through secondment of officials from those organizations. While this has facilitated the work of the Agency, especially in the initial stage, it may not have encouraged the Agency, in some instances, to attempt new and more rational procedures in administrative and financial organization and control.
- 49. The Advisory Committee has inquired into the arrangements and procedures followed in such matters as personnel recruitment, staff services, organization and methods, executive officer functions including departmental administrative work, conference services, communication and records, purchase, procurement and transportation, and maintenance of premises. While these procedures largely follow those traditionally in effect in other international organizations, the Committee has gained the impression that there is in the Agency a relatively greater degree of centralization of administration.
- 50. Reference has been made in paragraph 18 above to the difficulty of recruiting appropriately qualified scientific and technical personnel. In order to minimize this difficulty, the Board of Governors has granted authority to the Director-General to pay, in exceptional cases, a special annual allowance not exceeding \$1,800. The Advisory Committee understands that recourse has been made to this provision only in six cases so far, and even in those cases not up to the full amount of the allowance.
- 51. As regards documentation, the Advisory Committee notes that the Board of Governors has decided to have only summary records of its proceedings, although any member may at any time request the inclusion of a particular statement. The committees of the Board have dispensed with summary records and bring out only a record of decisions or recommendations. The Administrative and Budgetary Committee, however, produces a substantial report on the budget as initially developed

by the Director-General, in which its views on the variou questions within its competence are set forth in detai

(2) Administrative support for technical assistance projects

- 52. The administrative servicing of a technical assist ance project covers various stages, from the receipt of the request from the Government, through the recruit ment and briefing of experts or fellows and servicin in the field, to the final report on the project. In the Agency, the Division of Economic and Technical Assist ance, in the Department of Technical Operations, has primary responsibility for the evaluation of the project request, and the working out of such details as the number of experts required, their qualifications, the approximate duration of the project, equipment required, if any and type of reporting by the project personnel. The division relies on advice from the competent technical departments and divisions in determining the technical soundness of a project.
- 53. The Administrative Office of Technical Assistance, in the Department of Administration, Liaison an Secretariat, is responsible for co-ordinating all nor substantive aspects of projects as well as for liaiso with the central organs of the Expanded Programmand with Member States in regard to project agreement: the acceptance of personnel and financial and administrative support.
- 54. In addition to the Economic and Technical Assist ance Division and the Administrative Office of Technica Assistance, there is also an Inter-Departmental Co ordinating Committee for Technical Assistance,11 whic is responsible for continuing review and co-ordination c all technical assistance activities, including recommenda tion to the Director-General of a chief of project t direct the field work of each technical assistance grou or team; selection and recruiting of experts and the men bers of the field teams, subject to prior approval of th Director-General; assuring the sound management c each project, and the preparation and review of report and projects for submission to the Director-Genera Furthermore, as mentioned in paragraph 38 above, th administration of the fellowships programme is the re sponsibility of the Division of Exchange and Training
- 55. While it would appear that the division of respor sibilities among the units mentioned above is somewhat vague and complex, the Advisory Committee has bee assured that in actual practice these arrangements have worked smoothly. The inter-departmental committee act as a single point of contact for co-ordinating all substantive aspects of the Agency's technical assistance activities. Similarly the Administrative Office of Technical Assistance constitutes a single administrative service to provide to all departments, mainly through the committee, co-ordinated administrative support for all technical assistance activities of the Agency. The Advisor

¹¹ This committee is composed of:

⁽a) The Director of the Division of Economic and Technic Assistance (Chairman);

⁽b) The Head of the Administrative Office of Technic Assistance;

⁽c) One member designated by the Deputy Directory-Gener for Research and Isotopes;

⁽d) One member designated by the Deputy Director-Gener for Exchange and Training;

⁽e) The Director of the Division of External Liaison;

⁽f) The Director of the Division of Budget and Finance;

⁽g) The project officer in respect of the project in questio

Committee is informed that by establishing these two organizational units, the Director-General relieved the departments from the burden of much administrative detail and eliminated the need, within the departments, of special administrative units dealing with technical assistance.

56. The Advisory Committee is nevertheless inclined to the view that some simplification of the machinery, and in particular of the functions covered by the Economic and Technical Assistance Division, the Administrative Office of Technical Assistance and the Division of Exchange and Training, should be possible in the light of experience, as less formal lines of co-ordination and better understood procedures are established.

(3) Administrative and operational services costs

- 57. The question whether the Agency should seek a lump-sum reimbursement from the Special Account of the Expanded Programme in respect of the administrative and operational services costs of the Agency's share of that programme will be considered by the Board of Governors at its session to be held in June 1959. Such costs in respect of the 1959 programme of some \$400,000 are estimated at between \$50,000 and \$60,000.
- 58. The Agency has so far provided in its regular budget the administrative support necessary for its operational programmes financed by voluntary contributions. Thus, for 1959, the entire amount of \$1.5 million in the operational budget will be devoted to programme activities, the necessary administrative services being provided by the Agency secretariat, which is wholly financed from the regular budget.

(4) Co-ordination with the United Nations and the specialized agencies

- 59. The Secretariat of the Agency participates in the Administrative Committee on Co-ordination and its subsidiary bodies with a view to having continuing co-ordination with other organizations of the United Nations system. The Agency has made good progress in following common staff and financial regulations, with only such modifications as are necessary because of statutory requirements, as well as the established practices in the United Nations in respect of various other administrative matters.
- 60. A unique feature in the practical arrangements in respect of co-ordination between the United Nations and the Agency is the designation by the Secretary-General of a permanent representative at the head-quarters of the Agency in Vienna. The Agency is similarly represented at United Nations Headquarters by a resident representative of the Director-General. These arrangements may be considered useful in the early stages of the organization of the Agency.
- 61. Another point that merits special mention concerns the provisions in the Agreement between the United Nations and the Agency, in respect of budgetary and financial arrangements. These provisions (resolution 1145 (XII), annex, article XVI) do not envisage, as do the agreements between the United Nations and most of the specialized agencies, 12 the possibility of an eventual

incorporation of the Agency's budget in an over-all consolidated budget for the United Nations and related organizations. As against this, however, the Agreement with the Agency includes a special provision on coordination (article XI), which is not present in the agreements between the United Nations and the specialized agencies.

VI. FINANCIAL AND BUDGETARY CONTROL AND PROCEDURES

(1) General comments

- 62. In its report on the 1959 administrative budget of the Agency, the Advisory Committee expressed the view that there might be a need to re-examine, in the light of experience, the somewhat complex funding arrangements in the Agency, with a view to the adoption of simpler financial and accounting procedures (A/4016, para. 10 and note 27). The complexity of the arrangements is basically attributable to the stipulations in the Agency's Statute, and until appropriate amendments to the Statute can be considered, there appears to be little that can be done to simplify the present funding arrangements.
- 63. The Advisory Committee understands that the Agency has under consideration the question as to whether advances may be made from the Working Capital Fund of the Agency to finance operational programmes which are funded by voluntary contributions, pending receipt of those contributions. The Working Capital Fund, which is based on the scale of assessments in respect of the regular budget, is directly related to that budget. At the same time, the problem which gives rise to the need for working capital in regard to the regular budget exists also for the operational budget, and has to be met if an effective operational programme is to be implemented. It may be possible, over a period of years, to build up a working capital or reserve fund related to the operational budget in order to meet the problem of cash availability for operational programmes.
- 64. In the light of the foregoing financial aspects of the Agency, it would be useful to include in the bimonthly reports of the Director-General to the Board of Governors adequate information on the financial situation and operations of the Agency.

2. Procedures for budget review and approval

- 65. Under article XIV of the Statute of the Agency, it is the responsibility of the Board of Governors to submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the estimates are initially prepared by the Director-General and cover both the regular and the operational budgets. If the General Conference does not approve the estimates, it returns them together with its recommendations to the Board which then submits revised estimates to the Conference for its approval.
- 66. The principal steps in the preparation of the budget and its execution are reflected in the procedures for the planning and implementation of the programmes of the Agency, which have been outlined in section IV above.
- 67. The initial estimates in respect of the regular budget are developed by the budget office on the basis of schedules submitted by the various divisions. Estimates of common staff costs are made in consultation

¹² Provision for consultations with the United Nations concerning "appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations" is made in the agreements with FAO and UNESCO; provision for consultations concerning "the desirability" of such arrangements is made in the agreements with the ILO, ICAO, WHO and WMO.

with the Division of Personnel, and estimates for general supplies and permanent equipment in consultation with the Division of Conference and General Services. The estimates are then reviewed successively by the Deputy Director-General for Administration, Liaison and Secretariat and the Director-General's Inter-Departmental Committee, and are subsequently incorporated in the initial draft of the programme and budget of the Agency. The programme and budget, as considered and approved by the Board of Governors, is submitted by the Board to the General Conference.

- 68. In its examination of budgetary questions, the Board of Governors is assisted by its Administrative and Budgetary Committee, which consists of thirteen member States drawn from the Board.
- 69. Expenditures under the approved budget are controlled through allotments issued on a quarterly basis by the budget office, under the authority of the Deputy Director-General for Administration, Liaison and Secretariat. Any transfers between budget sections which may become necessary in the course of the year are submitted, with the necessary supporting justification, by the Director-General to the Board of Governors for its prior approval.
- 70. The budget and the plans of expenditure in respect of programmes financed from voluntary contributions are developed and reviewed in accordance with the procedure, indicated in section IV above, for the development, review and approval of the related programmes.
- 71. As regards the operational budget, authority to incur obligations is given to the Director-General by the Board of Governors, periodically in the course of the year, on the basis of detailed plans submitted by the Director-General, in the light of requests received from Member States and the actual level of the General Fund. Through these authorizations, the Board determines the allocation of voluntary funds to the different operational programmes of the Agency.

(3) Procedures of financial control

72. All funds are subject to allotment control. Individual allotments are made with respect to project type activities such as seminars, panels of experts and all technical assistance projects. Procurement transactions in excess of \$1,000 are reviewed by a Contract Review Committee. All travel plans are reviewed and recommendations thereon made to the Director-General by a Travel Co-ordination Committee. Manning tables are maintained, and proposed temporary assistance employment is reviewed by the budget office. Similarly, proposed publications are reviewed and recommendations are made thereon to the Director-General by a Publications Committee. The employment of consultants can be authorized only by the Deputy Directors-General and, if

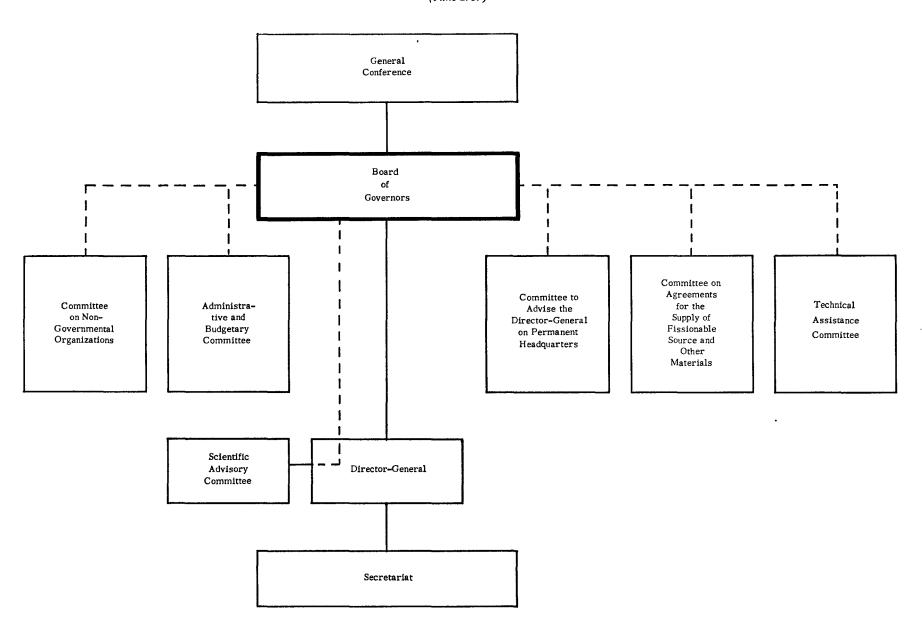
the employment is of a long-term character, by the Director-General himself. Permanent equipment is con trolled through numbered tags or machine serial numbers and periodic inventories.

(4) Other matters

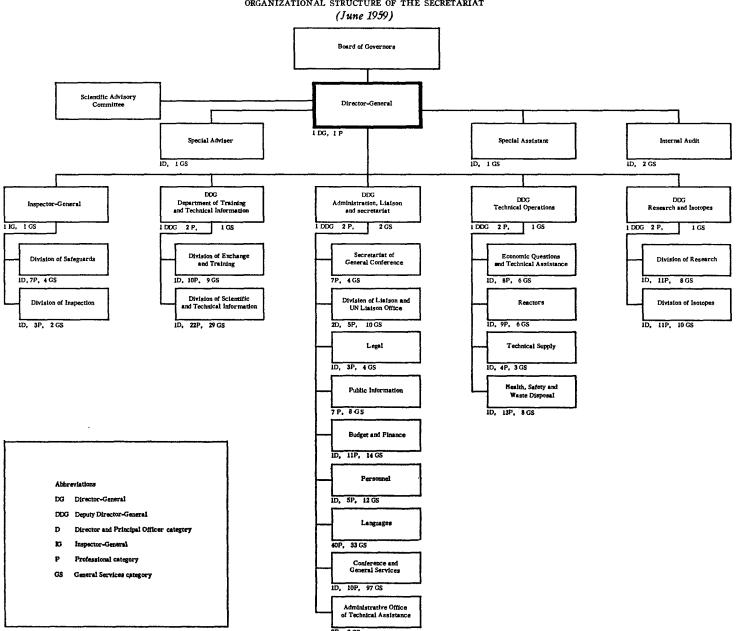
- 73. During its consultations with the Director-Gen eral, the Advisory Committee also considered the fol lowing four specific points, which the Director-Genera had raised with the Committee:
- (a) Interpretation and application of the Agency' financial regulation 5.03;
 - (b) The external audit of the accounts of the Agency
- (c) The establishment or perfection of a clearing system within the United Nations family for currency utilization;
- (d) Representation allowances and hospitality funds Points (a) and (d) were raised at the specific reques of the Board of Governors of the Agency; in addition point (a) was to be an item on the agenda of the Apri 1959 meeting of the Board.
- 74. The Advisory Committee has expressed its view on points (a) and (d) in a communication which the Chairman of the Committee sent on its behalf to the Director-General on 2 April 1959.
- 75. As to point (b), the Advisory Committee can ap preciate that the arrangement providing for a three member Board of Auditors for the Agency, following the situation in the United Nations, is somewhat cum bersome and expensive. The Committee notes in this regard that the normal arrangement in a specialized agency is to have one external auditor. One special and practical reason for the creation of a Board of three members in the United Nations was to have a reasonable division of the substantial total audit work in the Organi zation covering a number of offices in different parts of the world.
- 76. The Advisory Committee would suggest that the legislative organs of the Agency should give serious con sideration to an amendment of the financial regulation to provide for a single external auditor for the Agency
- 77. Where point (c) is concerned, it would appea that the Agency has a special problem in securing and managing a number of different currencies. The problem involves far more than issues of a mere financia and exchange nature, and it would be useful to isolate the administrative elements of the question from it broader policy aspects. The Advisory Committee accordingly believes that the matter merits further investigation and study at the inter-secretariat level, perhaps through the Administrative Committee on Co-ordination, and, in necessary, later at the legislative level.

STRUCTURE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

(June 1959)



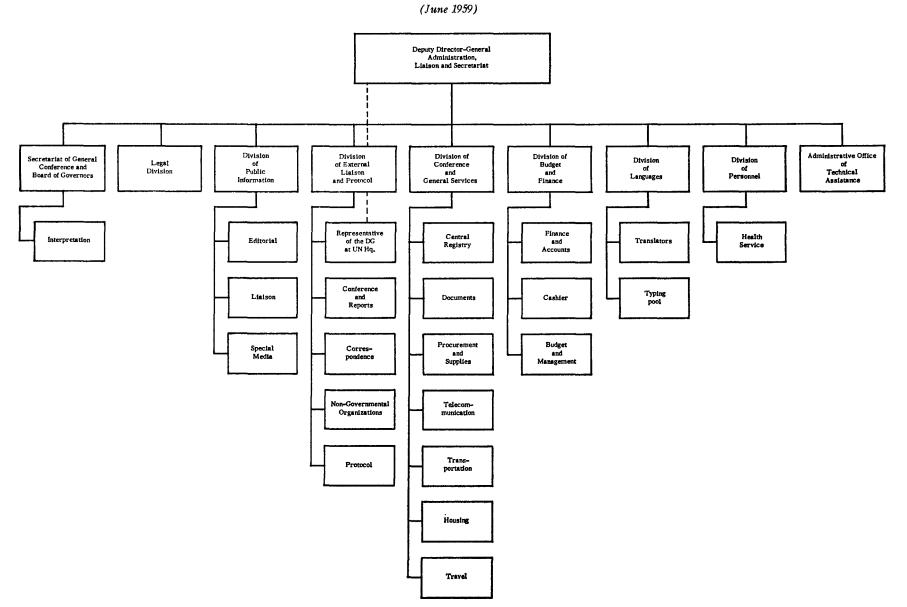
Annex II
INTERNATIONAL ATOMIC ENERGY AGENCY
ORGANIZATIONAL STRUCTURE OF THE SECRETARIAT



genda item 49

International Atomic Energy Agency organizational structure of the department of administration

Liaison and Secretariat



Annex IV

International Atomic Energy Agency

DISTRIBUTION OF ESTABLISHED POSTS, BY ORGANIZATIONAL SEGMENTS JUNE 1959

	Director- General	Deputy Director- General	Director and Principal Officer category	Professional	General Service	To
Office of the Director-General	1		2	1	2	6
Office of Internal Audit	-			1	2	3
Department of Training and Technical Information		1		2	1	4
Division of Exchange and Training of Scientists and Experts			1	10	9	20
Division of Scientific and Technical Information			1	22	29	52
Department of Technical Operations		1		2	1	4
Division of Economic and Technical Assistance			1	8	6	15
Division of Reactors		_	1	9	6	16
Division of Technical Supplies			1	4	3	8
Division of Health, Safety, and Waste Disposal			1	13	8	22
Department of Research and Isotopes		1		2	1	4
Division of Research		_	1	11	8	20
Division of Isotopes			1	11	10	22
Department of Safeguards and Inspection		1	_	1		2
Division of Safeguards		_	1	7	4	12
Division of Inspection			1	3	2	6
Department of Administration, Liaison and Secretariat	_	1		2	2	5
Secretariat of the General Conference and the Board of Governors		_		7	4	11
Division of External Liaison and Protocol and Office of the Representa-						
tive of the Director-General at United Nations Headquarters		_	2	5	10	17
Legal Division			1	3	4	8
Division of Public Information	_	_		7	8	15
Division of Budget and Finance			1	11	14	26
Division of Personnel			1	5	12	18
Administrative Office of Technical Assistance	_			2	2	4
Division of Conference and General Service			1	10	97	108
Division of Language Services		—		38	33	71
Total	1	5	18	197	278	499

DOCUMENT A/4148*

Administrative and budgetary co-ordination between the United Nations and the International Telecommunication Union

Report of the Advisory Committee on Administrative and Budgetary Questions

CONTENTS

[Original text: English] [17 July 1959] Paragraph 1-2 I. Introduction..... II. Nature and structure of ITU Establishment, composition and purposes of ITU..... 3-8 9-22 2. Structure of ITU..... III. Regular programme and budget 1. Nature and scope of the activities of ITU..... 23-25 Budgetary arrangements and procedures..... 26-34 35 - 37Financial controls and audit..... Contribution scales and payment of contributions..... 38 - 41Conditions of service in ITU..... 42-46 IV. Participation of ITU in the Expanded Programme of Technical Assistance...... 47-54 V. Co-ordination with other organizations..... 55-58 ANNEXES Page I. Structure of ITU..... 23 23

^{*} Incorporating document A/4148/Corr.1.

I. Introduction

- 1. The Advisory Committee on Administrative and 3udgetary Questions met on 13 and 14 April 1959 at he headquarters of the International Telecommunication Union (ITU) at Geneva on the invitation of the Secretary-General of that organization. The invitation vas extended within the arrangements approved in 1954, and reaffirmed in 1955 by the General Assembly and the 7ifth Committee (A/2861, para. 10).
- 2. The Advisory Committee took the opportunity in erms of the arrangements cited above and generally of he provisions of Article 17, paragraph 3, of the United Nations Charter, as well as of the relevant provisions n the Agreement between the United Nations and ITU, o enter into close consultations with the Acting Secreary-General of ITU on various matters of administrative and budgetary co-ordination. The Committee desires o record its grateful appreciation of the co-operation and assistance which it received from Mr. G. C. Gross, Acting Secretary-General of ITU, and other officials.

II. NATURE AND STRUCTURE OF ITU

- (1) Establishment, composition and purposes of ITU
- 3. The International Telegraph Union was founded n Paris on 17 May 1865. In 1885, its telegraph regulations were expanded to include the international telephone service; and in 1906, as a result of the International Radio-Telegraph Conference in Berlin, the Union became the administrative organ to assist in achieving he purpose of both the International Telegraph Conference and the International Radio Convention. In 924, an autonomous body, the International Telephone Consultative Committee (CCIF), was established, which n 1925, in Paris, became affiliated with the Union as a consultative body with a permanent specialized secreariat of its own.
- 4. In 1925, in Paris, and in 1927, in Washington, espectively, the International Telegraph Consultative Committee (CCIT) and the International Radio Conultative Committee (CCIR) were established and affilited with the Union as consultative bodies without pernanent secretariats. This was followed by the Telecomnunication Convention of Madrid, which was signed on December 1932 as the result of two conferences held oncurrently, a Telegraph and Telephone Conference ind a Radio Conference, under the auspices of the International Telegraph Union. The convention entered into orce in January 1934, abrogated the previous radioelegraph and telegraph conventions, and established the nternational Telecommunication Union (ITU) and a Bureau at Berne to replace the International Telegraph Jnion and its Bureau.
- 5. On 2 October 1947, at Atlantic City (United States of America), a new International Telecommunication Convention was signed which reorganized ITU, created new permanent organs, including the Administrative Council¹³ and the International Frequency Registration Board (IFRB), and established permanent secretariats or the CCIT and the CCIR. Also, in 1948 the Bureau of ITU was transferred from Berne to Geneva.
- 6. The Atlantic City Convention was superseded by he International Telecommunication Convention which vas signed at Buenos Aires on 22 December 1952 and secame effective on 1 January 1954. This Convention
- ¹³ Prior to 1947, the Bureau of ITU was under the supervision of the Swiss Federal Council during the intervals between Pleniotentiary Conferences.

- made provision for the ultimate amalgamation of the CCIT and the CCIF into one committee, the International Telegraph and Telephone Consultative Committee (CCITT), which came into being on 1 January 1957.
- 7. The International Telecommunication Union, which comprises ninety-five members and five associate members as at 1 June 1959, is a specialized agency of the United Nations in accordance with an agreement between the two organizations, which entered into force on 1 January 1949 after approval by ITU on 4 September 1947 and by the United Nations General Assembly on 15 November 1947 (resolution 124 (II)).
- 8. The purposes and objectives of ITU are: (a) to maintain and extend international co-operation for the improvement and rational use of telecommunication of all kinds; (b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of the telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public; (c) to harmonize the actions of nations in the attainment of those common ends. To this end, ITU effects the allocation of all radio frequency spectrum and registration of the radio frequency assignments in order to avoid harmful interference between radio stations of different countries, to promote measures to insure safety of life at sea and in the air, and to maintain rates as low as possible.

(2) Structure of ITU

- 9. The present structure of ITU (see annex I) dates back essentially to the Atlantic City Convention of 1947 and reflects the historical factors mentioned in the preceding section.
 - 10. The organs of ITU are:
 - (a) The Plenipotentiary Conference;
 - (b) The Administrative Conferences;
 - (c) The permanent organs:
 - (i) The Administrative Council:
 - (ii) The General Secretariat;
- (iii) The International Frequency Registration Board (IFRB);
- (iv) The International Consultative Committee on Telegraph and Telephone;
 - (v) The International Radio Consultative Committee.
- 11. The Plenipotentiary Conference, which is in a sense the supreme organ, meets in principle every five years although in practice the recent sequence has been 1947, 1952, 1959. It alone is competent to revise the Convention, but it is not responsible for the drafting or approval of certain sets of international administrative regulations¹⁴ dealing with technical problems of telecommunications, which complete the Convention and which have the same force and duration as the Convention.
- 12. The Plenipotentiary Conference also has the duties of considering the report of the Administrative Council, establishing the basis of the budget of the Union and fixing a budget ceiling, establishing the basic salary scales of staff, approving the accounts, and electing the members of the Council.

¹⁴ These administrative regulations are: Telegraph Regulations, Telephone Regulations; Radio Regulations; Additional Radio Regulations.

- 13. The Ordinary Administrative Telegraph and Telephone Conference and the Ordinary Administrative Radio Conference normally meet every five years, preferably at the same time and place as the Plenipotentiary Conference, and are responsible for the review, approval, and periodic revision of the relevant administrative regulations. In addition, the Administrative Radio Conference elects the members of the IFRB and reviews the activities of that Board. Apart from the ordinary administrative conferences, extraordinary administrative conferences and special conferences may be convened under certain circumstances and for specific purposes. (See article 10, paras. 5 to 9, of the Convention.)
- 14. The Administrative Council is composed of eighteen members of ITU, elected by the Plenipotentiary Conference and holding office until a new Council is elected. Each member of the Council appoints, to serve on the Council, "a person qualified in the field of telecommunication services". The Council, which normally meets once a year, acts on behalf of the Plenipotentiary Conference, within the powers delegated to it, and is responsible, inter alia, for the effective co-ordination of the work of ITU, for appointing the Secretary-General and two Assistant Secretaries-General of ITU,15 for reviewing and approving the annual budget, and for various matters relating to administrative and financial activities. The Administrative Council works through a number of committees of the whole: committee on finance; committee on personnel; committee on relations with the United Nations; committee on verification of accounts; a drafting committee and a working group on frequencies.
- 15. The General Secretariat, which is a successor to the Bureau of the old International Telegraph Union, is essentially an administrative and servicing organ and does not include the entire corps of salaried officials of the whole Union. Certain organs (IFRB, CCITT and CCIR) have their own specialized secretariats, though these specialized secretaries do not by themselves have the status of an organ. The General Secretariat is headed by the Secretary-General. A chart showing the relationship between the General Secretariat and the specialized secretariats is given in annex II.
- 16. The International Frequency Registration Board consists of eleven salaried members, designated by eleven members of ITU who are elected by the ordinary Administrative Radio Conference. The composition, duties and working arrangements of IFRB are defined in the Radio Regulations, while the provisions concerning its composition and a summary of the duties are repeated in the Convention. IFRB is assisted by a specialized secretariat of its own, working under the direction of the Chairman. In practice the chairmanship rotates annually among the members. Meetings of IFRB are held at least once a week. Though all members participate in all determinations and recommendations, there is a degree of concentration or specialization by individual members in particular phases of the work.
 - 17. The CCITT and the CCIR on which each member

15 These appointments, when made, normally continue until retirement. The post of Secretary-General and one post of Assistant Secretary-General have been vacant since 19 June 1958 and 1 January 1959, respectively.

16 Inasmuch as an Administrative Radio Conference has not been held since 1947, persons designated by the members elected at that time still hold office; where an initially designated individual has ceased to serve, his substitute has been named by the member concerned.

- and associate member of ITU is entitled to participate, are governed by provisions in three different instruments: the Convention, the general regulations and the relevant administrative regulations. Each consultative committee works through the medium of a Plenar Assembly, which normally meets every three years, studgroups set up by the Plenary Assembly, a salaric Director who is appointed by the Plenary Assemble for an indefinite period, a small specialized secretaris under the Director, and laboratories or technical installations set up by ITU.
- 18. The structure of ITU has been dealt with at son length, although briefly in relation to the complexity of the composition, functions and interrelationships of the several elements, because of its direct impact on the organizational, administrative and financial aspects of ITU activities.
- 19. Several points are worthy of note in this regard. In the first place, ITU as it exists now would seem thave the character more of a federation of somewhat autonomous units, each engaged in international cooperation in a particular aspect of telecommunication than of a unified organization responsible for an integrated international effort in the field of telecommunications as a whole. The long history of the developmer of the different technical elements of telecommunication and the varied stages at which these elements became the subject of international co-ordination explain, in par much of the present structure of ITU.
- 20. Flowing from the above, there appears to be multiplicity of legislative authority and direction accompanied by a number of more or less independent secre tariats. Within these limitations, however, some effor has been made to co-ordinate the several units and thei activities with reference to their administrative and finan cial aspects. Thus under the internal regulations approve by the Administrative Council, there has been established a Co-ordination Committee consisting of the Secretary General, the Assistant Secretaries-General, the Chairma and Vice-Chairman of IFRB, the Director of CCIT and the Director and Vice-Director of CCIR. The Cc ordination Committee, in which administrative and finan cial policy matters of interest to any member of th Committee are discussed, is advisory to the Secretary General.
- 21. While the Co-ordination Committee serves a use ful but limited purpose, the basic problems which th complexity of the legislative and secretariat structurentails do not seem to have been adequately met unde existing arrangements from the point of view of the sound and economic administration of the Union' activities.¹⁹

¹⁷ In addition, "a recognized private operating agency" whicl wishes to do so may also participate in these committees (articl 7, para. 3, of the Convention).

7, para. 3, of the Convention).

18 In the case of the Radio Consultative Committee (CCIR) there is also a Vice-Director appointed by the Plenary Assembly

19 It may be noted in passing that there are in ITU (which is 1959 has an establishment of 81 in levels subject to internationa recruitment) seventeen posts which are filled through election of appointment by a legislative organ, with the base salaries indicated below:

		salary (in Swiss francs)	in US dollar
1	Secretary-General	58,000	13,551
1	Director, CCITT	56,000	13,084
1	Director, CCIR	56,000	13,084
11	members, IFRB	56,000	13,084
2	Assistant Secretaries-General	49,000	11,449
1	Vice-Director, CCIR	49,000	11,449

22. The structure of ITU, both at the legislative and he secretariat levels, would seem to be unique in the Jnited Nations system. Given the historical circumstances as well as other factors, it has not seemed ossible, as in some other highly technical fields of international co-operation, to develop an integrated organizaion in the telecommunication field. It must be mentioned iere that, despite the complexity of structure and orcanization, the Union has done much valuable work over period of almost one hundred years. A greater degree of rationalization of the structure of ITU and of the ecretariat, without any loss of the long and useful xperience of the past, should not prove unduly difficult. t would, in the Advisory Committee's view, lead to a etter and more economical administration of ITU acivities, facilitate relationships with other international rganizations, and permit ITU to play an even more contructive role in international co-operative endeavours.

III. REGULAR PROGRAMME AND BUDGET

(1) Nature and scope of the activities of ITU

- 23. The activities of ITU, other than its work under the Expanded Programme of Technical Assistance, are argely of a standard-setting and regulatory nature. Thus FRB effects an orderly recording of frequency assignments made by the different countries and maintains the ecessary records including the Master International requency Register. All countries must notify ITU of the frequency assignments they make; these notices are xamined by ITU with respect to conformity to the elevant rules and regulations and the probability of armful interference with other frequencies in use. In addition, ITU furnishes advice to members and associate tembers with a view to the operation of the maximum racticable number of radio channels in those portions of the spectrum where harmful interferences may occur.
- 24. Similarly, CCITT and CCIR also perform essenally advisory functions. In the telegraph and telephone eld, the work of CCITT covers the study of technical perating and tariff questions and the issuance of approriate recommendations. In the field of radio communition, CCIR is responsible for the study of technical idio questions and operating questions, the solution of hich depends principally on considerations of a technical radio character and for making appropriate recomendations.
- 25. An indication of the financial scope of the activies of ITU is available in the following table in which e shown the expenditures for the years 1954 to 1958 at the estimated expenditure for 1959.

Table 1

Total expenditures under ordinary, extraordinary and publications budgets (1954–1959)

	United States dollars
1954	1,327,292
1955	1,290,884
1956	1,684,933
1957	1,470,639
1958	2,534,616
1959 (estimated)	3,147,353

(2) Budgetary arrangements and procedures²⁰

- 26. The expenses of ITU are classified into "ordinary" and "extraordinary" expenses. The latter cover, broadly, all the costs pertaining to all conferences, except services of the Administrative Council; the costs of each conference are shared not by all the members of ITU, but only by those members and associate members who attend, or who had expressed the intention of attending, that conference. In other words, each conference has a separate budget and accounts, the expenses being borne by the participants.
- 27. Ordinary expenses are borne by all members and associate members and shall include, in particular, the expenses pertaining to the meetings of the Administrative Council, the salaries of the staff and other expenses of the General Secretariat, of the International Frequency Registration Board, of the International Consultative Committees, and of the laboratories and technical installations created by ITU.
- 28. In addition to the ordinary and extraordinary budgets, there is also a publications budget, which provides for printing costs, part of the cost of preparing the manuscripts, and the cost of distribution, in respect of ITU documents. All documents are issued on a sale basis, and, in principle, the publications budget is a self-supporting, non-profit budget.
- 29. The ordinary expenses of ITU are subject to an annual "budget ceiling" which is established by each Plenipotentiary Conference and is in effect until the next Conference. The relevant protocol in 1952 fixed an amount (equivalent in United States dollars: \$1,421,729) increasing by about 1 per cent for each year from 1954 to 1957/1958; at the same time the Administrative Council was given a limited discretion, in defined circumstances, to authorize annual ordinary budgets exceeding the "ceiling" by not more than stated amounts or stated percentages. Owing to the increase in staff emoluments, the ordinary budget in 1958 reached the figure of 7,505,450 Swiss francs as compared to an original "ceiling" figure of 6,085,000 Swiss francs in Protocol IV to the Convention of 1952.
- 30. Between Plenipotentiary Conferences, the annual budgets are subject to the approval of the Administrative Council, acting within the limitations prescribed by the Conference. However, because of the special nature of the "extraordinary expenses", the Council's control over the extraordinary budget is in practice largely transferred to individual conferences and meetings themselves. In recognition of this situation, the Council has adopted a resolution (No. 83, as modified) which provides that each conference shall set up a finance committee to approve the budget of that conference and to review, so far as it is possible before the conference ends, the actual expenditures and accounts of the conference. In certain circumstances, the finance committee of a conference can authorize increases in the conference budget over the amount approved by the Council.
- 31. The policy governing the pricing of ITU documents, as set forth in article 13, paragraph 7, of the 1952 Convention, provides that the sale price of documents shall be fixed by the Secretary-General, in collaboration with the Administrative Council, bearing in mind the fact that the cost of publication must be covered by the sale of the documents. Following this, detailed procedures for the compilation of the publications budget

²⁰ These are governed by article 13 of the Convention of 1952.

have been laid down in the financial regulations of ITU. Although the publications programme is intended to be a non-profit operation, the pricing policy that has in practice been followed is open to question inasmuch as it has led, largely through over-pricing, to the accumulation of a reserve of nearly 1 million Swiss francs. Over-pricing, besides being a loss to Governments which are the principal consumers of the publications, is not in the interests of promoting the development and wide dissemination of technical information in the telecommunication field.

- 32. The presentation of three different sets of estimates, as the Advisory Committee has stressed in the past,21 renders an appraisal of the over-all budget and programme difficult, and the consolidation of these three parts in one budget would have significant advantages. Also, the fragmentation of the budget with a ceiling applicable to only one of the three parts encourages complicated inter-locking of estimates between the budgets and, sometimes, an unhealthy recourse to the other two parts, through subsidies and refunds, for costs that cannot be managed within the "ceiling" on the ordinary budget. Furthermore, the provision by which costs of conferences would be apportioned only among participants may tend to discourage participation in important meetings. These arrangements also make each conference a self-contained, and even independent, process of international co-operation among its participants, which detracts from the structural unity customarily pursued by international organizations.
- 33. In these circumstances, the Advisory Committee can only reiterate its view that there should be a fresh effort to revise the present financial arrangements with a view to the adoption of a budget form calculated to present a clear picture of all the expenses and activities of ITU.
- 34. The Plenipotentiary Conference in 1952 discussed certain proposals for a consolidated budget, and asked the Administrative Council to study the problems presented by the introduction of a consolidated budget and to report to the next plenipotentiary conference. The Advisory Committee understands that the forthcoming Plenipotentiary Conference (October 1959) will review this matter.

(3) Financial controls and audit

- 35. The budget itself virtually allots the credits and fixes the manning table for the regular staff. An internal procedure for the control of commitments to be incurred is laid down in an administrative instruction issued by the Secretary-General. It provides for the verification of credits available, justification of expenses, and identification of the accounts to which expenses should be charged.
- 36. Although the financial service of ITU applies certain pre-audit controls, there is no internal post-audit. The Advisory Committee formed the impression that an internal audit system would provide a useful strengthening of ITU's financial procedures, although the view of the secretariat was that having regard to the size of ITU and the proportion of expenditure arising from salaries and allowances, the cost of an internal audit

system might not be justified in terms of the results which it could achieve. The Advisory Committee believes that in any event, the internal financial procedures of ITI might be reviewed to advantage.

37. As regards external audit, there is provision fo an audit of ITU's accounts, from the point of view o arithmetical and accounting accuracy, by the Swiss Gov ernment authorities and for a further examination o such accounts by a committee of the Administrativ Council. As early as November 1951, the Advisory Com mittee, while not questioning the financial advantage an quality of the existing arrangements, expressed the view that "the system cannot be regarded as providing, in strict sense, for an external audit and the benefit of cor structive criticism which can be derived therefrom". A that time the Committee suggested that "the Council ma wish to consider the advantages which might accrue fror the type of joint audit system approved by the Genera Assembly for the United Nations and specialized ager cies. (A/1971, para. 65) In any event, the Advisor Committee would see advantage in a broadening of th scope of the audit.

(4) Contribution scales and payment of contributions

- 38. The Convention provides that ordinary expense are to be borne by all members and associate member while extraordinary expenses relating to conferences at to be borne only by the participants in the conference. Contributions are assessed on a "unit basis". The Corvention lays down fourteen "classes" of contributor corresponding to units of 30, 25, 20, 18, 15, 14, 10, 8, 4, 3, 2, 1 and ½. Each contributor is free to choose hown class, so that the total number of units in the scal depends upon the choices made. Members and associat members must choose their class before the Conventio comes into force, but they may at any time decide t move to a higher class.
- 39. While contributions covering estimated ordinar expenses are payable in advance, conference expense thus far have been collected after the conference account are closed. Outstanding contributions towards ordinar expenses bear interest as from 1 January of the financity year to which they relate, at 3 per cent per annum for the first six months and 6 per cent per annum thereafte. Amounts due for extraordinary expenses bear intereas from thirty days after the date when ITU sends of the revelant accounts. The Convention does not provid any other sanctions for defaults in payments.
- 40. The experience in regard to the collection of cortributions can be considered generally satisfactory, a may be seen from the following table.

	Percentage of contributions paid in advance, i.e. before I January	Percentage of contribution paid by 31 December
1954	57.71	94.29
1955	60.61	95.56
1956	70.95	91.12
1957	62.55	96.34
1958	59.59	97.04
1959		

The Advisory Committee is informed that in receivears the collection of contributions to the extraordinal

²¹ See Official Records of the General Assembly, Third Session, Part I, Plenary Meetings, Annexes, document A/675, para. 35; ibid., Fourth Session, Annexes, Joint Second and Third Committees, document A/1005, para. 57; ibid., Fifth Session, Annexes, agenda items 12 and 29, document A/1441, para. 59; ibid., Sixth Session, Annexes, agenda item 28, document A/1971, para. 68.

nudget has also been generally satisfactory. For example, 10 per cent of the expenditure for 1958 meetings had seen recovered by 15 June 1959.

41. ITU has no working capital fund. Annual budget surpluses and sundry other balances are placed in a eserve account; although the financial regulations of .TU authorize the use of this account to finance current ash requirements, the account has not normally constiuted a cash reserve. The Secretary-General of ITU has ilso authority to borrow from the Swiss Government when the organization needs cash; interest is payable on such borrowings at 4 per cent per annum. Although at one ime borrowings from the Swiss Government were neavy,22 in recent years there has been little need to porrow for ordinary expenses, owing largely to the high proportion of annual contributions received in advance. However, since extraordinary expenses are not covered n that way, borrowings are usually necessary to finance my heavy conference programme.23

(5) Conditions of service in ITU

- 42. With regard to salaries, allowances, and social security and pension benefits, ITU is not part of the United Nations "common system". Its salary scales and allowance rates differ from those of the United Nations and it has a different grading structure. Thus posts corresponding to the professional category have lower salary scales and lower allowances than in the common system.²⁴
- 43. ITU has an autonomous pension arrangement which at present entails the existence of three separate Funds: one which in effect is limited to staff employed before 1949; a second for permanent staff recruited since 1949, but which would be extremely onerous for ITU were it not for the fact that the majority of staff recruited in recent years have been kept on a "temporary" basis and excluded from the Pension Fund; the third being the Savings Fund in which non-permanent officials are placed. About one-half of the total staff of ITU is in the Savings Fund which provides certain widows' and disability pensions but which provides "savings capital" in lieu of retirement pensions. While generalization is difficult, in view of the existence of three separate schemes, it would nevertheless seem that (a) the death and disability benefits are much better in ITU than in the United Nations, and (b) the ITU scheme provides much better retirement benefits for permanent officials who enter at later ages. 25 It may be noted also that the three funds are administered by a Management Board which is composed wholly of officials of ITU.
- 44. Members of IFRB are not members of any of the ITU superannuation funds. Instead, ITU pays to a personal account for each member a sum equal to 15 per cent of the annual salary. The member should also pay at least 5 per cent of his salary to this account. The total may be used by the member to make any insurance arrangements which he deems appropriate; he may not

 22 About 1950, total ITU indebtedness to the Swiss Government reached approximately 16 million Swiss francs.

use the credits in his account for any other purpose until his service on IFRB has ceased.

- 45. In 1957, the Administrative Council decided in principle that ITU should adopt the conditions of service of the United Nations common system, and certain transitional measures were authorized effective 1 January 1958. It is expected that concrete proposals to implement the decision of principle will be considered by the forthcoming (October 1959) Plenipotentiary Conference.
- 46. Given certain elements in the ITU salary and pension system which are less favourable and other elements which are more favourable than in the United Nations common system, any attempt to assimilate conditions of service in ITU to those of the common system should relate to the entire range of the system. There would be serious difficulty if the effort were directed at retaining the more advantageous elements concurrently with the improvement of the less favourable ones. The Advisory Committee trusts therefore that participation in the United Nations Joint Staff Pension Fund will accompany any move in ITU to adopt the United Nations salary and allowance system.

IV. Participation of ITU in the Expanded Programme of Technical Assistance

- 47. While the normal work of ITU under its ordinary, extraordinary and publications budgets is almost wholly of a regulatory nature,26 ITU participates in the Expanded Programme of Technical Assistance in order to provide technical aid for the development of national telecommunication systems. ITU has a special arrangement with the United Nations by which it deals only with the technical aspects of its projects under the programme, with administrative, financial and other servicing arrangements provided by the United Nations. Thus ITU discusses with the requesting Government (usually with the national telecommunication administration) the technical details of the project and, after the project is approved through normal country-programming procedures, ITU makes recommendations regarding the selection of the necessary experts or fellows. The United Nations obtains the Government's approval of the candidatures, assesses salaries in consultation with ITU, and provides all further administrative and financial services to the project.
- 48. During the operation of the project, ITU provides the necessary technical guidance as well as assistance in the preparation of any technical studies and reports.
- 49. Under the Secretary-General of ITU, a senior counsellor, whose salary is paid out of the ITU budget, is responsible for all technical assistance matters. He is assisted by a small technical assistance unit, consisting of two professional officials and a secretary, the related costs being financed from the Special Account allocation. In addition, about ten senior officials of ITU devote varying proportions of their time to technical assistance activities by providing information and making comments on the technical matters related to their own field of activity.

²³ The total of outstanding advances at present is of the order of 1.5 million Swiss francs, which is considered more or less as a current operating need.

²⁴ For example, the maximum salary in the ITU for "Counsellor, Class C", which is the highest rank of the career service (all higher officials being elected), is approximately \$10,000 net.

²⁵ For example, a man who joins at 50 will earn a pension of 45 per cent of his final pay (not final average pay) by the age of 65; a woman would earn 40 per cent by the age of 60.

²⁶ A special joint committee on technical assistance of the CCIR and CCITT made a number of recommendations in 1957 most of which were not complied with, as they could not be financed by ITU. However, a recommendation providing for an inter-administration exchange of technical handbooks and films has been followed up.

50. The Advisory Committee understands that these arrangements have worked satisfactorily from the point of view of ITU, and have at the same time been economical to the programme as a whole. Nevertheless, as the Committee is informed, in order to simplify the management of ITU technical assistance activities, the possible transfer to ITU of the related administrative

functions will be considered by the Plenipotentiary Conference of 1959.

51. The extent of the assistance given by ITU under the Expanded Programme is reflected in the following table of ITU expenditure under the programme during the period 1951-1958:

Table 3

EXPENDITURES UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE (1951-1958)

	1951	1952	1953	1954	1955 United States	1956 s dollars	1957	1958	Total
Project costs		-	129,172	161,869	205,257	248,267	273,901	356,589	1,375,055
al services costs	_		11,129	13,875	12,842	14,712	20,828	24,839	98,225

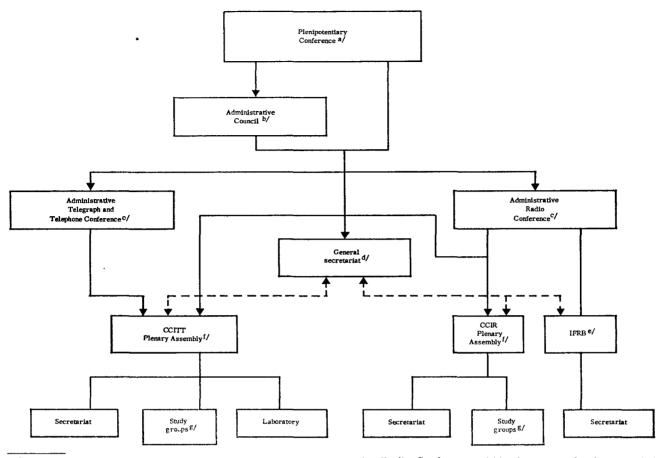
- 52. The Technical Assistance Board has, in 1959, approved the setting-up of the first regional project in the telecommunication field under the Expanded Programme. The project, which is a joint ITU-United Nations (Economic Commission for Asia and the Far East) project, is designed to assist the countries of the Asia and Far East region in developing their telecommunication systems.
- 53. As regards the legislative review of ITU's Expanded Program activities, the Administrative Council is provided, at its annual spring session, with a report on these activities for the current year. While this procedure keeps the Council informed of ITU's technical assistance work, it makes it difficult for the Council to relate that work to the activities under the regular budget for the same year.
- 54. The Advisory Committee understands, in regard to the interest of ITU in the United Nations Special Fund, that the Administrative Council has authorized the Secretary-General of ITU to co-operate fully and actively in the work of the Fund.

V. Co-ordination with other organizations

- 55. The International Telecommunication Union cooperates with the United Nations and several of the specialized agencies which have common interests with ITU. Such collaboration is particularly close with ICAO and WMO, which have special and important interests in the field of telecommunications. In addition, ITU has frequent contacts with UNESCO, which is interested in the role of telecommunications in connexion with freedom of information. ITU expects to establish close relations also with the new Inter-Governmental Maritime Consultative Organization.
- 56. It will be seen from earlier sections of the present report that, for various historical reasons, ITU is some-

- what distinct from the United Nations and almost all of the specialized agencies in regard to such matters as financial regulations, staff regulations, and salary, allowance and pension systems.
- 57. As regards administrative co-ordination, the participation of ITU in common arrangements of other Geneva organizations is limited to the United Nations Joint Purchasing Service and the inter-organization arrangements regarding such questions as the rates of pay for temporary conference staff. ITU makes little or no use of the conference and internal printing facilities of the United Nations in the Palais des Nations, as these are considered by the Union to be too expensive apart from the fact that the different location of ITU also creates some difficulty. Although every effort should be made to keep the expenditures of ITU as low as possible, the use of facilities external to the United Nations system constitutes a direct outgo for the Governments of the system as a whole. On the other hand, the use of facilities within the system, even at slightly higher rates of reimbursement, constitutes only a transfer from one pocket to another for the member States, although it is equally important that the operating costs of the facilities should be in the interests of economy for the system as a whole. The Advisory Committee will keep this matter under review, with a view both to the economical operation of the facilities in the Palais and to the development of closer co-operation among the Geneva organizations in the use of these facilities.
- 58. The Advisory Committee understands that construction work for the new ITU headquarters building at Geneva, the foundation stone of which was laid in May 1958, began in May 1959. The building should be ready for occupancy during the summer of 1961. The new headquarters building is being constructed by the Canton of Geneva under arrangements agreed upon between the Canton and ITU, and will be leased to ITU with an option to purchase.

Annex I
Structure of the International Telecommunication Union



^a Supreme organ.

- ^b Responsible to the Plenipotentiary Conference but acts on its shalf in the intervals between conferences.
- ^e Legislates in telegraph, telephone and radio fields, respecvely, within the provisions of the Convention and the decisions f the Plenary Conference.
- ^d Responsible to the Administrative Council for duties precribed by the Plenipotentiary Conference and for all adminisative and financial services, Responsible also to the Adminis-

trative Radio Conference within the terms of reference of the various bodies mentioned.

^e Elected by the Radio Conference and subject to working arrangements prescribed by that Conference. Administrative and financial services arranged with the secretariat.

the Vice-Director also) and controls programmes of the Study Groups. Administrative and financial services of both committees arranged with the secretariat.

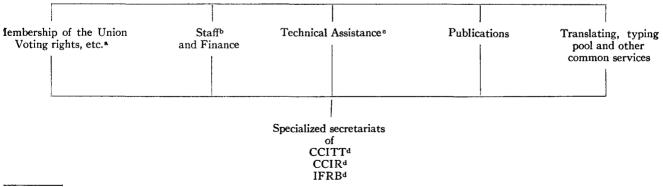
⁸ Purely consultative.

Annex II

Chart showing the relationship between the General Secretariat and the specialized secretariats of the CCITT, CCIR and IFRB

Note: Only those functions of the General Secretariat which are of direct concern to the other organs are indicated.

GENERAL SECRETARIAT



^{*} Factual information supplied by the General Secretariat.

d The specialized secretariats are responsible to the Director (Chairman in the case of the IFRB), who depends upon the Secretary-General for the administrative and financial services indicated.

b Staff appointed in agreement with the Head of the organ oncerned.

[·] Co-ordination of advice furnished by the organs.

DOCUMENT A/4172*

Administrative and budgetary co-ordination between the United Nations and the specialized agencies, with particular reference to the Expanded Programme of Technical Assistance

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] 25 August 1959]

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^{*} Incorporating document A/4172/ Corr.1.

I. Introduction

(1) General comments

1. Over the period 1956 to 1959 the Advisory Committee on Administrative and Budgetary Questions undertook, at the headquarters of the various organizations which participate in the United Nations Expanded Programme of Technical Assistance,²⁷ special studies of

matters relating to administrative and budgetary co ordination between those organizations and the United Nations, with particular reference to the operation o the Expanded Programme and has submitted detailed reports on such matters to various sessions of the Genera Assembly.²⁸

²⁷ The International Bank for Reconstruction and Development, the International Monetary Fund, the Universal Postal Union and the Inter-Governmental Maritime Consultative Organization, are not participating organizations of the Expanded Programme.

²⁸ ILO: Official Records of the General Assembly, Eleventh Session, separate fascicle (A/3142); UNESCO: ibid., document A/3166; WHO: ibid., Twelfth Session, Annexes, agenda item 48, document A/3596; WMO: ibid., document A/3597 FAO: ibid., document A/3598; ICAO: ibid., Thirteenth Session Annexes, agenda item 50, document A/3861. See also in the present fascicle the studies concerning IAEA (A/4135) and the ITU (A/4148).

(2) Nature of the special studies

- 2. These special studies were based on resolution 884 IX) of 14 December 1954, by which the General Asembly invited the attention of the specialized agencies o the recommendations and suggestions contained in he report of the Advisory Committee on the administraive budgets of the specialized agencies for 195529 and he views expressed on this subject in the Fifth Comaittee at the ninth session of the Assembly (481st meetng). The relevant report of the Fifth Committee A/2861, para. 10) included an authorization to the Advisory Committee "to respond favourably to any nvitation received from a specialized agency to continue t the headquarters of such agency the study of adminstrative and budgetary co-ordination between the United Vations and the specialized agencies, including the quesions (on technical assistance matters) raised in its first eport to the ninth session of the General Assembly $(\hat{A}/2661)$. At the tenth session of the General Assembly, he Fifth Committee reiterated this authorization (A/3098, para. 8).
- 3. The Advisory Committee interpreted the mandate which it received from the General Assembly and the Fifth Committee as calling for a broad over-all review of the general problems of administrative and budgetary 20-ordination, giving particular attention to the operation of the Expanded Programme. Accordingly, each of the special reports has been directed particularly to the problem, in the organization under study, of the utilizaion of the Expanded Programme funds within a total integrated programme of activities, taking account, at the same time, of considerations of an over-all administrative and budgetary character. The main effort has been to identify and summarize those basic factors which particularly influence and determine what is practicable in the way of co-operation and co-ordination in the administrative and budgetary fields. These factors relate, in the main, to the structure of the organization, the scope of its programmes and the procedures followed as regards the development, review, approval and implementation of its programme and budget.
- 4. The special studies, in the Advisory Committee's view, constitute in themselves a useful element in the study of co-ordination among the members of the United Nations system, since they represent a first attempt to bring together, from a single, consistent vantage point, detailed information, based on an on-the-spot study, on the administrative, budgetary and programming procedures in the several agencies. At the same time, it has been the Advisory Committee's desire, in undertaking these studies, to submit to the Assembly, as it is now doing, an over-all report containing its conclusions and recommendations in regard to co-ordination generally and to the operation of the Expanded Programme in particular.
- 5. The Advisory Committee is aware that the studies have been spread over a substantial period of time, which has also resulted in the submission of the over-all report somewhat later than might have been anticipated in 1954 and 1955. On the other hand, the Committee has found it necessary to fit in this work with its regular and continuing responsibilities, and to take account of the circumstances of individual organizations. Furthermore, as regards the over-all report, the Committee has preferred to let some time pass after the issuance of most of its

special reports in order to facilitate constructive discussion in the General Assembly and elsewhere of the comments contained in those reports as well as appropriate action by the organizations concerned.

(3) Application of priorities

6. The Advisory Committee has also attempted, alongside the preparation of the special reports, to isolate two major points. The first concerns the application of priorities in the context of constantly increasing budgets. The importance of this point, which has engaged the attention of the General Assembly for several years in the past, emerged even more clearly during the Committee's special studies. It appeared to the Committee that, with an increasing measure of international action in the economic and social fields, the basic issue was one of facilitating and regulating this growth in an orderly and meaningful fashion, so that a maximum return from increasing outlays might be assured. It was therefore necessary, in the Committee's view, to undertake an appraisal of the scope, trend and probable cost of the programmes which might be undertaken by the United Nations and the specialized agencies in the economic and social fields during the ensuing period of five or six years. The Advisory Committee raised this problem in its report on the 1957 budgets of the specialized agencies³⁰ and the General Assembly, by resolution 1094 (XI) of 27 February 1957, set in motion the developments leading to the programme appraisals for the period 1959-1964 which are currently being made under the auspices of the Economic and Social Council. The Committee hopes that its special reports, when examined in connexion with these five-year appraisals which are due to be completed during 1960, will prove complementary and helpful to the Council's over-all study of programmes for the next five years.

(4) Allocation of administrative and operational services' costs

7. The second issue which the Advisory Committee isolated in advance has to do with the allocation of the administrative and operational services' costs of technical assistance between the regular budgets of the organizations and the Special Account of the Expanded Programme. This question has since also engaged the attention of the Technical Assistance Committee and the Economic and Social Council. Some progress on this point was made in 1958 when, acting on the recommendations of the Advisory Committee (A/3832) as generally endorsed by the Technical Assistance Committee,31 the Economic and Social Council adopted resolution 702 (XXVI) of 31 July 1958. By this resolution, the Council requested the participating organizations to take the necessary steps to enable (a) the consolidation in the regular budgets of the organizations of all administrative and operational services expenses, and (b) the consolidated review of these expenses by the legislative bodies of the organizations. It was also decided that the allocation from the Special Account towards these costs in 1959 for each organization would be in the form of a lump-sum amount which would not exceed the corresponding allocations in 1958; generally similar provisions were made in respect of subsequent years also.

²⁹ Official Records of the General Assembly, Ninth Session, Annexes, agenda item 43, document A/2835.

³⁰ Ibid., Eleventh Session, Annexes, agenda item 49, document A/3489, paras. 6 and 7.

³¹ Official Records of the Economic and Social Council, Twenty-sixth Session, Annexes, agenda item 8, document E/3175.

- 8. The Advisory Committee has since studied this question further, and has suggested (A/4130) that, barring substantial changes in the size of the programme, and subject to a measure of flexibility of application, the lump-sum contribution from the Special Account to the regular budget of an organization towards meeting its administrative "overhead", should be brought down, over the next few years, to 12 per cent of the project allocations to the organization.
- 9. One of the reasons for this series of recommendations is the fact that with the growing integration of programmes—which is a desirable and, indeed, essential development—it is increasingly difficult to identify that portion of the total administrative overhead of an organization that may be attributed to its Expanded Programme activities. For the same reason, and in view of the changed approach to this problem, the Advisory Committee has not dealt in the present report with the question of the identifiable administrative costs of the Expanded Programme activities of the organizations, although the matter was covered, subject to its limitations, in the Committee's special studies and the related individual reports on the organizations.

(5) Other related reports

10. The present report should be read in conjunction, not only with the reports on the individual organizations, but also with the several reports which the Advisory Committee has made since 1954 on the subject of the Expanded Programme and of co-ordination between the United Nations and the specialized agencies.³² The present report should be considered in the light also of the fact that the Advisory Committee annually examines in detail, and reports on administrative and budgetary matters relating to the United Nations, including the administration of the Organization's technical assistance programme, as well as its relationships with the specialized agencies.³³

II. EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

(1) General comments

11. The Advisory Committee's 1954 report on the Expanded Programme of Technical Assistance (A/2661) was directed mainly to an overall examination of the general administrative procedures and expenses of that Programme. Following consideration of this report by the Technical Assistance Committee of the Economic and Social Council and by the Council itself (resolution 584 B (XX) of 23 July 1955) and the Advisory Committee's comments on the results of the Council's consideration,³⁴ it was found that certain points in the

earlier study merited further examination. The mo important among these points related to the arrangemen and procedures within the participating organizations respect of technical assistance. Accordingly, emphasis have placed in the special studies and in the present r port on the practices obtaining within individual organizations.

(2) Central direction of the programme

- 12. The Advisory Committee desires, however, 1 offer at this point some observations as regards the cer tral administration and direction of the Expanded Programme. A practice has been established in recent year by which the Technical Assistance Committee request the Advisory Committee to examine the annual budge estimates of the central administrative costs of the Programme, covering the expenses of the Technical Assistance Board secretariat, its field offices and certain join administrative costs. In undertaking this annual review the Advisory Committee will continue to examine the administrative practices in respect of the over-all direction of the Programme, as distinct from the administration of the Programme within each organization.
- 13. In its consultations at the headquarters of the par ticipating organizations, the Advisory Committee ha confirmed its earlier impression that the organizations arrangements for the Expanded Programme, which in clude the Technical Assistance Board, have a tendenc to duplicate the machinery which exists, in the Adminis trative Committee on Co-ordination and its subsidiar bodies, for the co-ordination of the activities of th United Nations and its associated agencies. The Com mittee has, of course, noted with interest that some effor has been made to overcome the disadvantages inherent in these arrangements by the ACC taking a more positiv role in regard to the over-all direction of the Expander Programme. The Committee nevertheless continues to believe that neither the best interests of the organization and of Member Governments nor the administrative effi ciency and co-ordination of their activities, will be served by undue emphasis, at all levels of the organizationa structure and of the machinery for co-ordination, on the differences in the source and method of financing of the regular budgetary programmes, on the one hand, and o the Expanded Programme, on the other. This is all the more so for two reasons. In the first place, as will be seen from later sections of the present report, the work o: the organizations in the economic and social fields, regardless of source of financing, is increasingly becoming predominantly operational in character, with emphasis on direct assistance to individual Member States of groups of Member States. Secondly, along with a growing identity of the memberships of the organizations and contributors to the Special Account of the Expanded Programme, the patterns of contributions to the regular budgets and the Special Account may be tending to become increasingly similar.

(3) Legislative direction of the programme

14. The Advisory Committee would like to make one other comment about the central direction of the Expanded Programme. For various reasons, arrangements for the legislative authority and control of the Expanded Programme have been developed in such a way that a subsidiary organ of the Economic and Social Council is vested with administrative and budgetary responsibilities which, in respect of the regular programmes of the Organization in the economic and social fields, are not

³² Official Records of the General Assembly, Ninth Session, document A/2661, separate fascicle; Annexes, agenda item 43, document A/2835; ibid., Tenth Session, Annexes, agenda item 24, document A/2994; ibid., agenda item 45, document A/3023; ibid., Eleventh Session, Annexes, agenda item 49, document A/3489; A/3738; Official Records of the General Assembly, Twelfth Session, Annexes, agenda item 48, document A/3767; A/3832; A/3996; Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 50, document A/4032.

³⁸ For reports since 1954, see Official Records of the General Assembly, Ninth Session, Supplement No. 7; ibid., Tenth Session, Supplement No. 7; ibid., Annexes, agenda items 38 and 47, document A/3050; ibid., Eleventh Session, Supplement No. 7; ibid., Twelfth Session, Supplement No. 7; ibid., Thirteenth Session, Supplement No. 7; ibid., Annexes, agenda item 44, document A/4038.

³⁴ Ibid., Tenth Session, Annexes, agenda item 24, document A/2994.

assigned to the Council itself. Thus, while legislative authority for administrative and budgetary matters in respect of basic programmes belongs exclusively to the General Assembly and its Administrative and Budgetary (Fifth) Committee, similar authority in respect of the Expanded Programme rests largely with TAC. Even where the General Assembly is involved, as in the matter of confirmation of allocations made by TAC, the Fifth Committee has no defined responsibilities in regard to the programme. It may be argued that, together with an integration of programmes and of programming procedures, there should also be an integration of administrative and budgetary procedures at the legislative level. Some progress has been made towards such integration by the present arrangements for the review of various administrative and budgetary aspects of the Expanded Programme by the Advisory Committee. Further progress in this matter would seem to lie in the direction of associating the Administrative and Budgetary Committee of the General Assembly with the legislative review of those aspects.

III. GROWTH AND SCOPE OF REGULAR AND TECHNICAL ASSISTANCE PROGRAMMES

- 15. Annex I to the present report includes information on the expenditures of each organization, for the years 1951 to 1959: (a) under the regular budget of the organization; (b) on activities of a "technical assistance" nature within the regular budget; and (c) under the Expanded Programme of Technical Assistance.
- 16. Both the amount and relative size of the expenditures under the Expanded Programme, by comparison with the regular budget, vary from organization to organization; and so does the proportion of regular budget funds spent on activities of a "technical assistance" nature as distinct from the more traditional activities of the organizations (regulatory and standard-setting functions, collection and dissemination of statistics, and research, studies and reports). Nevertheless, two broad conclusions emerge from the tables in the annex. First, the total activities of the organizations include strikingly large operational programmes, and secondly, technical assistance financed from regular budgets has been increasing over the years and this trend is likely to continue.

IV. INTEGRATION: GENERAL COMMENTS

- 17. In its earlier report (A/2661), the Advisory Committee expressed concern that the participating organizations, with few exceptions, tended to the view that Expanded Programme activities should "pay their way," with the Special Account of that Programme meeting all the related administrative costs as well. The Committee has studied further the situation in this regard in each of the participating organizations, and its findings and observations have been submitted in its individual reports on the organizations. While it is not intended to try to repeat or summarize here those detailed observations, certain basic information on the procedures followed in the several organizations is brought together to provide a basis for drawing meaningful conclusions. The problem of integration of activities is dealt with in three phases: the planning, review and approval stages; implementation at headquarters; and implementation in the field.
- 18. The term "integration" has come to be used, in international organizations, rather loosely to indicate a number of different connotations, and sometimes synony-

- mously with the concept of co-ordination. It is therefore necessary at this point to define the particular sense in which the term "integration" is used in this report in the three contexts mentioned in the preceding paragraph:
- (a) "Integration" as applied to the planning, review and approval of programmes is intended to denote the simultaneous planning of a consolidated and rational total programme, regardless of the fact that different elements in that programme are to be financed from different sources, and the simultaneous review of this consolidated programme by a legislative body.
- (b) "Integration" at headquarters is used to indicate the unification of the organizational arrangements at the headquarters of an organization in respect of its regular programme, on the one hand, and the Expanded Programme, on the other, and a similar unification of administrative and financial arrangements and procedures, as well. This type of integration also covers the fullest utilization of existing facilities, and, naturally, facilitates integration at the planning stage (i.e., paragraph 18 (a) above) as well as at the stage of execution.
- (c) "Integration" in the field similarly denotes unification and consolidated use of the organizational arrangements in the field, and of such programming, administrative and financial facilities and responsibilities as are assigned to the field offices. This concept also covers the maximum utilization of the offices of the TAB resident representatives as well as of the existing field facilities of the organization itself, and, naturally, facilitates integration at the planning and execution stages.

V. Integration: Planning and review of programmes

(1) Summary of agency procedures

- 19. The activities of the organizations under the Expanded Programme are planned, reviewed and approved in accordance with the procedures for country programming set forth in Economic and Social Council resolution 542 B II (XVIII) of 29 July 1954. The application of these procedures to the programmes of the organization follows broadly the same general pattern, although in some cases certain further emanations of these procedures have been adopted in order to achieve better co-ordination with the formulation and review of regular programmes.
- 20. The procedures for the planning and review of regular programmes vary among the organizations. These procedures in respect of each organization are described in the individual special reports of the Advisory Committee; a brief outline is given below, with an indication of how co-ordination between the regular and Expanded Programme activities is attempted at the planning and review stages.
- (a) ILO: Much of the work under the regular budget consists mainly of standard-setting or legislative work, and research and information, with only limited activities of a direct "technical assistance" nature. The regular programme is developed on an annual basis, within long-term policies laid down by the International Labour Conference and by the Governing Body with the assistance of a number of advisory committees and of the International Labour Office. Expanded Programme activities are conceived as practical extensions of basic functions and as a logical and useful complement to the standard-setting work. On this basis, there is a good measure of co-ordi-

³⁵ In recent years, however, this latter type of work, has been increasing-1959 estimate: \$92,000; 1955 expenditure: \$38,594.

nated planning of activities within the secretariat, with each substantive division participating or assisting in the formulation of all ILO activities in its field. The field offices of the ILO also play an important part in the planning of both regular and Expanded Programme work affecting their respective geographical regions. Nevertheless, owing largely to the differing time-schedules in the planning, and in the discussions relating to the planning, of the two programmes, neither the Governing Body nor the Conference is provided with proposals for a consolidated and integrated programme of work covering all activities.

- (b) FAO: The regular programme of FAO consists essentially of research, studies and information in the several fields of interest to the organization, the promotion of national action in these several fields and the adoption of international policies, particularly with regard to agricultural commodity arrangements. Although the Constitution of FAO provides, as a function of the organization, the furnishing of such technical assistance as Governments may request, there is no specific element for technical assistance in FAO's regular budget. The regular programme is formulated on a biennial basis within the general provisions of the Constitution and the decisions and directives of the Conference. The draft programme and budget, as prepared by the Director-General, include estimates, for the first of the two years of the biennial period in question, of the administrative and operational services costs chargeable to the Expanded Programme, while information on the projects to be financed under that Programme is given in respect only of the year preceding the budget period, inasmuch as information concerning the programme for the two years would not as yet be available. The programme and budget document is reviewed by the Council of FAO with the assistance of its Programme and Finance Committees either jointly or separately and, subsequently, by the Conference. The regional representatives submit to headquarters their proposals for incorporation in the regular programme of work and budget for the future period on the basis of the recommendations of the regional conferences and in the light of their visits to member countries. They also make suggestions regarding activities to be proposed to individual Governments for inclusion in their future technical assistance country programmes.
- (c) UNESCO: A substantial part of UNESCO's regular programme consists of "special activities" which, broadly speaking, are in the nature of technical assistance. Specific mention should be made in this regard of the Participation or Aid to Member States Programme. UNESCO's draft programme and budget proposals are formulated some twenty months in advance of the beginning of the financial period to which they relate. Nevertheless, it is understood that, even at the initial planning and review stages, every effort is made to ensure coordination between regular and Expanded Programme activities:
- (i) First, the over-all budgetary allocations to the various programme disciplines under the regular budget are determined, bearing in mind the possible funds likely to be available under the technical assistance programme. This ensures a proper balance between various programmes taken as a whole.
- (ii) Regional technical assistance activities are planned as an integrated part of the various projects under the regular budget.
- (iii) Allocation of funds under the Participation Programme is made, bearing in mind the necessity for a

higher allocation to fields for which technical assistance funds are not applicable, such as certain programmes in the field of cultural activities.

(iv) The draft proposed programme and budget which is sent to Member States, the United Nations and specialized agencies includes a projection of country and regional programmes of technical assistance in the various programme fields. This has the advantage of presenting the total amount of funds likely to be available for the various programme areas, irrespective of the source of funds.

Consequently, both the Executive Board when it reviews the draft programme and budget for the succeeding financial period as well as Member States have an opportunity to examine and develop the programme as a consolidated whole, covering both the regular budget as well as technical assistance.

(d) WHO: The regular annual programme of WHO since 1957 has been developed within the framework of the second general programme of work covering the period 1957-1960, in which, apart from the international, world-wide services of WHO, special emphasis is maintained on the provision of assistance for the development of national health services. Accordingly, a substantial portion of the regular budget is devoted to activities of a technical assistance nature. Preliminary planning in respect of the programme for any year is undertaken by the headquarters secretariat and the regional offices some two years in advance, on the basis of consultations with Governments and, as appropriate, other agencies. This is followed by the preparation of draft programme and budget estimates by each regional office in respect of its region, and by Headquarters in respect of central activities, all within firm target figures set by the Director-General. The relevant portions of the draft programme and budget are then examined by the regional committees and transmitted to headquarters, together with their comments and recommendations. (Each regional committee is composed of the representatives of the member States and associate members of the region.) The programme and budget estimates, which include the regional programmes consolidated and proposed by the Director-General, are submitted to and reviewed by the Executive Board in January of the year preceding the programme and budget year, and subsequently by the World Health Assembly. In order to overcome the difficulty caused by the differing time-tables for the regular and Expanded Programmes and by the differing financial basis and programming procedures of the two programmes, WHO has made arrangements under which the regional offices undertake with Governments preliminary, though purely tentative, consultations in regard to the planning of Expanded Programme projects pari passu with the planning of projects under the regular budget. Such consultations assume, for purposes of tentative planning, that the level of funds available in the programme year concerned would remain approximately the same as in the current year. Similar consultations are simultaneously held also in respect of the parts of the programme of WHO financed from other extra-budgetary funds. These procedures have made it possible to integrate within the general structure and work of the organization, projects financed from the different sources of funds, and also to make available to the legislative organs and member Governments of WHO comprehensive information on all programmes proposed for a given year, even though the material relating to the technical assistance programme is of a tentative nature.

(e) In the case of ICAO, ITU and WMO, the annual regular programme, consisting almost wholly of standard-setting and regulatory work, is established by the appropriate governing body under general work programmes for a longer period approved by the supreme legislative body of the organization. Generally speaking, there is little legislative consideration or discussion of Expanded Programme activities simultaneously with regular programmes of work for the same period.

(2) Progress of integration

- 21. It will be seen from the foregoing analysis that some progress has been achieved in several agencies in the integration, within a single planning and review process, of technical assistance and other programmes. At the same time, in the view of the Advisory Committee, there is scope for further efforts in this regard, so that governing bodies may have the opportunity to participate adequately in the task of relating technical assistance to regular programmes and *vice versa*.
- 22. It has been represented that the problem mentioned in the preceding paragraph is rendered difficult by the following considerations:
- (a) For any given year, the Expanded Programme is planned on a firm basis generally six to twelve months later than the regular programmes; in some cases, where the regular budget is on a biennial basis, the time-gap is still longer in respect of the programmes for the second year of the biennial period;
- (b) The voluntary character of contributions to the Expanded Programme gives rise to fluctuations in the level of available resources;
- (c) Under the revised procedures for the allocation of funds on the basis of country programmes, the requests which Governments will include in those programmes cannot be foreseen.
- 23. While there is some validity in the above argument, the difficulties in the situation are by no means insuperable, provided certain adjustments and modifications of procedures are entertained. The consideration at point (b) above should not affect the possibility of tentative planning, of the kind developed in WHO, of the programme on the basis of an assumed level of available funds. Considerations (a) and (c) are closely related and might be met through the gradual evolution of procedures directed towards appropriately advancing provisional planning of technical assistance programmes so as to coincide with the planning of projects financed from the regular budget and, indeed, from any other source. Such an approach is also likely to encourage recipient Governments to entertain a greater measure of advance planning of their own country programme requests. There would be advantage also in a consideration by the TAB and TAC of the possibility of providing for some degree of long-term planning in advance within the framework of the country programme procedures.

(3) Longer-term planning of programmes

24. The fact that a significant proportion of the total programme is made up of continuing projects would facilitate, and indeed justify, this approach. Present procedures, rigidly adhered to, have probably entailed unnecessary effort in the annual re-programming of continuing projects, which occasionally gives rise also to the possibility of an interruption of the project before it is completed.

- 25. A further reason for, and advantage of, longer-term planning lies in the direction of administrative improvements and a greater degree of co-ordination, both of programmes and of administrative structures and procedures. No doubt such longer-term planning should provide for some flexibility to adjust programmes to meet changing requirements and to facilitate proper co-ordination with related programmes.
- 26. The Advisory Committee has accordingly noted with interest the efforts that are being made in TAB and TAC towards a simplification of the procedures in this regard, and particularly the proposals which TAB has recently submitted to TAC (E/TAC/84) concerning two-year programming and the provision for continuing projects.
- 27. As regards legislative review of programmes, while there exists separate machinery (TAB, TAC, ECOSOC and the General Assembly) for review and approval of the Expanded Programme as a whole, the responsibility for relating each organization's activities under that Programme with its regular programme and vice versa, and for ensuring the technical soundness and integrity of all programmes, must rest with the legislative bodies of that organization. It is therefore gratifying that governing bodies of the several organizations are devoting increasing attention to the review of activities under the Expanded Programme, even if such review does not take place simultaneously with their examination of regular programmes.

(4) Administrative and budgetary review of programmes

- 28. Governing bodies have also been faced with increasingly difficult tasks in administrative and budgetary fields, especially as a result of the separate lines of legislative review and control, not merely as regards programming functions but also in respect of administrative expenses, that have evolved for differently financed programmes. There was a tendency in earlier years to consider that every financial source which provides for operational programmes must also pay its own administrative overhead more or less independently of existing administrative services, with the result that a separate pocket of administrative organization and expenditure was considered appropriate for each programme. This, in turn, led to the establishment of a separate line of legislative authority for the review and control of each such group of administrative expenditure, even where it formed a part, often difficult to identify, of a total overhead. This phase of the problem of legislative review has been met fairly satisfactorily with the request of the Economic and Social Council (resolution 702 (XXVI) of 31 July 1958) that the regular budget should include also the cost of administering Expanded Programme activities, with an appropriate lump-sum credit to that budget from the Expanded Programme as a contribution towards the total overhead. This practice, which nearly all the organizations have agreed to adopt, will encourage and facilitate a meaningful legislative review of total organizational and administrative costs of each organization by its appropriate legislative bodies.
- 29. The examination of questions relating to total administrative organization and expenditure calls for expertise and experience of such matters as they affect or arise in international organizations. While the review by governing bodies of these issues appears to meet essential needs in regard to the proper execution and

administrative control of programmes, machinery to help those bodies and other legislative organs in this task, including qualified expert committees, is often inadequate. This point is of particular importance in specialized organizations inasmuch as the governing bodies of those organizations tend to have serving on them individuals who are qualified in the specialized field of the organization concerned but may sometimes be less experienced in administrative and financial matters.

VI. Integration: implementation at headquarters of organizations

(1) Summary of agency procedures

- 30. In its individual reports on the participating organizations, the Advisory Committee has described the organizational, administrative and financial arrangements and procedures in each organization in respect of the conduct of its activities under the Expanded Programme. The Committee has also indicated the extent to which these arrangements and procedures coincide, or are co-ordinated, with similar arrangements and procedures under the regular budget.
- 31. In order to lend meaning to the Committee's overall conclusions in this regard, a brief note on the situation in each organization follows:
- (a) ILO: The organizational arrangements at headquarters place on each substantive division responsibility for the technical aspects of the entire work of the International Labour Office which falls within its field of competence, whether such work is financed from the regular or Expanded Programme budget. The technical aspects in question cover such phases of technical assistance as technical advice on projects, assistance in the establishment of project and job descriptions and in the selection of experts, advice to the experts during the execution of projects, and review of experts' reports. The internal co-ordination of secretariat responsibilities in regard to technical assistance is ensured through the Programme Board 36 which is advisory to the Director-General. Necessary personnel, budgetary, accounting and other services are provided by the normal administrative, financial and other services of the Office, strengthened as appropriate. The residual responsibilities in regard to the Programme have been vested since 1957 in a separate Field Services Division (eighteen posts) which is merely a servicing unit. Thus the Division provides a secretariat to the Programme Board, assists the Deputy Director-General in attendance at TAB and related meetings, channels and processes reports from the field, co-ordinates the work of the field offices and the briefing of experts. These headquarters arrangements are supplemented by five field offices (see annex II) which play an important part in the planning, implementation and evaluation of both regular and Expanded Programme activities in their respective regions. Under the direction of headquarters, and in liaison with TAB resident representatives, they give advice, both of a general and a technical character, to the Governments concerned, thus enabling the latter to formulate their requests for assistance on the basis of national priorities.
- (b) FAO: Following the 1958 reorganization of the secretariat, each technical division is responsible for an integrated programme of work covering both technical assistance and regular world-wide functions, with the

over-all responsibilities of programming under all programmes placed in the Programme and Budgetary Service in the Office of the Director-General. This Service is responsible also for the central functions relating to participation in the Expanded Programme such as attendance at TAB and related meetings and central reporting functions. The function of liaison between headquarters and the field with respect to all activities of FAO is the responsibility of the Director of the Programme and Budgetary Service and is carried out, within that Service, by the Field Operation Liaison Branch. The headquarters units receive much functional assistance from the five regional offices (and three suboffices) and forty-eight country representatives of FAO (see annex II). The regional offices, which are kept informed of the activities in the countries within their region by the respective country representatives, are responsible for following the development and execution of FAO activities and relationships in the areas assigned to them. All necessary personnel, budgetary, accounting and other services in respect of Expanded Programme activities are performed by the relevant regular services of the organization, strengthened as appropriate.

- (c) UNESCO: Since the Advisory Committee's special study of UNESCO in May 1956 (A/3166) and following suggestions made therein, efforts have been made for close co-ordination within the secretariat as regards the implementation of the several programmes. The substantive programme departments are responsible for advising and co-ordinating the activities both under regular and technical assistance programmes. Similarly the various administrative bureaux provide the necessary administrative services for both programmes. The dayto-day administration of the technical assistance programme is entrusted to the Bureau of Relations with Member States which works closely with programme departments on substantive matters and with administrative bureaux on administrative questions. Furthermore, to ensure more efficient co-ordination between the Participation Programme and technical assistance activities, the administration of the former is also entrusted to the Bureau of Relations with Member States. This has the advantage of closely inter-linking the aid offered under the two categories, drawing on the advice of programme departments on technical and substantive questions.
- (d) ICAO: The general principle accepted by the ICAO Council concerning the administration of the Expanded Programme is that the funds of that Programme should be used to pay for its administration, and that no appreciable burden should be placed on the staff provided under the regular budget. This principle is reflected in the fact that, apart from accounting functions, all other administrative responsibilities are concentrated in a separate Technical Assistance Bureau (fifteen posts, including two outposted in Beirut) which is financed from the Special Account. Even in respect of accounting functions, the staff involved (five posts), while administratively forming part of the regular Accounts Section, are paid out of Special Account funds.
- (e) WHO: The offices and divisions, including the regional offices, in the basic structure of WHO are responsible for all activities within their respective fields, including activities under the Expanded Programme. The operation of Expanded Programme projects entails an increase in the workload of the various offices and services, at headquarters and in the regions, in addition to which there are some centralized accounting, reporting

³⁶ Comprising the Deputy Director-General as Chairman, all Assistant Directors-General and the Treasurer, with the Chief of the Technical Assistance Division acting as Secretary.

nd liaison functions at headquarters exclusively related the Expanded Programme. The Organization's central esponsibilities resulting from its participation in the expanded Programme are dealt with by the substantive rganizational units at headquarters. The augmented orkload of the offices and services is met by supplementary staff financed in part from the organization's dministrative and operational services allocations under the Expanded Programme.

(f) ITU and WMO deal only with the technical spects of their projects under the Expanded Proramme, with administrative, accounting and other ervicing arrangements provided by the United Nations. The responsibilities of ITU and WMO under this sysm, including the central functions of liaison with TAB and the United Nations (Bureau of Technical Assistance perations, formerly the Technical Assistance Administration), are carried out by a small technical assistance nit (four posts in ITU and six posts in WMO).

(2) Progress of integration

- 32. For organizations where the regular programme id not include any operational element of the technical ssistance type, participation in the Expanded Proramme meant the beginning of a new type of activity. In nese organizations and, to a less extent, in some others s well, the technical assistance programme was initially onceived as a somewhat independent operation, with a eparate structural and administrative arrangement ithin the organization. Over the years, an effort has een made often because of the need for co-ordination nd integration of the different types of work, to achieve unified system of services for the regular and Expanded 'rogramme activities. Naturally, this effort has met with reater success in organizations whose basic work under neir regular budgets is itself operational and where the expanded Programme means additional resources for n expansion of existing operational activities. In these ases, the question has mainly been one of identifying ne additional workload and expenditure that may be ttributed to the Expanded Programme.
- 33. It may be seen from the brief descriptions of the rrangements in each organization that there has not lways been an adequate measure of integration, at the eadquarters secretariat level, as between the regular nd Expanded programmes. Such integration, in the dvisory Committee's view, should be governed by the ollowing desiderata, subject of course to flexibility of pplication and adoption to the circumstances of indiidual organizations:
- (a) All substantive programme functions and responibilities related to assistance projects and their technical apport at headquarters should be vested in the relevant abstantive divisions.
- (b) Normal personnel, budgetary, financial and accunting functions in respect of the Expanded proramme should be handled by the regular administrative nd financial services of the organization.
- (c) There should only be a relatively small unit to take are of the strictly operational and liaison responsibilities icluding those relating to communication with Governments and resident representatives, participation in TAB and other central organs of the programme, and central eporting functions.
- 34. The Advisory Committee's approach in this matter as been governed by the twin principles laid down by the Economic and Social Council in resolution 222 A

- (IX) of 15 August 1949 that "the work undertaken by the participating organizations under the Expanded Technical Assistance Programme should be such as to be suitable for integration with their normal work" and that "within the wide range of activities envisaged, the participating organizations should practise concentration of effort and economy [and] ensure the fullest use of any existing facilities". Indeed these objectives can only be achieved through the evolution of unified services for all activities. For example, to take the case of a substantive or servicing division, the fullest use of its facilities can be ensured, not by the creation of a new unit to do some additional, more or less similar, work, but by first assigning such work to the existing division and then strengthening that division, if necessary, to meet any extra workload that cannot be absorbed within existing facilities.
- 35. With a growing measure of integration of the programmes themselves, which is essential for their maximum effectiveness, it has become increasingly difficult to identify the extra costs of servicing the Expanded Programme activities. This is also one of the reasons for the Advisory Committee's earlier recommendation for a consolidated presentation of all overhead costs, with an appropriate lump sum contribution towards those costs from the Expanded Programme Special Account.

(3) Procedures for financial control

36. The procedures for financial control of Expanded Programme activities are generally similar in all organizations to those applied in the case of their respective regular budgets, largely because most of the organizations have their basic financial regulations patterned after those that apply in the United Nations. Internal financial control in the organizations seems satisfactory as to technical assistance allocations as well as regular funds.

VII. Integration: implementation in the field

(1) Summary of agency procedures

- 37. Participating organizations have a wide range of responsibilities at the field level in regard to the Expanded Programme, including discussions with officials of recipient Governments in connexion with technical planning and content of projects, the provision of substantive support to projects and experts and their technical supervision, and the necessary function of administrative support and servicing. These responsibilities are fulfilled in a variety of ways, some of which may involve unnecessary expenditure, depending upon the manner in which technical assistance activities have been evolved in the organization, the nature of the regular programme and of the basic structure of the organization, the availability of the organization's own facilities in the field, the willingness of the organization to use the services of TAB resident representatives as well as the limitations to such use, and the degree of centralized control which the organization desires to exercise over its projects.
- 38. The situation in this regard in each organization is outlined below in brief terms; for details, reference may be made to the Advisory Committee's individual special reports. To some extent, the point has been covered, in passing, in the earlier sections of the present report. A list of the field offices of the specialized agencies is given in annex II to the present report.
- (a) ILO: The five field offices of the ILO play a significant part in the planning, implementation and eval-

uation of both regular and technical assistance programmes in their respective regions. Normally, discussions with officials of the recipient countries on planning of projects are held by officials of the field offices, who also exercise a broad supervision of projects and experts in their respective regions.

Full use is generally made of the services of TAB resident representatives in co-ordinating negotiations with the technical Ministries of Governments, and, more particularly, in co-ordinating the final consultations with the responsible planning unit of the Government concerned. In a number of countries it has been the practice for the resident representative to participate with the ILO field office in all discussions, while in others the resident representative has, by mutual agreement, confined his direct participation to the final stage of negotiations with the responsible government co-ordinating unit.

The administrative servicing of a project in the field is provided by the field office concerned or by the office of the resident representative. It is customary, where major regional projects such as the Andean Indian project are concerned, for a considerable amount of administrative support to be given by the field office in the region. In the case, however, of individual country projects, such support is normally provided through various channels: ILO headquarters, the interested field office, and the office of the resident representative.

The ILO has another and wider field organization in the network of branch offices (twelve) and national correspondents (thirty-two, most of the latter being employed on a part-time basis). The system of branch offices and national correspondents is non-operational in character, and was instituted in 1919 in order to maintain liaison with the Government, employers' organizations, and workers' organizations in the countries concerned and to keep ILO headquarters informed of local developments in the social and economic fields. At present, the branch offices also assist in certain duties related to the Expanded Programme, such as the recruitment of experts and the placement of fellows and trainees.

The Advisory Committee had expressed some doubt as to the need for two separate organizational structures in the field. The ILO has already suppressed the posts of correspondents in cities where a field office exists (Lima and Mexico City). The organization will keep the general question under review, and it is hoped that more integrated arrangements may be evolved to meet essential field responsibilities.

(b) FAO: Since the Advisory Committee's study of FAO, there has been a strengthening, as foreshadowed in that study (A/3598, paras. 30-32), of the regional offices of FAO largely through the outposting of additional technical staff to those offices. Attention has been drawn in paragraph 31 (b) above to the responsibilities of these offices and of the FAO country representatives for following the development of FAO activities and relationships in their respective areas. The strengthening of the regional structure is based on the Director-General's conclusion that, while the basic technical work of FAO can best be performed at a world centre, much of the direct advice and assistance to Governments can be provided most effectively and expeditiously on the basis of close local associations with member countries. As a result, the regional representatives now have closer association with member States, prepare, for consideration at headquarters, forward regional programmes of work, and actively participate in the negotiations relating to country programmes and in the review and evaluation of FAO projects in the region.

Where FAO has no country representative the TAI resident representative acts as its representative in respec of all technical assistance matters. In countries wher there are both TAB resident representatives and FAC country representatives, close contact and co-ordination is maintained at the programming and implementation stages. Certain administrative functions are performed in all countries by the TAB representatives on behalf of FAO.

- (c) UNESCO: UNESCO has one regional office a Havana which plays an important role in the implemen tation of the programme in the field, particularly in con nexion with the Education and Teacher-Training majo project for Latin America. The four field science co operation offices have not been able until now to play a active a role since their work has been related primarilto the execution of the natural sciences programme Nevertheless, steps are being taken to use their service more and more in the development of country pro grammes of technical assistance both at the planning and at the execution stages. The field science co-operation offices play an increasingly important role particularly in the case of training courses and seminars in the natura sciences and social science fields, held under the auspice of the technical assistance programme. The introduction of the biennial technical assistance budgets will facilitat better planning and integration of the regular and techni cal assistance programmes through the science co-opera tion offices. It is also understood that adequate measure will be taken to ensure closer co-ordination between UNESCO chiefs of missions and TAB resident repre sentatives, as appropriate.
- (d) ICAO: The five regional offices of ICAO, which are essentially functional offices of the Air Navigation Bureau of ICAO, do not normally participate in the planning or implementation of technical assistance projects; they have assisted in the programming of such projects on occasion but only where a representative from headquarters has not been able to visit a country Preliminary consultations with Governments concerning the technical aspects of ICAO projects are held by the respective country chiefs of mission of ICAO. ICAC also uses the services of TAB resident representative when a representative of ICAO is unable to visit a country to discuss the programme.

Administrative services in the field are provided, i the main, directly from ICAO headquarters.

(e) WHO: WHO, alone of the specialized agencies has special regional organizations established by it Constitution as an integral part of the organization. Th Health Assembly has defined six geographical areas an established six regional organizations, consisting of regional committee, composed of representatives of th member States and associate members in the region, an a regional office, to meet the special needs of each suc area. The regional committees meet annually to supervis the work of the regional offices, to plan programme within the region, to tender advice to the central organiza tion, through the Director-General, on matters of wide than regional significance, and to formulate policies gov erning matters of an exclusively regional character. I addition to the regional offices, there is a network o zonal, area and field offices covering the territories o most member States. The work of the organization i thus decentralized, with the regional offices as the primar centres of action with regard to the activities in the field Reference has already been made in paragraph $20 \ (d)$ above to the role of the regional and other field offices in the development of WHO programmes. The decentralized structure of WHO has also tended to diminish the organization's dependence on TAB resident representatives.

A considerable amount of technical support and practically all the administrative services required for projects, experts and fellows are provided by the appropriate regional office.

- (f) ITU and WMO have no field offices, and usually rely on TAB resident representatives for both programming discussions and the provision of administrative support which originates from the United Nations. Technical discussions relating to projects are undertaken by visiting officials of the organizations.
 - (2) Progress of integration and use of Technical Assistance Board resident representatives
- 39. In its 1954 report (A/2661, paras. 13-16), the Advisory Committee referred to the inadequate use of the services of TAB resident representatives and to the duplication of effort and expenditure involved in the dual system resulting from the use of resident representatives side by side with agency regional representatives. The Committee has noted from its special studies that the TAB resident representative system is now better understood and that the facilities offered by that system are utilized to an increasing extent at various stages of the technical assistance process, such as project planning, co-ordination of total country programmes, and project execution and evaluation. There are, no doubt, varying practical limitations to such use, especially at certain of the stages. Thus, the organizations consider it necessary to have their own expert representatives attend to technical aspects of programming and ensure the proper relationship between their Expanded Programme projects and their regular programmes, the latter not being within the responsibility of the TAB representatives.
- 40. The use of the services of resident representatives by an organization is also influenced by the nature and extent of the field structure which that organization already has, or finds it necessary to develop, in respect of its regular programmes. In this connexion, the Advisory Committee has noted that, with the shift of emphasis to programmes of direct assistance, there has been in all international organizations including, on the economic and social side, the United Nations, a strengthening of permanent organizational arrangements in the field. In many cases, existing regional offices, which in the past might have been designed essentially for undertaking research, studies, information and liaison, have increasingly acquired operational responsibilities. The character of national development plans and of internal governmental arrangements in regard to such plans may also influence the nature of the field structure of international organizations.
- 41. It is of interest that in recent years, following an expansion in the geographical coverage of the Expanded Programme, there has also been an increase in the number of TAB field offices from twenty-three in 1954 to thirty-four (see annex II) in 1959. In addition, supplementary services are furnished by five liaison offices and four correspondents (see annex II).
- 42. Given these developments, which are not without justification, emphasis should be placed on evolving a

constructive unity of effort as between resident representative offices and agency regional and field offices. Care should be taken to avoid maintenance of separate agency offices and personnel in the field merely to perform functions which could appropriately be undertaken by resident representatives and their staffs. Such functions cover, in particular, the purely administrative responsibilities relating to the Expanded Programme. In this regard, it is interesting to note that the United Nations itself has found it desirable to review and rationalize its total field structure.

(3) Shift of emphasis to regional activities

- 43. The general expansion and strengthening of field apparatus in many of the organizations reflects a shift of emphasis to regional "approaches" in meeting the urgent problems relating to economic and social development of under-developed countries. The same trend is evident in other extra-budgetary programmes of the United Nations such as the United Nations Children's Fund and the United Nations Special Fund, although the latter is at present using TAB facilities in the field.
- 44. It appears to the Advisory Committee that, while the regional trend mentioned above may be valid and indeed useful, independent attempts by each of the organizations to provide regional facilities through the setting-up of networks of field offices may prove both uneconomical and confusing. They will also result in a situation where a Government seeking assistance from the United Nations system will be faced with a need which, in terms of time and cost, may be disproportionate to the assistance requested—to meet and deal with officials of a variety of international organizations in its territory. The co-ordination and efficient use of staff and facilities "in the field" appears to be one of the major administrative and budgetary problems of concern to the General Assembly in the next several years. In its inevitable bearing on co-ordination of the planning and execution of programmes, and of their content, the problem would hold an interest for the Economic and Social Council.

VIII. Co-ordination in general, and miscellaneous matters

(1) General comments

45. Any approach to the problem of co-ordination among the United Nations and its specialized agencies, whether as regards programmes or administrative and budgetary matters, is necessarily conditioned by the fact that each of the organizations is essentially autonomous. On the other hand, it is this very consideration that renders effective co-ordination among them both important and urgent to the success of their endeavours, severally and collectively. This need has been amply recognized in the United Nations Charter, which includes appropriate provisions for co-ordination between the United Nations and the several agencies in regard to programmes (Articles 57-60, 62-64, 66) as well as administrative and budgetary matters (Article 17, para. 3). The importance of the need to unite, in freedom, in a common endeavor of international co-operation is equally underlined in the constitutions of the specialized agencies as well as in the agreements between them and the United Nations. Accordingly, the emphasis should not be solely on the autonomy of the organizations, but also, to an equal extent, on a unity of effort, through effective action economically undertaken, towards common objectives.

(2) Importance of co-ordination at the national level

46. Axiomatic as the above consideration is, it derives added meaning in the fact that, for all practical purposes, all the organizations have essentially a common membership. The programmes and policies which the organizations individually adopt and pursue are determined by practically the same group of Governments, albeit gathered in different assemblies. It is of the utmost importance, therefore, that the representatives of a Government speak with a single voice in the several organizations and take mutually consistent positions. The importance of such co-ordination at the national level has been emphasized by the General Assembly (resolution 125 (II)), the Economic and Social Council (resolutions 590 A (II) (XX)), 630 A II (XXII and 694 B I (XXVI)) and the Advisory Committee (A/3166, para. 35), and it cannot be reiterated too often.

(3) The question of a "consolidated budget"

47. The early awareness of the difficulties in the way of achieving fully effective co-ordination among the organizations is also probably reflected in the fact that the agreements between the United Nations and the specialized agencies provide, in some cases, (FAO and UNESCO) for consultations "concerning appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations", and, in some others (ILO, ICAO, WHO and WMO) for consultations "concerning the desirability of making appropriate arrangements" for the same purpose.

48. The inclusion of the budgets of all the organizations in a consolidated budget of the United Nations would, of course, have contributed to a solution of the complex problems of co-ordination among them. On the other hand, such a concept was probably not very close to the considerations that governed the specific forms in which the specialized agencies were established, and could not be expected to become a reality so soon after the autonomy of the agencies had been accorded recognition. During the sixth session of the General Assembly, the Joint Second and Third Committee and the Fifth Committee, meeting jointly, considered a Norwegian proposal³⁷ which would have the Secretary-General study and report on the constitutional and practical problems in connexion with the adoption of a consolidated budget. The Committees reached the conclusion that "while study of the subject might be in some ways desirable, the time was not yet ripe for action in the matter. They considered that, while continuing their current efforts towards improved budgetary co-ordination, the Secretary-General and the Advisory Committee should, at an appropriate time, give attention to the question and place it before a future session of the General Assembly.38 In 1952, the Advisory Committee studied this question further and expressed the view that "it would be premature to place the question before the General Assembly at its current seventh session", and that it would keep the question under continuous review. The Committee also recorded its opinion that, "irrespective of the precise date when the question is again brought before the Assembly, the long-term view of member States on the advantages of comprehensive budgeting will be largely influenced, and indeed may be determined, by the position taken by the executive heads of the United Nations and the specialized agencies in respect of common services and the co-ordination of services."³⁹ Since 1952, no further consideration has been given to the question of a consolidated budget.

(4) Progress in co-ordination through other means

49. Although the development of a consolidated budget, which might appear to be the simplest approach to co-ordination if other considerations were not present. has not been pursued further, some progress has been made, through alternative means, in a number of matters. Those means have included some measure of co-ordination at the national level and of mutual co-operation among legislative bodies of the several organizations, the efforts of the Economic and Social Council, and, of course, the co-operation and effort of the Secretary-General of the United Nations and the executive heads of the agencies. Among the more important matters, on the administrative and budgetary side, which have been the subject of varying degrees of co-ordination are the financial regulations and procedures of the organizations, including a common classification for expenditures and a joint system of audit; the regulations affecting staff, including a common salary, allowance and leave system; the Joint Staff Pension Fund and common provisions in regard to social security for staff; the development of common services, especially at Geneva; common public information undertakings; and a number of other questions of day-to-day administrative co-operation.

(5) Administrative and budgetary co-ordination at the legislative level

50. In recent years, problems of co-ordination have become broader in scope and more varied and complex in nature, with the proliferation and expansion of the programmes of international organizations. Apart from programmes financed from the regular budgets, the United Nations and the specialized agencies participate in the Expanded Programme of Technical Assistance under somewhat complex procedures in respect of programming as well as general and financial administration. In addition, the United Nations undertakes other extrabudgetary activities in the economic, social and humanitarian fields, including, in particular, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the programmes of the United Nations High Commissioner for Refugees, and the United Nations Special Fund. Some of the specialized agencies also have similar substantial extra-budgetary programmes outside the Expanded Programme, such as the malaria eradication programme of WHO, the special programme of WHO financed by the Pan-American Sanitary Bureau, the desert locust programme of FAO, and the joint support programme of ICAO for the provision of air navigation facilities and services in certain areas.

51. Even in the case of the programmes of the United Nations alone, complex procedures have developed, at all levels, including the legislative, resulting in a need for an intensified effort towards co-ordination. For various reasons, it has perhaps proved necessary for the legislative direction of these several programmes to be dispersed among different organs and subsidiary organs. Reference has been made in paragraph 14 above to the

⁸⁷ Official Records of the General Assembly, Sixth Session, Annexes, agenda item 28, document A/C.2 and 3/L.48 A/C.5/L.139.

³⁸ *Ibid.*, document A/2107, para. 45.

³⁹ Ibid., Seventh Session, Annexes, agenda item 26, document A/2287, paras. 47 and 49.

particular situation which exists as regards the Expanded Programme of Technical Assistance. The legislative direction of the Expanded Programme, including administrative and budgetary responsibilities, is vested, to a large extent, in a subsidiary body of the Economic and Social Council, subject only to the broad authority of the General Assembly. A similar situation prevails in regard to other programmes in the economic and social fields such as the United Nations Children's Fund and the United Nations Special Fund. While the Economic and Social Council functions as a point of programme co-ordination for these different activities and the activities in the economic and social fields carried on under the regular budget of the Organization, such a central point of coordination, at the inter-governmental level, is lacking on the administrative and financial side.

52. In the case of the regular budget, and economic and social programmes financed from that budget, administrative and budgetary responsibilities belong exclusively to the General Assembly on the recommendation of its Fifth Committee. This principle that the General Assembly alone has authority in respect of budgetary and financial matters does not appear to have been maintained in regard to programmes outside the regular budget. Certain administrative and budgetary responsibilities in respect of extra-budgetary programmes are vested essentially in subsidiary organs of the Economical and Social Council or in other subsidiary bodies. This has naturally resulted in a situation where the Fifth Committee of the General Assembly has had little to do, regularly and as a matter of course, with the administrative and financial aspects of these programmes, except for the review of the related audit reports. Indeed, out of a total 1958 expenditure of the order of some \$190 million,40 the Fifth Committee was called upon to exercise direct responsibility, at the legislative level, in regard to the administrative and financial aspects only of some \$90 million worth of activity.

(6) Co-ordination at the secretarial level

53. At the inter-secretariat level, the ACC41 has been faced with the need to concern itself to a greater degree than heretofore with broad programming issues. To this end, the ACC has undertaken a review of its machinery and procedures "in order to increase in every way possible the effectiveness of the contribution it can make to the work of the [Economic and Social] Council and the governing organs of the specialized agencies.42 In its twentythird report to the Economic and Social Council,48 the ACC has indicated the steps which it has taken, or proposes to take, with a view to adapting its machinery and procedures more effectively to the goal cited above.

54. In this connection, the Advisory Committee has observed that it is becoming more and more difficult to differentiate between a point of administrative and budgetary co-ordination and what is essentially a matter of

⁴⁰ Includes the regular budget, and the expenditures for the United Nations Emergency Force, the Suez Canal Clearance Operation, the Expanded Programme of Technical Assistance, the United Nations Children's Fund, the United Nations Refugee Fund and related funds, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

41 Comprising the Secretary-General of the United Nations

and the executive heads of the specialized agencies, the ACC reports to the Economic and Social Council.

⁴² Official Records of the Economic and Social Council, Twenty-sixth Session, Annexes, agenda item 3, document E/3108, annex I, para. 5.

⁴³ Ibid Townshaminth Session

43 Ibid., Twenty-eighth Session, Annexes, agenda item 4, document E/3247, paras. 3-11.

programme co-ordination. Furthermore, as a result of the expansion and diversification of programmes, not only are secretariats harder pressed to keep themselves informed of what each is doing and to co-operate and collaborate with one another, but Governments are faced with an increasingly difficult task in keeping their many ministries and departments advised of the different activities, of relating programmes one to another, and of formulating meaningful judgements. The more varied the programmes and the machinery for their control and administration, the more difficult it is for Governments to participate effectively in them and to benefit by such participation.

(7) Expansion of conference and meeting programmes

55. A related point, which is a matter of concern to member states and the organizations alike, is the growing number and size of international meetings. This problem will increasingly become more and more complex unless efforts are made to meet it now through careful advance planning. Such planning should, as for as possible, be done by the several organizations in concert so that there is an even spread from year to year of the total meetings programme of all the organizations. This is important, not only for the most effective utilization of the combined facilities of the organizations, but also in relation to the arrangements for effective national representation at meetings. At present, owing to the plethora of meetings in the United Nations family of organizations, even countries with plentiful resources in trained personnel are finding it difficult to provide adequate, qualified representation. The General Assembly has made a major effort to meet this problem in resolution 1202 (XII) of 13 December 1957 by which the Assembly, inter alia, invited "all organs of the United Nations as well as the specialized agencies to review their working methods and the frequency and length of sessions in the light of the present resolution and of the growing volume of meetings, the resulting strain on available resources, and the difficulty of effective participation of members."

(8) Problem of currencies

56. The Advisory Committee desires also to refer in the present report to a specific point of inter-agency coordination, namely, the problem of currencies. Insufficient attention may have been paid in the past to this problem which, in any case, has assumed major importance only in recent years, with the growth of programmes financed from voluntary contributions in numerous currencies. The Committee is aware that a considerable amount of co-operation has been developed among the organizations, on an informal basis, in regard to the availability, exchange and use of funds in different currencies. On the other hand, there might be advantage in more regular arrangements to facilitate the most efficient and economical use of moneys in different currencies that are available to the several organizations. The Committee has noted, in this connexion, that occasionally, in the past, certain non-dollar expenditures of the Expanded Programme had to be met through the purchase of the appropriate currencies against dollars, even though it might have been possible to secure those currencies from within the United Nations system through a more regular pooling of currencies.

1959...

612

Annex I Specialized Agencies - Expenditures under regular budgets and Expanded Programme of Technical Assistance: 1951-1959 (In thousands of US dollars)

				(170	monsanas c	y Co wonare	• /				
		ILO			FAO		U	NESCO		10	CAO
	Re	gular budget				K	Regular bud	lget			
Year	Total	Activities of technical assi ance nature	ist- Expand		Expana Program		techi	ivities of a nical assist- ce nature	Expanded Programme	Regular budget	Expanded Programme
1951	. 5,835ª	55	336	4,581	2,013	8,200)	738	1,075	3,172	302
1952		59	1,876		6,179			784	3,537	3,192	942
1953	. 6,510	28	2,268	5,064	5,898	8,232	?	823	2,727	3,150	1,016
954	. 6,575	34	1,992	5,500	4,662	8,825	5	882	2,310	3,087	754
955		39	2,632	5,974	7,157	9,819)	1,558	3,085	3,255	992
956	. 7,291	129	3,056	6,398	8,020	10,786	,	1,732	3,793	3,349	1,180
957		144	3,209	6,025	7,157	11,142	}	1,993	4,688	3,900	1,292
958	. 8,521ь	161	3,421		8,352		,	2,179	4,532	3,999	1,285
1959	. 8,640ь	164	3,696	9,260	8,931	12,197	•	2,317	4,608	4,492	1,503
	UPU		WHOd		IT	U		WMO	IMCO	Iz	4 EA
		Regular bi	idget								
Year	Regular budget	tec	ctivities of a hnical assist- nce nature	Expanded Programme	Regular budget	Expanded Programme	Regular budget	Expanded Programm		Regular budget	Expanded Programme
1951	354	6,259	3,383	1,337	1,643	_	122	_			_
952	417	7,939	4,892	4,352	1,592		177	34			_
953	435	8,113	5,235	4,189	1,456	140	268	79		_	
954	433	8,135	5,263	3,755	1,327	176	315	133			
955	429	9,275	6,090	4,412	1,291	218	383	265			
956	441	9,983	6,923	5,453	1,685	263	371	303			
957	523	12,091	8,779	5,528	1,471	295	418	299			
958	452	13,237	9,418	6,049	1,890	381	441	384	_	3,868f	
A # A		44.040	40.672	C 074	0.000	264	E 40	200	0.20	F 0054	500

361

540

Notes: "Activities of a technical assistance nature" cover operational activities which have the broad character of technical assistance.

10,673

6.074

2,688

14,943

All 1959 figures represent budget credits, allocations or estimated expenditures, as appropriate.

^a In addition, the ILO spent \$502,355 in 1951 and \$276,181 in 1952 on a special migration programme financed outside the regular budget.

b In addition, there are extra-budgetary expenditures in respect of funds operated by the ILO in trust for requesting Governments—1957: \$47,025; 1958: \$87,209; 1959 (credit): \$167,800.

• The increases since 1955 are due primarily to the initiation of the "Participation in the activities of member States" programme.

Annex II

Specialized agency offices away from their respective headquarters

International Labour Organisation

Location	Number of professional staff
New York Liaison Office	
Mexico City	3

In addition, the ILO has twelve branch offices and thirty-two national correspondents; the officials concerned, however, are not "international" staff but are nationals of the countries concerned and the terms and conditions of their service correspond to conditions in the respective national government services.

Branch offices at: Bonn, Buenos Aires, Cairo, London, Moscow, New Delhi, Ottawa, Paris, Rio de Janeiro, Rome, Tokyo, Washington.

National correspondents in: Australia, Austria, Belgium, Bolivia, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba,

d Apart from the regular budget and the Expanded Programme, WHO had expenditures under extra-budgetary funds amounting to between \$2 million and \$2.5 million annually during the period 1951 to 1956. Such expenditures increased to \$3.4 million in 1957 and \$7.8 million in 1958 because of the special malaria eradication programme.

238

399

5,225f

500

tion programme.

The "operating programme" of WHO includes, in addition to the amounts shown for activities of a technical assistance nature, the costs of the central technical services of the organization; these latter costs amounted to between \$1.5 million and \$2 million annually between 1951 and 1958, with an estimate of \$1.78 million in 1959

\$1.78 million in 1959.

^f The IAEA has, in addition, an operational budget financed from voluntary contributions: 1958 expenditure: \$125,000; 1959 target: \$1.5 million.

Czechoslovakia, Ecuador, El Salvador, Greece, Haiti, Iran, Ireland, Israel, Lebanon, Netherlands, Norway, Pakistan, Philippines, Poland, Portugal, South Africa, Spain, Thailand, Turkey, Uruguay, Venezuela, Yugoslavia.

Food and Agricultural Organization

Number o Location professional	f staff
Regional Office for North America, Washington, D.C	9
Liaison Office at United Nations Headquarters, New York Regional Office for Latin America, Santiago (with special	4
responsibility for western zone)	14
Sub-Office, Rio de Janeiro (with special responsibility for eastern zone)	4
Sub-Office, Mexico City (with special responsibility for northern zone)	7
Regional Office for Asia and the Far East, Bangkok	16
Sub-Office, New Delhi	2
Regional Office for the Near East, Cairo	11 2

In addition, FAO has country representatives in forty-eight countries, who are themselves experts working on specific technical assistance projects and, at the same time, provide general supervision of FAO projects in the countries concerned.

United Nations Educational, Scientific and Cultural Organization	
Numb. profess Location sta	ional
Beirut (Palestine refugees project) Patzcuaro (Fundamental Education Centre for Latin America) Sirs-el-Layyan (Fundamental Education Centre for the Arab States) Havana (Regional Office in the Western Hemisphere) Cairo (Science Co-operation Office) Djakarta (Science Co-operation Office) Montevideo (Science Co-operation Office) New Delhi (Science Co-operation Office) New York (Liaison Office with the United Nations)	14 3 2 6 3 2 2 2 8
' International Civil Aviation Organization	
Numb profess Location sta	ional

Location	professional staff
European and African Office, Paris Middle East Office, Cairo Far East and Pacific Office, Bangkok South American Office, Lima North American and Caribbean Office, Mexico Cit	5 6

World Health Organization

Office and location	Number of professional staff *
Regional Office for Africa Area Office	
Brazzaville Nairobi	
Lagos	
Regional Office for the Americas Zone Office	
Washington, D.C	. 108 (includes 74 PASB) ^b
Caracas	. 6 (includes
Guatemala City	
Lima Rio de Janeiro	
Buenos Aires	3 PASB)
Field Office El Paso	. 2 (PSAB)
Regional Office for South East Asia Area Office	
New Delhi	
ColomboDjakarta	. 1
Bangkok Regional Office for Europe	. 1
Copenhagen	. 36°
Area Office Alexandria	. 40
Baghdad	. 1
Ārea Office Manila	
SydneySingapore	. 1
SaigonLiason Office with United Nations	
New York	. 4

TB Immunization Research Centre Copenhagen	3
TB Research Office Copenhagen	9
UNICEF Liaison Offices New York Paris Bangkok	2 1 1
UNRWA Beirut	4
International Children's Centre Paris	1

^a All figures denote authorized posts, exclusive of Field Project staff.

^b Figures in parentheses refer to professional staff paid by the Pan-American Sanitary Bureau (PASB).

^c Two of the regional health officers in public health administration are normally stationed away from the Regional Office to assist individual countries in the development of their health programmes as required from time to time.

Technical Assistance Board Field Offices

	Number of
Country or area covered and location	professional staff
Afghanistan Kabul	. 2
Argentina Buenos Aires	. 1
Bolivia La Paz	. 2
Brazil Rio de Janeiro	. 2
Burma Rangoon	. 1 ^d
Regional Office for Cambodia, Laos and Viet-Nam Pnom Penh	. 10
Central America (Costa Rica, El Salvador Guatemala, Honduras and Nicaragua) San Salvador	
Ceylon Colombo	
Chile Santiago	. 1
Colombia Bogota	. 1
Ecuador Quito	. 1
Ethiopia Addis Ababa	. 1
Ghana Accra	. 1
India New Delhi	. 3
Indonesia Djakarta	. 2
Iran Teheran	. 2
Iraq Baghdad	. 1
Israel Jerusalem	. 1
Jordan Amman	
Libya Benghazi	

Technical Assistance Board Field Offices (continued)	Tunisia
	Number of professional	Tunis
Country or area covered and location	staff	Ankara
Mexico Mexico City	. 1	United Arab Republic, Saudi Arabia and Yemen Cairo
Morocco Rabat	. 1	Uruguay Montevideo
Pakistan Karachi	. 2	Venezuela Caracas
Paraguay Asuncion	. 1	Yugoslavia Belgrade 2
Peru Lima	. 1	Liaison Offices
Philippines Manila	. 1	Athens, Beirut, Damascus, Geneva, Sydney Correspondents
Regional Office for China, Federation of Malaya Japan, Korea, Sarawak, Singapore and Thailand		Mogadiscio, Monrovia, Panama, Port-au-Prince
BangkokSudan	. 2	d In addition, an officer is seconded by the Government of Burma.
Khartoum	. 1	 In addition, an officer is provided under the Netherlands associate expert scheme.

DOCUMENT A/4257

Administrative budgets of the specialized agencies for 1960 Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [5 November 1959] CONTENTS Paragraphs I. Introduction..... 1 - 3II. Special studies of administrative and budgetary co-ordination..... 4-6 Programme appraisals for the period 1959 to 1964..... 7-11 IV. Administrative and operational services costs..... 12 - 13General appraisal of 1960 budgets..... 14-17 VI. Established posts, temporary assistance and consultants..... 18 - 1920-21 Collection of contributions..... VIII. Working Capital Fund..... 22 23 Participation in Special Fund activities..... Field offices.... 24 XI. Detailed comments on 1960 budgets of agencies..... 25-89 A. International Labour Organisation..... 26 - 3334-39 Food and Agriculture Organization of the United Nations..... United Nations Educational, Scientific and Cultural Organization..... 40 - 48D. International Civil Aviation Organization..... 49-55 Universal Postal Union..... 61 - 73World Health Organization..... International Telecommunication Union..... 74-77 World Meteorological Organization.... 82-83 Inter-Governmental Maritime Consultative Organization..... 84-89 International Atomic Energy Agency..... Page Annex: Scale of assessments for the United Nations and the larger specialized agencies 49

I. Introduction

1. In accordance with its terms of reference the Advisory Committee on Administrative and Budgetary Questions has examined the administrative budgets or budget estimates for 1960 of the following specialized agencies, whose agreements with the United Nations provide for transmittal of their budgets for review by the

General Assembly: 44 International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; International Civil Aviation Organization; Universal Postal Union; World Health Organization; International Telecommunication Union;

⁴⁴ Under the relevant agreements with the United Nations, the International Bank for Reconstruction and Development and the International Monetary Fund are not required to transmit their budgets for examination by the United Nations.

World Meteorogical Organization; Inter-Governmental Maritime Consultative Organization.

- 2. The Advisory Committee has also examined the administrative aspects of the 1960 budget of the International Atomic Energy Agency, which has been transmitted in accordance with article XVI, paragraph 3, of the relationship agreement between the Agency and the United Nations (General Assembly resolution 1145 (XII) annex).
- 3. The Advisory Committee offers, in paragraphs 4 to 24 below, comments on certain general questions related to the 1960 budgets of the several agencies. In addition, specific points arising in respect of the budgets of individual agencies are dealt with in subsequent paragraphs. A consolidated summary of appropriations or estimates by main heads of expenditure, compared with the corresponding figures for 1959, is also presented for each of the agencies.

II. SPECIAL STUDIES OF ADMINISTRATIVE AND BUDGETARY CO-ORDINATION

- 4. In accordance with the wishes expressed by the Fifth Committee (A/2861, A/3098) and the General Assembly at its ninth and tenth sessions in 1945 and 1955 (resolutions 884 (IX) and 972 (X)) and in response to invitations received from the organizations concerned, the Advisory Committee, during the years 1956 to 1959, undertook special studies of the administrative and financial arrangements and procedures of the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO and IAEA, with particular reference to their activities under the Expanded Programme of Technical Assistance. These studies, which were undertaken at the respective headquarters of the organizations, are the subject of separate reports, which the Advisory Committee has submitted to the General Assembly at its eleventh, twelfth, thirteenth and fourteenth sessions. 45 In addition, the Committee has presented to the General Assembly at its current session an over-all report on the special studies as a whole (A/4172).
- 5. The Advisory Committee's reports on the individual agencies have also been considered by the respective legislative organs. The executive heads of the agencies and, where appropriate, the legislative bodies, have taken specific action on a number of points raised in the reports.
- 6. Two important questions affecting all the organizations have, moreover, been dealt with on a co-ordinated basis by the Economic and Social Council. The first relates to a forward appraisal of programmes and the second concerns the problem of the administrative and operational services costs of the Expanded Programme of Technical Assistance.

III. PROGRAMME APPRAISALS FOR THE PERIOD 1959 TO 1964

- 7. Considerable progress has been made in respect of the forward appraisals of programmes in the economic, social and human rights fields, which the Economic and Social Council initiated at the request of the General Assembly (resolution 1094 (XI) of 27 February 1957). The guiding principles for the appraisals which are to cover the scope, trend and cost of the programmes to be undertaken between 1959 and 1964 were outlined in Council resolutions 665 C (XXIV) of 1 August 1957 and 694 D (XXVI) of 31 July 1958.
 - 8. The United Nations has already presented its ap-
 - ⁴⁵ See footnote 28 above.

- praisal report (E/3260 and Add.1); the specialized agencies concerned will submit their reports before the end of 1959. The Committee of Five, appointed by the Economic and Social Council (resolution 694 D (XXVI)), will collate the separate appraisals and prepare a consolidated report for consideration by the Council at its thirtieth session in 1960.
- 9. The Advisory Committee will await with interest the consolidated appraisal report as well as the consideration of that report by the Council. At this stage, however, the Committee would like to recall its understanding of the basic purpose of the appraisals, namely, the provision, with due regard to the constitutional position of the specialized agencies, of "a five-yearly framework of total international effort in the economic and social fields, within which generally individual agency programmes for the period may be developed, so as to ensure a balanced and meaningful over-all effort at a minimum cost consistent with the attainment of stated objectives" (A/4032, para. 11). The objective is thus a planned and orderly development of a total balanced programme embracing the several fields of activity instead of separate formulations of a number of programmes each of which is conceived somewhat independently in terms of the needs and possibilities in the particular field.
- 10. There are, in the Advisory Committee's view, three general considerations of importance which should govern such forward planning. In the first place, there should be established, within each major field of activity, an order of priorities among the several elements of the programme in that field and, particularly, in respect of new projects to be undertaken. Secondly, in each major field, there should be an identification of declining areas of work with a specific indication of those existing items which should be eliminated. Thirdly, the over-all appraisal should reflect a conscious exercise of judgement as to the most desirable and practicable balance among the several fields of work that constitute the total programme.
- 11. It should not be automatically assumed in this connexion that a healthy growth and development of programmes will inevitably give rise only to a substantial continuing increase in costs. A healthy growth should indeed imply the elimination of worn-out and non-essential elements, so that a part, at any rate, of the cost of new projects should be offset by savings in existing programmes. In this respect, the Advisory Committee trusts that the appraisal reports will go beyond the mere listing of needs and hopes. It will be important also to include information and judgements on the practical organizational and administrative machinery and techniques by which projects must be carried out.

IV. Administrative and operational services costs

12. The Advisory Committee has separately reported in detail on the developments in regard to the problem of the allocation of the administrative and operational services costs of technical assistance between the regular budgets of the organizations and the Special Account of the Expanded Programme (A/4130, A/4172 and Corr.1, A/4229). As a result of decisions taken by the Economic and Social Council (resolutions 702 (XXVI) and 737 (XXVIII)), on the recommendation of the Advisory Committee, practically all the participating organizations have consolidated the costs in question in their regular budgets, with a lump-sum allocation in each case from the Special Account of the Expanded Programme, as an

income in aid of the budget. Barring substantial changes in the size of the programme, the lump-sum allocations for 1962 are to be in amounts equivalent to 12 per cent of 1959 project allocations including local costs apportionments. Transitional, and in the case of certain organizations, exceptional provisions have been made for the years prior to 1962.

13. It is anticipated that, except in the case of UNESCO, future lump-sum allocations will fall short of the costs heretofore charged to the Expanded Programme. The organizations have accordingly indicated that they are making arrangements to include in their regular budgets any excess expenditure not covered by the lump-sum allocations. The Advisory Committee would urge that the present occasion of the change-over to the new system should be utilized to institute in each

organization a fresh review of the total administrative arrangements and overhead for all operational activities, so that there would be an over-all increase in efficiency coupled with maximum economy. The Committee hopes that such reviews will be undertaken in the light of its individual reports on the agencies as well as of its overall report on this subject (A/4172 and Corr.1).

V. General appraisal of 1960 budgets

14. The gross totals of the 1960 budgets or budget estimates of the several agencies and the United Nations are shown in the following table, together with the appropriation figures for 1959 and actual expenditure figures for each of the years 1955, 1956, 1957 and 1958:

	1955 Actual expenses	1956 Actual expenses	1957 Actual expenses	1958 Actual expenses	1959 Appropriations	1960 Appropriations or estimates	1960 increase or decrease by comparison with 1959	1960 Percentage increase or decrease by comparison with 1959
				United States dollar	rs			with 1939
ILOa	7,041,474	7,290,575	7,904,725	8,593,146	9,160,002	9,617,409	457,407	5.00
FAOa		6,397,561	7,006,150	9,146,807	10,538,639	10,790,440ь	251,801	2.39
UNESCO*	9,150,533	11,437,197	10,612,728	12,316,482	13,406,544°	13,778,580°	372,036	2.78
ICAO	3,255,335	3,348,596	3,899,709	3,998,901	4,421,604	4,665,514	243,910	5.52
UPU	429,328	441,157	522,804	452,293	612,325	660,930	48,605	7.94
WHO ^a		9,982,794	12,091,421	13,960,820	15,673,966d	16,918,700 ^d	1,244,734	7.94
ITU	1,290,884	1,684,933	1,470,639	1,889,811	2,687,813	1,963,523	(-724,290)	(-26.95)
WMO		371,316	418,054	441,074	539,564	655,105	115,541	21.41
IMCO					238,000	256,000	18,000	7.56
IAEA		_		3,867,786	5,225,000	5,843,000	618,000	11.83
Sub-total (specialized								
agencies) United	36,811,699	40,954,129	43,926,230	54,667,120	62,503,457	65,149,201	2,645,744	4.23
Nations*	50,089,808	50,508,095	53,172,964	62,505,546	60,802,120 ^f	61,863,200g	1,061,080	1.75
GRAND TOTAL	86,901,507	91,462,224	97,099,194	117,172,666	123,305,577	127,012,401	3,706,824	3.01

Note: The following rates of exchange have been used in the above table: Canadian dollar at par; Swiss francs at Sw. frs. 4.30=\$US1.00.

^b Estimate based on biennial budget estimates for 1960-1961.

1960: \$1,195,060.

f Excludes possible supplementary appropriations.

15. The 1960 appropriations or estimates of the nine specialized agencies and of IAEA amount in the aggregate to some \$65 million (including generally the administrative and operational services costs of technical assistance), or about 4 per cent more than the corresponding 1959 appropriations. Thus, in descending order of absolute amounts, the increases relate to WHO (\$1,244,734, or 7.94 per cent), IAEA (\$618,000, or 11.83 per cent), ILO \$457,407, or 5.00 per cent), UNESCO (\$372,036, or 2.79 per cent), FAO (\$251,801, or 2.39 per cent), ICAO (\$243,910, or 5.52 per cent), WMO (\$115,541, or 21.41 per cent), UPU (\$48,605, or 7.94 per cent), and IMCO (\$18,000, or 7.56 per cent). In the case of ITU, the 1960 estimates are lower by \$724,290, or 26.95 per cent, than the 1959 appropriations, mainly because the 1959 budget included substantial amounts in re-

spect of the ITU Plenipotentiary Conference, the Administrative Radio Conference and a Plenary Assembly of the International Radio Consultative Committee. On the other hand, the 1960 estimates of ITU are provisional and may be revised in the light of the decisions of the Plenipotentiary Conference currently in session.

- 16. In respect of each agency, an indication of the main factors contributing to the increase (or decrease) in the 1960 budget, by comparison with 1959, is given in section XI of the present report.
- 17. The Advisory Committee has already commented in its report on the 1960 budget estimates of the United Nations (A/4170) on the increases in those estimates by comparison with the 1959 appropriations.

^a The 1960 appropriations or estimates include administrative and operational services costs of technical assistance, with offsetting lump-sum allocations from the Special Account of the Expanded Programme. The 1958 and 1959 figures have been adjusted, where necessary, to include similar costs of those years. (For details on the agencies, see paras. 26-89 below; in regard to the United Nations, see A/4110, Estimates of income.)

<sup>Figures include undistributed reserves: 1959: \$599,167;
1960: \$615,494.
d Figures exclude undistributed reserves: 1959: \$1,078,060;</sup>

[•] The 1960 estimate will be revised in the light of decisions to be taken by the Plenipotentiary Conference now (November 1959) in session.

Estimates only; excludes possible revisions before adoption of the budget and supplementary estimates during 1960.

VI. Established posts, temporary assistance and CONSULTANTS

18. The number of established posts authorized or requested under the regular budgets for the three years 1958, 1959 and 1960 are given below:

	1958	1959	1960	Percentage increase 1958-1960
ILOs	971 ^b	1,016b	1,056b	8.75
FAO	1,351°	1,379°	1,458d	7.92
UNESCO	1,077	1,092	1,092	1.39
ICAO	456	459	468	2.63
UPU	36	43	43	19.44
WHO	1,286	1,342	1,410f	9.64
ITU	221	222	224	1.36
WMO	67	68	78	16.41
IMCO		18	20	***
IAEA	393	569≇	616ª	g
Sub-total, agencies	5,858	6,208	6,465	
United Nations	4,147h	4,198 ^h	4,327h	4.34

a Including officials employed full- or part-time in Branch

o Including Expanded Programme headquarters posts (209 in

1958 and 203 in 1959).

^d Posts requested, not yet approved; includes 203 posts formerly charged to the Expanded Programme headquarters budget now integrated with the regular budget.

• In order to render the figures comparable, the 1958 total is adjusted to include 82 administrative and operational services posts separately charged to the Expanded Programme head-quarters budget prior to 1959.

Figures include Expanded Programme posts.

Including staff in the new Maintenance and Operatives category (1959: 104; 1960: 106) most of whom had previously been employees of a contractor who had Agency contract for maintenance work.

h Excluding local staff at ECAFE, ECLA and information centres, in accordance with new budgetary treatment in the 1960 estimates. For comparative purposes, the figures for 1958 and 1959 have been adjusted accordingly.

19. Total expenditure on salaries, wages and allowances is expected to increase from some \$79 million in 1959 to about \$84 million in 1960. The total costs of established posts are estimated at \$64.5 million while temporary assistance, consultants and other salaries and wages account for some \$4.2 million. Staff allowances and other staff expenditures are estimated at \$15 million.

VII. Collection of contributions

20. The following table shows in respect of 1958 and 1959 the percentage of the current year's contributions collected at 30 June and 30 September, together with the total of contributions outstanding at the later date:

CONTRIBUTIONS TO REGULAR BUDGET

	Percentage of Current year's contributions collected at			Total of all contributions		
	30 June		30 Se1	btember	standing at 30 September (regardless of of account)	
	1958	1959	1958	1959	1958 US dollars	1959 US dollars
ILO	42.30	43.65	78.77	83.57	2,347,467	1,822,887
FAO	50.18	63.79	89.31	93.66	2,592,643b	2,272,826 ^b
UNESCO	64.47	12.72	86.23	36.79	7,946,078	23,389,618
ICAO	65.95	65.49	92.53	89.68	1,244,735	864,114
UPU	74.56	63.52	78.78	78.11	107,058	108,570
WHO ^d	33.46	48.93	90.72	91.54	1,491,484	1,440,039
ITU	73.76	69.47	76.69	84.33	278,473	274,666
WMO	61.91	67.58	83.43	92.97	117,790	56,920
IMCO		45.82	_	82.15		44,110
IAEA	34.38	38.78	75.20	77.68	1,045,265	1,313,407
United Nations	28.23	25.97	71.48	77.08	17,204,174	16,805,342

² Contributions outstanding from 1947 onwards, this being the year in which ILO became responsible for the collection of

o It should be noted that, in respect of UNESCO's regular

budget, 1958 was the second year of a two-year financial period while 1959 is the first year of the subsequent two-year financial period.

d Figures shown relate to assessments on active members for the effective working budget. They exclude assessments on inactive members and China.

21. The scales of assessment according to which the net 1960 appropriations of the United Nations and the larger of the agencies are proposed to be apportioned among Member States are shown in an annex to the present report.

VIII. WORKING CAPITAL FUND

22. The amounts approved or proposed for the Working Capital Fund in respect of 1960 in the various organizations are shown in the following table:46

⁴⁶ For details relating to the recent history of the Working Capital Fund in the several organizations, see document A/4032, para, 21.

United States dollars	1960 gross budget	Working Capital Fund	Percentage of 1960 gross budget
ILO	9,617,409	2,750,000	28.59
FAO	10,790,440	1,900,000	17.61
UNESCO	13,163,086	3,000,000	22.79
ICAO	4,665,514	900,000	19.29
UPU	660,930	8.	
WHO	16,918,700	3,414,631	20.18
ITU	1,963,523	8	
WMO	655,105	133,994ь	20.45
IMCO	256,000	50,000	19.53
IAEA	5,843,000	2,000,000	34.22
United Nations	61,863,200	23,500,000	37.99

(Footnotes on following page)

Offices and as correspondents.

^b The 1960 budget includes Expanded Programme administrative posts for the first time. The 1958 and 1959 figures shown above have accordingly been made comparable by the inclusion of such posts numbering 82 in each year.

its own contributions.

b Including contributions outstanding from former members. Excluding such arrears, the amounts would be \$1,285,919 and \$966,102 respectively.

(Footnotes to table on page 41)

a In the case of UPU, the working expenses of the International Bureau are advanced by the Swiss Government. Such advances must be repaid at the earliest possible date and any sums outstanding on 31 December of the year of account carry interest as from that date at 5 per cent per annum. A similar procedure applies also to ITU, where, however, the annual contributions for the ordinary budget are payable in advance and any sums outstanding on 1 January of the year of account carry interest as from that date at 3 per cent for the first six months and 6 per cent thereafter.

b The Third Congress of WMO decided that members should bring their advances to the Working Capital Fund during the third financial period (1960-1963) up to a level to be established by the Executive Committee, not exceeding 5 per cent of the maximum expenditure authorized for the four years of the same period (\$2,694,484). The Executive Committee subsequently decided to levy the full amount in 1960. These advances are to be levied in the same proportion as for the new scale of assess-

ments for 1960.

IX. PARTICIPATION IN SPECIAL FUND ACTIVITIES

23. The Advisory Committee has inquired into the internal arrangements that have been made in the specialized agencies with regard to their participation in the activities of the Special Fund. Experience to date is limited. Executing agencies have been selected for all projects approved to date by the Governing Council, and basic agreements have been signed by the Managing Director and the specialized agencies concerned in each case. The implementation of each individual project will be covered by a project plan of operations which, when signed, constitutes an agreement between the Managing Director, the Executing Agency and the Government concerned with that particular project. Project plans of operation are signed only after the recipient Government has signed a basic agreement with the Managing Director of the Special Fund. One project plan of operation has been signed to date. In general, none of the specialized agencies contemplates the setting up of any special unit or the establishment of separate arrangements in this regard; rather, the activity will be integrated with the other operations in each agency, with some strengthening of existing arrangements as and where necessary.

X. FIELD OFFICES

24. The Advisory Committee has, in its report on the 1960 budget estimates of the United Nations (A/4170, paras. 71 to 74), commented on the question of common premises for the field offices of the several organizations. Particular attention is invited, in this connexion, to the present situation in this respect as reflected in annexes 1 to 4 of that report.

XI. Detailed comments on 1960 budgets of agencies

25. The Advisory Committee offers below comments on specific points in the 1960 budgets or estimates of the several agencies.

A. International Labour Organisation

1959 Appropriations	1960 Appropriations
United St	ates dollars
6,166,422	6,931,804
2,104,699	2,254,495
164,000	353,100
204,736	78,010
8,639,857	9,617,409
110,000	613,500ь
8,529,857	9,003,909
	Appropriations United St. 6,166,422 2,104,699 164,000 204,736 8,639,857 110,000

- 26. The Advisory Committee had an opportunity to discuss the 1960 budget of the ILO and related matters with the Director-General of the International Labour Office.
- 27. The 1960 regular budget of the ILO incorporates the administrative and operational services costs of the organization's activities under the Expanded Programme of Technical Assistance, with an income credit from the Special Account of that programme in the amount of the anticipated lump-sum allocation from that account towards the costs in question. This procedure accords with the request of the Economic and Social Council in resolution 702 (XXVI) of 31 July 1958. The estimates in question for 1960 are \$534,457 on the expenditure side and \$500,300, as a lump-sum receipt, on the income side.
- 28. The expenditure budget for 1960 exceeds the corresponding 1959 appropriations by \$457,407, or 5 per cent. This increase is the net result of the following:
- (a) An increase of \$496,000 in the ordinary budget covering the normal expenses of the organization;
- (b) An increase of some \$66,000 attributable to added costs of pension contributions, resulting in part from the 5 per cent notional increase of pensionable remuneration of participants in the Professional category;
- (c) An increase of about \$22,000 attributable to the increased cost of facilities in additional languages; and
- (d) A decrease of some \$127,000 in the provision for repayment of Working Capital Fund advances.
- 29. Of the increase of \$496,000 under the ordinary budget, some \$189,000 relates to operational activities connected with social and economic assistance and the workers' education programme, the provision for which is increased from \$164,000 in 1959 to \$353,100 in 1960. Salaries, wages and fees are estimated to cost some \$122,000 more in 1960 than in 1959, including \$55,000 for thirty-four new posts, eight in the Professional and twenty-six in the General Service category, \$37,000 on account of the inclusion of full-year costs for new posts provided in the 1959 budget with a six-month retardation in recruitment, \$24,000 resulting from normal statutory provisions, and certain other minor increases. Other increases in the ordinary budget include \$49,000 for common staff costs, \$46,000 for branch offices, \$44,000 for conferences, resulting from provision being included in respect of the first African Regional Conference, \$35,000 in respect of the factual survey relating to freedom of information, and \$25,000 for a special publications programme covering a number of major studies and manuals.
- 30. The provision for the new posts to be established in 1960 is estimated on the basis of a six-month retardation in recruitment; at the same time, the increased level of the establishment is to be maintained, without fresh additions, for the two years 1960 and 1961. Thus, in effect, the 1959 International Labour Conference approved a two-year manning-table, reflecting a further step towards a somewhat greater measure of advance planning.
- 31. Attention was invited in the report on the 1959 budgets of the specialized agencies (A/4032, para. 34) to the initiation in the ILO of proposals relating to work

(Footnotes to table in opposite column)

^b Including \$500,300 from the Expanded Programme Special

Account.

Amounts for 1960 include administrative and operational services costs of technical assistance; similar costs in prior years were treated outside the regular budget.

2,123,000

in the field of management development, as part of the concerted effort in the United Nations and the agencies to strengthen the activities in respect of industrialization and manpower. The complexity of the subject and the need for adequate preparatory study and planning are reflected in the fact that only a token credit of \$100 is included in the ILO budget for 1960, a year which is to be devoted largely to internal research and planning. The Governing Body of the ILO will shortly give further consideration to the nature, scope and development of this programme, and the Advisory Committee is assured that ILO work in this field will be effectively and continuously co-ordinated with the activities of the United Nations in regard to industrialization.

- 32. It is of interest to note that in addition to efforts to curtail the volume of documentation, the ILO has arranged for an expert review of the methods and procedures followed in the organization for the translation and reproduction of documents. These methods and procedures have an important bearing on costs, although the results of the survey should hold an interest both on that account and from the standpoint of the efficient and expeditious production of documents.
- 33. Another project with which the ILO will be associated is the proposed establishment of an international institute for labour studies. The preparatory work, including the drafting of a statute for the institute, is under way. The extent of the financial obligations of the ILO in this regard will be known only after final decisions concerning the provisions of the Statute are taken, possibly in the course of 1960.

B. Food and Agriculture Organization of the United Nations

	1959 Appropriations*	1960 Estimates b	
	United States dollars		
Personal services	7,038,531	8,144,570	
General services	2,117,736	2,345,270	
Special projects and activities	50,000	50,000	
Other budgetary provisions	53,972	250,600	
Total (gross)	9,260,239	10,790,440	
Less: Casual revenue	46,454	1,466,400	
Total (net)	9,213,785	9,324,040	

* Figures represent the balance available for 1959 in the approved budget for 1958-1959 after providing for obligations and expenditures in 1958.

b Figures represent proposed allotments on the basis of the binarial control of the binarial position.

b Figures represent proposed allotments on the basis of the Director-General's budget proposals for the biennial period 1960-1961, totalling \$21,808,600. Amounts include administrative and operational services costs of technical assistance.

 Including \$1,278,400 representing the lump-sum allocation from the Special Account of the Expanded Programme towards administrative and operational services costs.

- 34. The Advisory Committee had an opportunity of discussing the budget proposals for 1960-1961, with particular reference to the 1960 part, with representatives of the Director-General of FAO.
- 35. It will be recalled that the FAO instituted, as from the financial period 1958-1959, a system of biennial budgeting under which a single set of appropriations would cover a two-year financial period, with appropriate provisions in the financial regulations to govern the Director-General's apportionment and management of appropriations as between the two years (A/4032, paras. 36 and 37). The budget estimates submitted by the Director-General in respect of 1960-1961 will be considered by the FAO General Conference which is to be

held in October-November 1959. Meanwhile, the estimates have been reviewed by the Finance Committee, the Programme Committee and the Council of FAO, resulting in recommendations to reduce the estimates for the biennial period by \$367,750.

36. The estimates for 1960-1961, which incorporate the administrative and operational services costs of technical assistance, represent an increase of some \$2,123,000 over the corresponding approved budget for 1958-1959. This increase comprises the following main elements:

U	nited States dolla
(a) "Mandatory" increases	ow- ad- osts in-
(b) "Planned" increases	in ice, en- he- za- ons
(c) Increases resulting from recommendations regional conferences	161,000 the
(d) Contingency (For increase in the General Service sale scales in Rome.)	
Less: Miscellaneous decreases	2,295,000 172,000

- 37. Reference was made in the report on the 1959 budgets of the agencies (A/4032, paras. 39 and 40) to the proposed strengthening of the regional organization of FAO and a reorganization of the headquarters secretariat. The programme of strengthening the regional offices has been largely completed, although a number of additional posts of technicians allocated to those offices have yet to be filled. The Advisory Committee has taken special note of a request of the Programme Committee of the FAO Council to the Director-General for a report in 1960 on the revised responsibilities and functions of the regional offices. The FAO Council will doubtless find it of advantage to have information on the manner in which approved proposals for organizational changes and modifications are implemented in practical terms.
- 38. The reorganization of the headquarters secretariat is planned and executed in two stages. The first, or interim, plan provides in the main for the re-grouping of technical and economic activities into new divisional units under two major departments as well as for a strengthening of the Programme and Budgetary Service in the Office of the Director-General. In addition, various legal and public relations functions are drawn together in a third department. The ultimate plan includes raising the level of a number of organizational units within the new divisions and a consequential upgrading of several branch chiefs. The estimated extra cost in 1960-1961 of carrying forward the interim plan is about \$208,000 while the ultimate plan will give rise to added costs of \$75,500 in the same period.

39. In 1959 UNICEF made available to FAO a sum of \$75,000 to cover the cost of certain headquarters technical personnel engaged in co-ordinating, advisory and supervisory functions in respect of joint FAO UNICEF projects. The FAO Council has now agreed, although with a slight reduction in the money provision, to recommend to the Conference in November 1959 that these costs be taken over in the organization's budget. However, the FAO Council has suggested that the UNICEF should provide, in addition to supplies, the costs of the field technical personnel furnished by FAO for such joint projects. Until recently FAO had found it possible to finance most of these field personnel from Expanded Programme funds, but the current pressures on that programme have, in the view of the FAO Council, rendered this procedure more difficult at the present time. The matter has now been considered by the FAO/ UNICEF Joint Policy Committee and the Executive Board of UNICEF, and the Executive Board in September 1959 allocated \$238,000 to FAO for 1960 for international (field) project personnel and fellowships required to service projects jointly assisted by FAO and UNICEF in excess of the amounts that could be provided through Expanded Technical Assistance funds.

C. United Nations Educational, Scientific and Cultural Organization

	1959 Appropriations ^a	1960 Appropriations	
	United States dollars		
Personal services	6,828,928	7,045,625	
General services	2,366,926	2,622,455	
Special projects and activities	3,611,523	3,495,006	
Other budgetary provisions	599,167	615,494	
Total (gross)	13,406,544	13,778,580	
Less: Casual revenue	792,510 ^b	820,817b	
Total (net)	12,614,034	12,957,763	

Amounts include administrative and operational services costs of technical assistance.
 Including \$505,779 each year from the Expanded Programme

^b Including \$505,779 each year from the Expanded Programme Special Account.

- 40. The Advisory Committee had an opportunity to discuss the 1959-1960 budget of UNESCO, with particular reference to 1960, with representatives of the Director-General of the organization.
- 41. The UNESCO General Conference, at its biennial session in November-December 1958, approved an appropriation of \$27,185,124 for the two-year period 1959-1960, of which \$25,970,463 represented the spending budget, and \$1,214,661 the undistributed appropriation covering contributions that are unlikely to be received in respect of 1959-1960.
- 42. The spending budget of \$25,970,463 for the biennial period 1959-1960 is some \$3.3 million more than the corresponding budget for 1957-1958. While inclusion in the regular budget of the administrative and operational services costs of the technical assistance programme accounts for some \$1 million of this increase, the major part of the increase, to the extent of about \$2.3 million, is due to the extension of programme activities. Thus, a sum of \$594,000 was added for the expansion of the three major projects,⁴⁷ while a new

programme of vocational education in Tropical Africa has been instituted at an estimated cost of \$150,000 in the two-year period. Further, a substantial increase has also been made for the projects on social implications of technological change and industrialization and the project on reading materials for new literates and the new reading public. Emphasis has also been placed on a closer co-ordination with other United Nations organizations in the fields of community development, human rights, the campaign against discrimination in education, peaceful utilization of atomic energy and new sources of energy, brain research and exploration of extra-terrestrial space.

- 43. The Advisory Committee notes with interest that, in accordance with the time-table established by the UNESCO General Conference, the first draft of the proposed programme and budget for 1961-1962, which brings together all UNESCO programmes, has already been prepared for preliminary consideration by the Executive Board and circulation to member States, the United Nations and specialized agencies, and international non-governmental organizations. UNESCO thus appears to have a large measure of advance planning of programmes.
- 44. Although at this stage of programme planning, no new major projects are proposed to be initiated in 1961-1962, some expansion of activities is foreseen, especially relating to educational projects in Africa, Asia and the Arab States. It is also expected that the efforts for increased use of non-governmental organizations, on which emphasis was placed during 1959-1960, will be further intensified in 1961-1962.
- 45. In order to meet the urgent and special needs of member States in the fields of education, science and culture, which cannot be fulfilled from other available United Nations sources, UNESCO has set up a Special Account to be financed by voluntary contributions from Governments and private donors. The utilization of the contributions to the Special Account would be determined from time to time by the Director-General in consultation with the Executive Board, on the basis of such decisions as might be taken by the General Conference. Contributions received so far total only a small amount, although a substantially more expensive programme of International Action to Safeguard Archaeological Monuments of Nubia in Egypt has been authorized from the Special Account. The Advisory Committee, in the section on WHO (see para. 67 below), comments on the problem of instituting, within the United Nations family, a multiplicity of appeals for voluntary contributions.
- 46. UNESCO was the only one among the organizations participating in the Expanded Programme of Technical Assistance formally to express willingness gradually to assume the administrative and operational services costs of technical assistance in its regular budget, as and when so requested by the Economic and Social Council. However, having regard to the views of all the organizations, the Council decided on certain other less far-reaching measures in regard to the allocation for such costs (see para. 12 above). Even the new target formula of 12 per cent of 1959 project allocations (including local costs apportionments) would result, in the case of UNESCO, in a figure in excess of the actual 1959 allocation to the organization for its administrative and operational services costs. It is understood that this resultant saving on the allocation for the costs mentioned would be made available to UNESCO projects, provided

⁴⁷ Extension of Primary Education (Teacher Training) in Latin America, Scientific Research on Arid Lands, and Mutual Appreciation of Eastern and Western Cultural Values.

the requirements of the country programming procedures are met.

- 47. The General Conference and the Executive Board have decided to reduce the number and size of administrative documents related to their sessions. Illustrative examples of such reductions are:
- (a) The decision not to print the summary records of the subsidiary organs of the General Conference;
- (b) The discontinuation of the summary records of the subsidiary organs of the Executive Board;
- (c) The use of more condensed forms for certain specified documents; and
- (d) The issuance, in a single edition, of the final summary records of the Executive Board, each statement being summarized in the original language, but a statement in Russian or Spanish being followed by a translation into either English or French.
- 48. The Advisory Committee has also noted with interest that a number of internal management reviews have been undertaken in UNESCO. The areas reviewed so far include the Registry, the Department of Natural Sciences, the Department of Mass Communication and some aspects of the Department of Education.

D. International Civil Aviation Organization

	1959 Appropriations	1960 Appropriations	
	United States dollars		
Personal services	3,511,701 901,302 1 8,600	3,735,439 906,174 1 23,900	
Total (gross) Less: Casual revenue	4,421,604 734,604	4,665,514 800,514	
Total (net)	3,687,000	3,865,000	

- 49. The Advisory Committee had an opportunity to discuss the 1960 budget of ICAO with the Secretary-General of that organization.
- 50. The ICAO Assembly, at its twelfth session (San Diego, California, June-July 1959), approved budgets for the three years 1960, 1961 and 1962 in the following gross amounts in Canadian funds: \$4,665,514 for 1960, \$4,880,446 for 1961 and \$4,924,813 for 1962. The Assembly also decided that the Council should convene a major session of the Assembly in 1962 and, if considered appropriate, another session either in 1960 or in 1961, the exact year to be determined by the Council. Should there be a session of the Assembly in 1960 or 1961, the budget for the years 1961 and 1962 in the first instance and 1962 only in the second instance would need to be reviewed.
- 51. In addition, the Assembly also authorized the Council to make, if required prior to the next session of the Assembly, supplementary appropriations to meet certain contingent expenditures, if and when necessary. Such contingent expenditures are estimated at the present time at \$35,000 for 1960, \$47,800 for 1961 and \$60,900 for 1962.⁴⁸ If the next session of the ICAO Assembly

- is held only in 1962, these and other possible supplementary appropriations would need to be accumulated for purposes of assessment in 1963.
- 52. The major part of the increase of \$243,910 in the 1960 budget by comparison with 1959 arises in personnel costs, as follows:
 - (a) Nine additional posts: \$65,000;
- (b) Normal salary increments and increases in common staff costs, including pension fund contributions: \$123,000;
- (c) Revision of local salary scales for General Service staff: \$17,000;
- (d) Employment of consultants to undertake certain special studies: \$18,000.
- 53. In regard to Economic and Social Council resolution 702 (XXVI) relating to the administrative and operational services costs of technical assistance, the ICAO Council decided that it could not recommend either the progressive acceptance of full responsibility for those costs in the organization's regular budget, or the acceptance of a lump-sum payment with the understanding that any cost in excess would be borne on the regular budget. The ICAO Assembly noted the views of the ICAO Council without comment.
- 54. However, the budgets for 1959 and subsequent years reflect a partial consolidation of the costs in question in the regular budget. Thus, estimated expenditure (\$153,700 for 1960) in respect of the technical assistance staff at headquarters is included in the regular budget, with offsetting income in an equal amount from the Expanded Programme Special Account being included in miscellaneous income. Other administrative and operational services costs, to an amount of \$46,000 in 1960, covering such items as equipment, travel and other general services items, are to be directly financed from the allocation from Expanded Programme funds.
- 55. The ICAO Council may wish to consider the question of administrative and operational service costs, in the light of the implications to ICAO of the more recent decisions of the Economic and Social Council in resolution 737 (XXVIII) of 30 July 1959. Under this resolution, barring substantial changes in the size of the programme, the lump-sum allocations for 1962 towards administrative and operational services costs are to be in amounts equivalent to 12 per cent of 1959 project allocations including local costs apportionments, with certain transitional provisions for the years 1960 and 1961.

E. Universal Postal Union

193 Revised		1960 Estimates
t	Inited States dollars	
Personal services. General services. Special projects and activities. Other budgetary provisions.	304,418 284,652 23,255	342,791 290,232 27,907
TOTAL (gross) Less: Casual revenue	612,325 32,325	660,930 48,140
Total (net)	580,000	612,790

^{56.} The following observations are based on a study of official documentation supporting the 1960 budget estimates of UPU.

⁴⁸ The contingent expenditures in 1960, 1961 and 1962 relate to the possible need to place Montreal in class 6 for the purposes of post adjustment, and in 1961 and 1962 such expenditure will be necessary for the engagement of staff in the field of joint financing in regard to the development of air navigation facilities and services (ICAO Assembly resolution A12-5).

- 57. The XIVth Universal Postal Congress, which met at Ottawa in 1957, raised the ceiling for the Union's net ordinary expenditure from 1,300,000 to 1,750,000 gold francs, that is from 1,857,000 to 2,500,000 Swiss francs or, at the current rate of exchange, from \$US 431,860 to \$US 581,395.
- 58. The provisional budget estimates for 1960, which amount to 2,842,000 Swiss francs (\$660,930), include a gross ordinary expenditure of 2,702,000 Swiss francs (\$628,372) and a gross extraordinary expenditure of 140,000 Swiss francs (\$32,558). After account is taken of normal revenue from the sale of publications, the proceeds of subscriptions to the periodical *Union Postale*, and other miscellaneous income, the net ordinary expenditure for 1960 is in the amount of the ceiling, namely, 2,500,000 Swiss francs.
- 59. No change is proposed for 1960 in regard to the number of staff (43) of the International Bureau of the Union. The increase of 165,000 Swiss francs (\$38,372) for personal services is due mainly to normal salary increments. Minor increases also occur in respect of general expenses and special activities.
- 60. Although UPU does not participate in the Expanded Programme of Technical Assistance, it has continued to contribute to the United Nations work in this direction by assisting in the recruitment and briefing of postal experts sent on missions to postal administrations requesting such technical assistance. The Union has also been co-operating with the United Nations in the programme for the provision of operational, executive and administrative staff (OPEX) whenever fields of interest to UPU are involved. In addition, there is a growing volume of direct technical assistance, in one form or another, being provided mutually by postal administrations. Thus, some 350 officials and agents from twentyfour countries went on training, information or study missions to twenty-five different countries; further three administrations employed the services of fifty-nine officials from three countries to carry out assistance missions in their countries outside the framework of United Nations technical assistance.

F. World Health Organization

	1959 Appropriations a	1960 Appropriations *	
	United States dollars		
Personal services	9,666,429 3,735,307 1,623,004 649,226	10,374,751 4,237,191 1,914,758 392,000	
TOTAL (gross) Less: Casual revenue	15,673,966 1,786,366 ^b	16,918,700 1,224,000 ^b	
TOTAL (net)	13,887,600	15,694,700	

^a Amounts include administrative and operational services costs of technical assistance.

 $^{\rm b}$ Including \$724,000 each year from the Expanded Programme Special Account.

61. The Advisory Committee had an opportunity to discuss the 1960 budget of WHO and related matters with representatives of the Director-General.

62. The gross total in the above table for each year represents the "effective working budget", or the amount approved for actual expenditure; it is exclusive of an undistributed reserve (\$1,078,060 for 1959, \$1,195,060

- for 1960) equalling the assessments against "inactive" members⁴⁹ and China.
- 63. In accordance with the request of the Economic and Social Council in resolution 702 (XXVI), the 1960 budget of WHO incorporates the administrative and operational services costs of the Expanded Programme, with an income credit of \$724,000 from the Special Account of that Programme.
- 64. The effective working budget for 1960 represents an increase, by comparison with 1959, of about \$1,250,000 or 7.94 per cent. This is the net result of the following increases and decreases:
- (a) An increase of some \$1,690,000 in respect of programme activities, comprising:
- (i) \$500,000 for the newly established medical research programme; (ii) \$480,000 for field and regional activities; (iii) \$300,000 for an enlargement of programme activities at headquarters; and (iv) the balance relating to statutory costs in respect of programme staff and to increased expenditure for expert committees;
- (b) Increases totalling some \$160,000 in respect of administrative services and organizational meetings;
- (c) A decrease of \$100,000 in the provision for reimbursement of the Working Capital Fund; and
- (d) The absence of any provision in respect of the Headquarters Building Fund for which \$500,000 was appropriated in the 1959 budget. This amount was however financed from casual income in 1959.
- 65. Apart from the regular budget, the participation of WHO in the Expanded Programme of Technical Assistance in 1960 is estimated at between \$5 million and \$6 million (including local costs apportionments and other income). Other international sources, primarily UNICEF but including the Pan American Health Organization, will provide in 1960 some \$22 million for international health activities.
- 66. In addition, WHO maintains the following special programme accounts to finance various supplementary activities:
- (a) Malaria eradication special account. Total contributions made or pledged to this account, as at 31 July 1959, amounted to some \$8.5 million. Expenditures to 31 December 1958 totaled about \$3 million; 1959 expenditures are estimated at some \$6 million; and the estimated cost of the proposed 1960 programme is over \$7 million. The Twelfth Health Assembly (1959) expressed its concern at the inadequacy of the resources in the account and appealed for contributions.
- (b) Special account for research planning. A special contribution of \$300,000, which was received in this account in 1958, will have been fully utilized by the end of 1959 on planning and preparatory work related to an intensification of the organization's programme to stimulate medical research.
- (c) Special account for medical research. For the purpose of intensifying the organization's activities in medical research, the Twelfth World Health Assembly approved an increase of \$500,000 in the effective working budget for 1960. Simultaneously, a special account for medical research was established for the purpose of receiving voluntary contributions to be used to supplement the provision under the regular budget for the extension of the organization's assistance to medical

⁴⁹ There are at present three 'inactive' members: Byelorussian SSR, Hungary and the Ukrainian SSR.

research programmes. At the present time, it is expected that, for 1960, a contribution of \$500,000 will be made to this special account.

- (d) Special account for eradication of smallpox. This account has so far been credited with two contributions in kind, one consisting of 25 million doses of smallpox vaccine, valued by the donor Government at \$285,000, and the second consisting of 2 million doses (not yet valued by the donor Government). The World Health Assembly has also authorized the Director-General to include in his regular budget estimates for future years provision for a basic programme in this field.
- (e) Special account for community water supply programme. This account was established following decisions in this regard by the Twelfth World Health Assembly. At the present time, it is expected that a contribution of \$300,000 will be made to this Special Account. Here again, the Health Assembly has requested the Director-General to make adequate provision in future programmes and budgets for certain basic activities in this field.
- 67. In each of the fields of work covered by the four special accounts mentioned above, there is in any case a basic programme financed from the regular budget of WHO; the special accounts are intended to enable the organization to supplement its basic programmes. It is naturally difficult to have a clear demarcation between the basic programmes, on the one hand, and the supplementary activities, on the other, although some valid criteria for such a distinction might emerge with the development of the programmes. It is a matter for consideration, moreover, whether there is advantage in maintaining a multiplicity of special accounts to which voluntary contributions are invited from Governments and other sources. Numerous appeals for such voluntary contributions, emanating from one or another of the international organizations, might well result in a dissipation, and even a decline, of the total voluntary effort. The Advisory Committee is informed, in this connexion, that recourse to fund-raising campaigns in WHO would be limited to the malaria account and that the other three special accounts would be treated as "convenience" accounts to facilitate acceptance of contributions.
- 68. While the major problem in regard to these accounts arises on the fund-raising side, minor administrative difficulties might also arise in connexion with the maintenance of a number of special accounts. This latter aspect is, however, under study in WHO with a view to a simplification of the related administrative procedures.
- 69. The Advisory Committee has inquired into the possibility of consolidating in one total programme and budget the several elements to be financed from separate sources, with appropriate income credits from voluntary funds in aid of the budget. While the organization is presenting in a single programme and budget document details of all proposed activities and related cost estimates, it has not yet been considered practicable to consolidate under the regular budget all such activities with appropriate income credits from voluntary funds.
- 70. In its consideration of General Assembly resolution 1283 (XIII) of 5 December 1958 on the International Health and Medical Research Year, the Twelfth World Health Assembly expressed its deep appreciation and satisfaction at learning of the interest displayed by the General Assembly in international health matters including medical research. The Health Assembly decided, however, that in view of the extensive programmes

on which WHO had recently embarked, the holding of an International Health and Medical Research Year should be postponed for the present. The matter will be reconsidered in 1960 in the light of full reports to be submitted by the Executive Board of WHO and the Director-General.

- 71. After two years' study of the internal problem in WHO, and after consultation at all levels within and outside the organization, the WHO Executive Board decided to suspend, as from 1 February 1959, all minus post adjustments. The Executive Board, in taking this decision, requested "the Director-General to continue to consult together with his colleagues of ACC with a view to arriving at a definitive elimination of such minus adjustments". The action nevertheless constitutes a departure from the provisions of the common salary system, as endorsed by the General Assembly in resolution 1095 (XI) of 27 February 1957, regardless of the considerations which prompted the WHO action.
- 72. The Twelfth World Health Assembly approved a proposal for the construction of a separate headquarters building for WHO in Geneva, and accepted the generous offers of assistance of the Governments of the Swiss Confederation and of the Republic and Canton of Geneva. These offers cover, in addition to a site for the building, an interest-free loan totalling 20 million Swiss francs from the Government of the Swiss Confederation, as well as a loan of 10 million Swiss francs from the Republic and Canton of Geneva, the interest on which would be borne in equal shares by the Canton and the organization. The Twelfth World Health Assembly, in approving the proposal, decided that plans and specifications, together with more precise cost estimates, within a maximum limit of 40 million Swiss francs (\$9,302,326) should be placed before the Thirteenth World Health Assembly.
- 73. The Health Assembly has also raised the question of a suitable reimbursement to WHO by the United Nations for WHO's "investment in the Palais des Nations which includes a grant by the Swiss authorities intended to facilitate WHO's accommodation in Geneva" (resolution WHA 12.12). The Advisory Committee has given preliminary consideration to this question; however, consultations are under way between the Secretary-General and the Director-General of WHO. It is expected that the Secretary-General will submit to the General Assembly in due course a detailed report on this subject. Accordingly, the Advisory Committee would defer its comments and recommendations on this point.

G. International Telecommunication Union

	1959 Appropriations	1960 Appropriations		
	United St	ed States dollars		
Personal services	2,034,802	1,633,142		
General services	620,476	313,872		
Special projects and activities	<u> </u>	<u> </u>		
Other budgetary provisions	32,534	16,509		
Total (gross)	2,687,812	1,963,523		
Less: Casual revenue	326,802	118,651		
TOTAL (net)	2,361,010	1,844,872		

^{74.} The Advisory Committee, during its visit to the headquarters of ITU in April 1959, undertook a broad

⁵⁰ These are negative adjustments to the base salary at duty stations where the post classification is below the base of the common salary system, namely, Geneva as at 1 January 1956. (For details, see A/3209, paras. 137-142.)

over-all review of the administrative and budgetary aspects of the activities of that organization. The resultant report of the Committee (A/4148 and Corr.1) accordingly touches upon a variety of matters relating to programming procedures, secretariat structure, administration and finance.

- 75. The amounts shown above cover the "ordinary" expenses of ITU and the "extraordinary" expenditures which relate to meetings of various bodies of the organization. In addition to these appropriations, ITU has a supplementary publications budget, which for 1960 has been approved at \$461,114.
- 76. The reduction of \$724,290 in the 1960 appropriations, by comparison with the 1959 (revised) budget, is the net effect of: (a) an increase of \$185,001 in the ordinary budget due mainly to normal increases in staff expenditure resulting from the application of administrative regulations, and (b) a decrease of \$909,291 in extraordinary expenditure due principally to the much heavier schedule of conferences in 1959.⁵¹
- 77. The Plenipotentiary Conference, which is currently in session, is due to consider a number of administrative and financial matters including the budgets of ITU for the next few years, the question of a consolidated budget to cover all expenses of the organization, the assimiliation of ITU salary scales to the common United Nations System, and the status of ITU participation in the Expanded Programme of Technical Assistance. In fact, the 1960 budget estimates may need to be revised in the light of the decisions of the Conference.

H. World Meteorological Organization

19. Approp		1960 Appropriations
1	United Sta	tes dollars
Personal services	374,219 156,254 2,613 6,478	4 223,240 3 12,800
Total (gross) Less: Casual revenue	539,56- 13,50	•
Total (net)	526,06	4 652,605

- 78. The following observations are based on a study of official documentation supporting the 1960 budget of WMO.
- 79. The Third World Meteorological Congress, held at Geneva in April 1959, approved a maximum expenditure of \$2,694,484 for the third financial period of the organization, 1 January 1960 to 31 December 1963, and authorized the Executive Committee to incur additional expenditure to meet increases in staff salaries and allowances subsequent to comparable changes in United Nations salaries and allowances, and also to incur further additional expenditure up to \$100,000 on agreement by members of the organization.
- 80. The budget for 1960, the first year of the third financial period, was adopted by the Executive Committee in a total amount of \$655,105, including some \$60,000 in respect of removal to, installation in, and rental and maintenance of the new WMO headquarters building in Geneva. Other budgetary increases, by comparison with 1959, reflect:
- ⁵¹ The 1959 conference programme included in particular the ITU Plenipotentiary Conference (\$245,174), the Administrative Radio Conference (\$539,698) and the IXth Plenary Assembly (and Study Groups) of the International Radio Consultative Committee (\$231,860).

- (a) The increase in established posts from sixty-eight to seventy-eight, the additional ten posts to be filled gradually during 1960;
- (b) An expansion of the operational activities of WMO, including the setting up of a Meteorological Film Loan Service; and
- (c) Provision for building up a Staff Compensation Reserve Fund and for certain related insurance costs. As to the last point, the small size of the WMO secretariat would seem to lend justification for establishing a reserve fund, even though in the United Nations compensation payments are met out of current budgets.
- 81. The budget for the four-year period 1960-1963 includes \$180,000 for publications. However, the Congress has authorized the additional utilization of sale proceeds, assessed at some \$100,000 for the total period, in order to finance a larger publications programe. The amount appropriated, together with sale proceeds and income from advertisements in the WMO Bulletin, will be credited to a separate publications fund to which related expenditure will be charged.

I. Inter-Governmental Maritime Consultative Organization

19 Approp	59 riations	1960 Appropriations
	United Sta	tes dollars
Personal services	138,500 99,500 —	
TOTAL (gross) Less: Casual revenue	238,000	•
Total (net)	237,500	255,500

- 82. IMCO, the newest of the specialized agencies, operates on the basis of financial periods, each of two calendar years. However, the first financial period begins in 1959 and will end on 31 December 1961.
- 83. The IMCO Assembly, at its first session (London, January 1959) authorized a maximum expenditure of \$726,000 for the first financial period (1959-1961). The budgets for 1959 and 1960 total \$494,000, leaving a balance of \$232,000 for appropriation in respect of 1961. In addition, however, the Secretary-General of IMCO is authorized for the first financial period, and with the prior concurrence of the IMCO Council, to carry forward un-committed balances of appropriations from one year to the next.

J. International Atomic Energy Agency

	1959 Appropriations	1960 Appropriations
	United St	ates dollars
Personal services	3,673,800 634,200 917,000	riations Appropriation United States dollars ,800 4,106,000 ,200 670,000 1,067,000
TOTAL (gross) Less: Casual revenue	5,225,000	
Total (net)	5,225,000	5,843,000

^{*} Income from sale of publications and from sale or rental of visual media will be credited to a Publications Revolving Fund until such income exceeds \$50,000. The relatively small amounts of miscellaneous income in 1958 and 1959 were not used as an offsetting reduction in assessed contributions but retained in the operating funds of the Agency.

- 84. During its visit to the headquarters of IAEA in March 1959, the Advisory Committee undertook a broad over-all review of the administrative and budgetary aspects of the activities of the Agency. The resultant report of the Committee (A/4135) accordingly covers a variety of matters relating to the structure of the Agency and of its secretariat, its programming procedures, administration and finance.
- 85. The Committee has since had an opportunity of discussing with representatives of the Director-General the details of the 1960 budget of the Agency.
- 86. In addition to the regular budget⁵² of \$5,843,000, the Agency has an "operational budget" which is estimated at some \$2,390,000 in 1960. This programme will be financed from:
- (a) Voluntary contributions in a target amount of \$1.5 million;
- (b) The Expanded Programme of Technical Assistance in an estimated amount of \$600,000;
- (c) The balance of a special contribution of \$600,000 which was made in 1959 for the construction and equipment of the Agency's functional laboratory in an amount of \$200,000; and
- (d) \$90,000 of the reserve being carried from 1959 to 1960. The operational programme covers fellowships and training (\$1.1 million), technical and research assistance (\$900,000), mobile radioisotope laboratories (\$57,000) and functional laboratories (\$333,000).
- 87. The major part of the increase of \$618,000 in the 1960 regular budget, by comparison with 1959, results first, from need for full-year provision in respect of staff newly authorized in 1959; and, secondly from the proposed establishment of 47 additional posts, comprising
- 52 In accordance with a suggestion of the Advisory Committee (A/4016, para. 8), the term "regular budget" has been adopted by the Agency in the place of "administrative" budget, to indicate the budget (which is to be financed by assessment to Member States) reflecting "estimates of administrative expenses under article XIV.B.1 of the statute". The term "operational budget" is similarly used for the "estimates of expenses and costs under article XIV.B.2 of the statute". The term "consolidated budget" is used for the budget as a whole.

18 in the Professional category, 27 in the General Service category and 2 maintenance and operative posts. Of the 18 additional posts in the Professional category, 12 are proposed in the technical areas of the Secretariat, and 5 others have a bearing on the technical work of the Agency. The Advisory Committee understands in this connexion that the recruitment of qualified scientific and technical staff continues to be difficult and slow, even with the provision for payment of special allowance in exceptional cases.53 Illustrative of the difficulty is the fact that of the 115 scientific and technical posts authorized for 1959, only 88 are filled at the present time, although a further partial explanation of this situation lies in the policy of the Director-General to fill authorized posts only when the need has become clearly apparent. In these circumstances, it is difficult to assess the practical impact on actual expenditure of the proposed addition of further posts in 1960, even though this addition is considered necessary, by the Director-General and the Board of Governors, on the basis of the projected work programme for 1960. The General Conference of the Agency has, however, suggested that the budget should be considered as imposing a maximum limit to expenditure and that every effort should be made to accomplish the proposed work programme with available staff resources, through appropriate internal reassignment of staff. The Advisory Committee believes that, given the several practical factors affecting the staffing of the Agency including difficulties of recruitment, this approach has considerable merit.

- 88. Pledges made to date towards the target amount of \$1.5 million of voluntary contributions total the equivalent of \$927,000.
- 89. The 1960 regular budget includes the administrative and operational services costs of the Agency's activities under the Expanded Programme. These costs, towards which a lump-sum allocation will be available from the special account of the Expanded Programme, are estimated, on a rough basis, at some \$84,000.
- ⁵³ The Director-General has authority to pay, in exceptional cases, a special annual allowance not exceeding \$1,800. Recourse has been made to this provision only in seven cases so far, and even in these cases not up to the full amount of the allowance.

Annex
Scales of assessments: United Nations and larger specialized agencies (1960)

Members a	United Nations (Per cent)	ILO (Per cent)	FAO (Per cent)	UNESCO (Per cent)	ICAO (Per cent)	WHO b (Units)
Afghanistan	0.06	0.12	0.08	0.06	0.13	8
Albania		0.12		0.04	-	c
Argentina	1.11	1.53	1.46	1.05	1.21	132
Australia	1.79	1.88	2.35	1.69	2.52	212
Austria	0.43	0.35	0.56	0.41	0.40	51
Belgium	1.30	1.40	1.71	1.23	1.64	154
Bolivia	0.04	0.12	0.04	0.04	0.13	•
Brazil	1.02	1.52	1.34	0.96	1.71	120
Bulgaria	0.16	0.20		0.15		18
Burma	0.08	0.16	0.10	0.07	0.13	9
Byelorussian Soviet Socialist Republic	0.47	0.45		0.44		56
Cambodia	0.04	_	0.04	0.04	0.13	c
Canada	3.11	3.51	4.09	2.94	4.45	369
Ceylon	0.10	0.13	0.13	0.09	0.13	12
Chile	0.27	0.36	0.35	0.25	0.39	31
China		2.04	-	4.74	0.67	594
Colombia		0.41	0.41	0.29	0.63	37
Costa Rica	0.04	0.12	0.04	0.04	0.13	G
Cuba	0.25	0.32	0.33	0.23	0.41	30
Czechoslovakia	0.87	0.93	_	0.82	0.85	103
Denmark	0.60	0.78	0.79	0.57	0.93	71
Dominican Republic		0.12	0.07	0.05	0.13	7
Ecuador		0.12	0.08	0.06	0.13	8

Annex (continued) Scales of assessments: United Nations and larger specialized agencies (1960)

Members •	United Nations	ILO	FAO	UNESCO	ICAO	WHO b
DIC 1 1	(Per cent)	(Per cent)	(Per cent)	(Per cent)	(Per cent)	(Units)
El Salvador	0.05	0.12	0.07	0.05	0.13	7
Ethiopia		0.12	0.08	0.06	0.13	8
Federation of Malaya	0.17	0.22	0.22	0.16	0.16	20
Federation of Rhodesia and Nyasaland	0.36	0.30	0.47	0.34	0.42	3 43
France	6.40	6.10	8.42	6.05	7.88	760
Germany, Federal Republic of	0.40	4.34	7.01	5.04	5.21	633
Ghana	0.07	0.12	0.09	0.06	0.13	8
Greece.	0.23	0.21	0.30	0.22	0.27	27
Guatemala	0.05	0.12	0.07	0.05	0.13	7
Guinea	$(0.04)^{d}$	0.12			0.13	
Haiti	0.04	0.12	0.04	0.04	0.13	•
Honduras	0.04	0.12	0.04	0.04	0.13	c
Hungary	0.42	0.42		0.40	_	50
Iceland	0.04	0.12	0.04		0.13	o
India	2.46	3.30	3.23	2.33	2.60	292
Indonesia	0.47	0.43	0.62	0.44	0.54	56
Iran	0.21	0.31	0.28	0.20	0.21	25
Iraq	0.09	0.13	0.12	0.08	0.13	10
Ireland	0.16	0.28	0.21		0.24	18
Israel	0.14	0.12	0.18	0.13	0.23	17
Italy	2.25	2.42	2.96	2.13	2.46	267
Japan	2.19	2.00	2.88	2.07	2.24	260
Jordan	0.04	0.12	0.04	0.04	0.13	c
Korea, Republic of			0.28	0.20	0.19	•
Laos	0.04	-	0.04	0.04	0.13	•
Lebanon	0.05	0.12	0.07	0.05	0.21	7
Liberia	0.04	0.12	0.04	0.04	0.13	e
Libya	0.04	0.12	0.04	0.04	0.13	e
Luxembourg	0.06	0.12	0.08	0.06	0.13	8
Mexico	0.71	0.77	0.93	0.67	1.36	84
Monaco		_		0.04		o
Morocco	0.14	0.14	0.18	0.13	0.20	17
Nepal	0.04		0.04	0.04		6
Netherlands	1.01	1.22	1.33	0.95	2.53	120
New Zealand	0.42	0.50	0.55	0.40	0.51	50
Nicaragua	0.04	0.12	0.04	0.04	0.13	c
Nigeria			_			3
Norway	0.49	0.53	0.64	0.46	0.80	57
Pakistan	0.40	0.70	0.53	0.38	0.49	47
Panama	0.04	0.12	0.04	0.04	_	•
Paraguay	0.04	0.12	0.04	0.04	0.13	o
Peru	0.11	0.21	0.14	0.10	0.14	13
Philippines	0.43	0.37	0.56	0.41	0.44	51
Poland	1.37	1.24	1.80	1.29	1.28	162
Portugal	0.20	0.31	0.26		0.23	23
Romania	0.34	0.50	~	0.32	_	41
Saudi Arabia	0.06		0.08	0.06	_	8
Sierra Leone						3
Spain	0.93	1.14	1.22	0.88	1.04	110
Sudan	0.06	0.12	0.08	0.06	0.13	8
Sweden	1.39	1.72	1.83	1.31	1.76	165
Switzerland	_	1.42	1.28	0.92	1.39	115
Thailand		0.21	0.21	0.15	0.21	18
Tunisia	0.05	0.12	0.07	0.05	0.13	7
Turkey	0.59	0.77	0.78	0.56	0.56	69
Ukrainian Soviet Socialist Republic	1.80	1.00	0.74	1.70	0.71	213
Union of South Africa	0.56	0.89	0.74	12.00	0.71	67
Union of Soviet Socialist Republics		10.00	0.43	12.88	0.25	1616
United Arab Republic		0.58	0.42	0.30	0.35	38
United Kingdom of Great Britain and Northern Ireland		10.03	10.23	7.36	9.96	923
United States of America		25.00	32.51	30.74	32.95	/ 14
Uruguay		0.19	0.16	0.11	0.13	59
Venezuela		0.50	0.66	0.47	0.69	
Viet-Nam	0.04	0.21	0.26	0.19	0.22	23
Yugoslavia	0.04	0.42	0.04 0.46	0.33		42
Yugoslavia	0.33	0.42	0.40	0.33		42

[•] A dash (—) against a State indicates that it is not a member of the organization concerned.

^b It has been decided that as from 1961 the WHO scale of assessment shall be expressed in percentages.

[•] Minimum assessment of 0.04 per cent.

d The assessment of Guinea is additional to the approved scale of assessments for 1959, 1960, and 1961, and the contribution of Guinea for these years will be treated as miscellaneous income to the United Nations.

Special assessment on largest contributor representing 32.51 per cent of active members' association.

Document A/C.5/786 continues overleaf

DOCUMENT A/C.5/786

Information Annex III to Budget Estimates for the Financial Year 1960

Note by the Secretary-General

[Original text: English [6 October 1959]

- 1. This information annex to the budget estimates for 1960, submitted pursuant to article 3.3 of the Financial Regulations, contains data on the 1960 budgets of the United Nations and nine specialized agencies with comparative information for previous years.⁵⁴
- 2. The specialized agencies for which information is included in this annex are: the International Labour Organisation; the Food and Agriculture Organization; the United Nations Educational, Scientific and Cultural Organization; the International Civil Aviation Organization; the Universal Postal Union; the World Health Organization; the International Telecommunication Union; the World Meteorological Organization; and the Inter-Governmental Maritime Consultative Organization. The International Bank for Reconstruction and
- 54 The following rates of exchange, when appropriate, have been used: Canadian dollar at par; Swiss francs 4.30=\$US 1.00.

Development and the International Monetary Fund under the terms of their relationship agreements, do no submit similar data to the United Nations.

- 3. The attached tables analyse United Nations are specialized agencies budget appropriations or estimates under the following headings.
- Table A. Summary of 1960 and 1959 budget appropriations, or estimates, and 1958 expenditures
- Table B. Summary of budget appropriations, or estimates, by standard objects of expenditure, 1959 and 1960

Table C. Established Posts:

Schedule 1. Total established posts for 1958, 1959 and 1960

Schedule 2. Total established posts for 1960 by location.

Table ASummary of United Nations and specialized agencies 1960 and 1959 budget appropriations, or estimates, and 1958 expenditures (Amounts in US dollars)

Organization		1960			1959			1958	
G gonzanon	Gross	Casual Revenue	Net	Gross	Casual Revenue	Net	Gross	Casual Revenue	Net
United Nations	61,863,200	5,319,300a	56,543,900	60,802,120	5,319,880a	55,482,240	62,505,546b	4,841,768a	57,663,778
nternational Labour Organisation	9,617,409	613,500°	9,003,909	8,639,857	110,000	8,529,857	8,023,388d	130,342	7,893,046
Food and Agriculture Organization	10,790,440	1,466,400 ^f	9,324,040	9,260,239s, h	46,454	9,213,785 ^h	7,868,407	308,546	7,559,861
United Nations Educational, Scientific and Cultural Organization	13,778,580	820,817	12,957,763	13,406,544	792,510	12,614,034	12,316,482	439,000	11,877,482
nternational Civil Aviation Organization	4,578,064	799,064	3,779,000	4,491,604i	734,604	3,757,000	3,998,901	602,448	3,396,453
Universal Postal Union	660,930	48,140	612,790	612,325i	32,325	580,000	452,293	39,873	412,420
Vorld Health Organizationk	16,918,700	1,224,000	15,694,700	15,673,966 ¹	1,786,3661	13,887,600	13,960,8201	1,082,0001	12,878,820
nternational Telecommunication Union	1,963,523	118,651	1,844,872	2,687,812	326,802	2,361,010 ^m	1,889,810	452,505	1,437,305
Vorld Meteorological Organization	655,105	2,500	652,605	539,564 ⁿ	13,500	526,064	441,074	13,500	427,574
nter-Governmental Maritime Consultative Organization	256,000	500	255,500	238,000	500	237,500			
Totals	121,081,951	10,412,872	110,669,079	116,352,031	9,162,941	107,189,090	111,456,721	7,909,982	103,546,739

United Nations:

- ^a The figures exclude revenue derived from assessment on salaries and allowances of the staff (1960: \$6,250,000; 1959: \$6,123,000; 1958: \$5,843,526)—General Assembly resolution 973 (X).
- ^b The 1958 expenditure figure is adjusted as indicated in table S-2 of the 1960 Budget Estimates (A/4110, page xx).
- ^o Includes a lump sum allocation from the Special Account of the Expanded Programme of Technical Assistance estimated at \$500,300.
- ^d Additional expenditure of \$72,010 was incurred against supplementary credits of \$147,634 voted by Governing Body. *FAO*:
- Estimates based on a biennial budget for 1960-1961; include administrative and operational services costs of technical assistance consolidated in the regular budget.

- ^f Includes lump sum allocation from the Special Account of the Expanded Programme of Technical Assistance estimated at \$1,278,400.
- 8 Includes \$128,646 transferred from Working Capital Fund.
- ^h The 1959 column represents the balance of 1958-1959 appropriation after deduction of the 1958 actual expenditure.

ICAO:

¹ Includes a supplementary appropriation of \$85,000—authorized by Council for an Air Navigation Meeting, subject to approval by the Twelfth Session of the ICAO Assembly.

UPU

i Figure of revised budget.

WHO:

- * Budget figures exclude undistributed reserves—1960: \$1,195,060, 195: 91,078,060, 1958: \$1,203,030.
- ¹For purposes of comparison the 1958 and 1959 figures have been adjusted to include the administrative and operational services costs of technical assistance as well as the allocations from the Special Account of the Expanded Programme of Technical Assistance towards these costs.

ITU:

m Figure of revised budget.

WMO:

ⁿ The figure includes an amount of \$41,457 transferred from the budgetary surplus for 1958 to the budget for 1959, as authorized by the Executive Committee.

	United	Nations	I	LO	F	AO	UΛ	TESCO .
	1959 Appro-	1960 Esti-	1959 Appro-	1960 Appro-	19591.E Appro-	1960h Esti-	1959k Appro-	1960 ½ Appro-
Objects of expenditure	priations	mates	priations	priations	priations	mates	priations	priations
GROUP I. PERSONAL SERVICES Salaries and wages Established posts Temporary assistance Casual labour	31,410,400 1,134,800	32,638,400 1,127,300a	4,492,126 222,849 92,604	5,040,683 232,355 93,331	5,267,761 218,976	6,233,000 178,670	5,492,431 108,290	5,609,541 180,351
Overtime and night differential Commutation of annual leave Consultants' fees	375,700 205,900 —	352,700 226,600	20,140 	17,257 146,855	34,913 43,000 195,681	32,000 50,000 142,350	20,000 56,000 15,076	20,000 56,000 14,444
	33,126,800	34,345,000	4,969,999	5,530,481	5,760,331	6,636,020	5,691,797	5,880,336
Staff allowances Dependency allowances, education grants and related travel Repatriation grant. Installation allowances, grants and termination pay. Reimbursement of national income taxation.	1,804,800 173,800 432,700	1,957,200 192,000 520,400	331,230 30,000 50,930	382,950 35,000 60,000	421,900 50,000 40,000 30,300	448,620 70,000 54,100 40,400	277,219 59,775 47,620 14,500	284,333 64,600 47,620 14,500
Health and insurance contributions.	305,100	357,500	40,361	49,050	56,000	72,920	91,157	91,554•
Contributions—Staff Pension and Provident funds	3,268,500 35,000 110,900	3,382,000 35,000 111,800	707,146 1,000 35,756	824,765 3,000 46,558	680,000	822,510 	643,860 3,000 —	659,682 3,000
	6,130,800	6,555,900	1,196,423	1,401,323	1,278,200	1,508,550	1,137,131	1,165,289
Totals, group I	39,257,600	40,900,900	6,166,422	6,931,804	7,038,531	8,144,570	6,828,928	7,045,625
GROUP II. GENERAL SERVICES Travel and transportation Travel on official business Members. Staff. Consultants. Travel on home leave. Travel and removal expenses of staff and dependants.	885,900 744,200 1,030,000 560,800	832,800 732,000 1,315,000 809,000	464,960 150,405 222,000 92,600	512,814 168,756 — 195,000 102,100	49,342 557,487 21,000 280,000 134,971	29,300 650,390 14,300 291,500 156,400	259,445 216,950 37,416 142,754	335,085 267,818 35,848 147,204 114,850
Other								
	3,220,900	3,688,800	929,965	978,670	1,042,800	1,141,890	760,915	900,805
Contractual and other services Printing	1,385,200 5,294,800	1,367,300 5,647,400	449,663 430,891	499,926 454,339	281,414 535,544	236,900 685,350	346,449 849,576	401,500 981,767
	6,680,000	7,014,700	880,554	954,265	816,958	922,250	1,196,025	1,383,267
Supplies and materials	797,300	803,600	94,325	100,061	143,734	148,930	256,862	242,912
Property and equipment	3,389,220	3,967,300	199,855	221,499	114,244	132,200	153,124	95,471
Totals, group II	14,087,420	15,474,400	2,104,699	2,254,495	2,117,736	2,345,270	2,366,926	2,622,455
GROUP III. SPECIAL PROJECTS AND ACTIVITIES Missions	3,050,100 2,005,000 83,000 1,638,500b	2,532,600 2,005,000 83,000 157,300b	14,000 150,000		50,000	 50,000 	858,970 729,750 628,488 1,394,315	902,150 670,250 618,476 1,304,130m
Totals, group iii	6,776,600	4,777,900	164,000	353,100	50,000	50,000	3,611,523	3,495,006
GROUP III (A). INTERNATIONAL COURT OF JUSTICE	680,500	710,000		_			_	_
GROUP IV. OTHER BUDGETARY PROVISIONS Unpaid liability fund Provision for new projects, contin-	-		1,000	1,000				
gencies and unforeseen expenses. Reserve fund		=			45,145 —	205,000	_	_
Working capital fund	=		198,736 	$\frac{72,010}{5,000}$		45,600	599,167	615,494
Totals, group iv			204,736	78,010	53,972	250,600	599,167	615,494
Grand totals, groups 1–iv $\begin{cases} 1959\\ 1960 \end{cases}$	60,802,120	61,863,200	8,639,857	9,617,409	9,260,239	10,790,440	13,406,544	13,778,580
GROUP V. CASUAL REVENUE Extra budgetary funds. Staff Assessment Plan. Estimated return for services	1,703,580° d	1,770,400° d	13,000	500,300 13,700	_	1,278,400		
rendered other agencies Sale of publications	334,000 	302,500 	67,000 30,000	80,000 19,500	— 46,454i	11,000 177,000	500 16,000 776,010	
Other Totals, GROUP V	5,319,880	5,319,300	110,000	613,500	46,454	1,466,400	792,510	820,817
NET TOTALS {1959	55,482,240	56,543,900	8,529,857	9,003,909	9,213,785	9,324,040	12,614,034	12,957,763
					*			<u> </u>

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	UI	PU	W	HO	IT	ΓU	1	WMO	1	мсо	To	tals
	1959	1960	1959 p	1960 p	1959	1960	1959	1960	1959	1960	1959	1960
	Appro- priations	Esti- mates	Appro- priations	Appro- priations	Appro- priations	Appro- priations	Appro- priations	Appro- priations	Appro- priations	Appro- priations		
-	priumons	mutes	prianons	printions	priditons	priations	priditons	priations	priditons	priations		
	218,372	256,977	7,187,866	7,710,175	1,008,086	1,062,589	254,059	304,534	80,000	92,500	58,237,591	61,948,590
	17,209	13,023	125,995	139,625	20,232	53,720	36,000	16,397	40,000	45,000	2,066,102	2,054,941
	465	698			680,570 1,837	139,535 1,837	2,000 8,400	2,000	500	500	775,174 507,255	232,866 456,392
	403			_	1,037	_					324,900	352,600
	_		304,500	317,100	6,977	6,977	_	_	_	_	671,514	634,726
	236,046	270,698	7,618,361	8,166,900	1,717,702	1,264,658	300,459	322.931	120,500	138,000	62,582,536	65,680,115
	4,186	6,698	436,096	426,820	48,842	60,826	30,311	32,000		_	3,520,084	3,784,347
			283,387	319,507			3,430	1,000		_	612,392	694,107
	7 674	1 116	421 004	421 052	0.025	0.027	915	1,000			1,016,958	1,137,026
	7,674	4,116	421,094	431,853	8,025	9,937	913	1,000	_		1,010,938	1,137,020
	_	_	69,087	65,601	_				_		115,587	123,901
	41 600	47 200	140.022	101 010	10.202	20.960	2,976	13,000			705,047	863,108
	41,628	47,209	119,023	181,048	19,302	20,860	2,970	13,000	_		103,041	803,108
			712,881	746,522	184,712	216,977	34,504	42,634	_	_	6,508,513	7,001,622
	14,884	14,070	6,500	30,000 6,500	 56,219 u	59,884 u	1,624	2,500	18,000	18,500	39,000 256,883	71,000 272,712
		17,070			30,219	37,004						
	68,372	72,093	2,048,068	2,207,851	317,100	368,484	73,760	92,134	18,000	18,500	12,774,464	13,947,823
	304,418	342,791	9,666,429	10,374,751	2,034,802	1,633,142	374,219	415,065	138,500	156,500	75,357,000	79,627,938
		=====	-,000,127	=====	====	======	====	====				
	24 004	22 255	222 420	262.010	25 116	25 116					1,953,077	2,021,180
	34,884 9,535	23,255 22,791	233,430 891,725 q	262,810 952,700 q	25,116 111,512	25,116 55,814	22,951	24,000	5,000	5,000	2,975,215	3,039,369
	_	_	434,035	469,980			_		_	_	492,451	520,128
	2,326	13,954	320,096	574,192	23,826	17,895	10,694	9,820	2,000	3,000	2,148,196	2,663,165
	9,302	_	249,790	289,037	3,953	11,395	17,035	6,000		_	1,202,301	1,518,282
		_			186	163	190	17,970	_		376	18,133
	56,047	60,000	2,129,076	2,548,719	164,593	110,383	50,870	57,790	7,000	8,000	8,771,616	9,780,257
	30,047	00,000	2,129,070	2,340,719	104,393	110,363	30,670	37,790	7,000	0,000	0,771,010	9,760,237
										0.700		2 000 250
	123,256 62,558	109,302 78,139	286,543 r 795,084	292,322 r 846,459	320,674 v	46,500 78,698 v	38,871 30,641	60,000 23,000	5,000 36,000	8,500 50,000	2,984,096 8,727,670	3,090,250 9,246,325
	02,338	70,139	793,064	040,439	320,074	70,090	30,041	23,000	30,000	30,000	8,727,070	9,240,323
	185,814	187,441	1,081,627	1,138,781	320,674	125,198	69,512	83,000	41,000	58,500	11,711,766	12,336,575
	11,163	11,163	331,215	369,375 •	54,139	37,686	24,707	28,450	6,500	13,000	1,752,845	1,786,477
'	11,103	11,103	331,213	309,373	34,139	37,000	24,707	20,430		13,000	1,732,043	1,750,477
	31,628	31,628	193,3891	180,316	81,070	40,605	11,165	54,000	45,000	20,000	4,272,595	4,828,719
	284,652	290,232	3,735,307	4,237,191	620,476	313,872	156,254	223,240	99,500	99,500	26,508,822	28,732,028
			3,733,307	7,207,171	020,470	313,012	150,254				20,000,022	= =====
	_		_						_		3,909,070	3,434,750
	_		283,213	301,713	_			1,000		_	3,017,963	2,977,963
	22.255	27.007	1,339,791	1,613,045		_	2.612		_		2,115,279 3,208,684	2,380,521 1,838,238
	23,255	27,907					2,613	11,800			3,200,004	1,030,230
	23,255	27,907	1,623,004	1,914,758		_	2,613	12,800	_		12,250,996	10,631,472
						=						
											680,500	710,000
				350,000	9,744	9,381	_	_	_	_	10,744	360,381
			43.000	42,000			£ 470	4.000				
	_	_	42,000 500,000	42,000			6,478 —	4,000		_	93,623 500,000	251,000
	_	_	100,000			_			_	_	298,736	72,010
	_	_	7 226	_	22 700	7 120					599,167	615,494 81,628
1			7,226		22,790	7,128					52,443	01,028
)	_		649,226	392,000	32,534	16,509	6,478	4,000	_		1,554,713	1,380,513
٠	612,325		15,673,966		2,687,812w		539,564		238,000		116,352,031	
t	J12,J2J	660,930	10,070,900	16,918,700	2,007,012"	1,963,523w	JJ7,JU4	655,105	200,000	256,000	110,002,001	121,081,951
											=======================================	
	_	_	724,000	724,000	_	_		-	_	_	2,427,580	4,273,100
			724,000	724,000	_		_	_	_		504,604	532,364
,	10,931	10,930		_		_	12,500	y	_	_	334,500 166,431	303,000 179,930
)	21,394	37,210	1,062,366	500,000	326,802	118,651	1,000	2,500	500	500	5,729,826	5,124,478
·	32 325	48 140		1 224 000			12 500		500	500		10 412 972
:	32,325	48,140	1,786,366	1,224,000	326,802 *	118,651 *	13,500	2,500	500	500	9,162,941	10,412,872
	580,000	//C ===	13,887,600		2,361,010w	I	526,064		237,500		107,189,090	440 440 555
!		612,790		15,694,700		1,844,872**		652,605		255,500		110,669,079
•												

(Footnotes to table B)

United Nations:

Includes consultants' fees. b Includes provision for Special Meetings and Conferences (1959: International Conference on the Peaceful Uses of Atomic Energy—\$1,500,000 and Conference on the Elimination or Reduction of State-

lessness—\$43,500; 1960: Conference on the Law of the Sea—\$46,000 and Congress on the Prevention of Crime and Treatment of Ofenders-\$16,300).

 Includes contributions from the Special Account for the Expanded • Includes contributions from the Special Account for the Expanded Programme of Technical Assistance and the Refugee Fund towards the respective costs consolidated in the regular budget, and also includes charges to the Joint Staff Pension Fund for estimated administrative costs of the Pension Board.

• Revenue from staff assessment is credited to a Tax Equalization Fund in accordance with General Assembly resolution 973 (X). The staff assessment is estimated at \$6,123,000 for 1959, and at \$6,250,000 for 1960.

• The income from Sale of Publications is included under "Other

 The income from Sale of Publications is included under "Other Income".

FAO

f Includes \$128,646 transferred from Working Capital Fund.

The 1959 column represents the balance of 1958-1959 appropria-

tion after deduction of the 1958 actual expenditure.

h Estimates based on a biennial budget for 1960-1961. Include administrative and operational services costs of technical assistance consolidated in the Regular Programme budget—see also footnote.

¹Represents estimated lump sum allocation from Special Account of the Expanded Programme of Technical Assistance.

Balance of original estimate for 1958-1959 biennium.

k Includes a contribution amounting at \$505,779 from the Special Account of the Expanded Programme of Technical Assistance towards the administrative and operational services costs of technical assistance.

¹ Includes for 1959 and 1960 \$9,500 and \$8,000 respectively for

staff welfare activities.

In accordance with resolution 8.31 (b) of the Tenth Session of the General Conference, at 31 December of each year, any balance of the Publications and Visual Material Fund in excess of \$70,000 shall be surrendered to Miscellaneous Income of the Organization. For budgetary purposes, it is estimated that the balance will amount to \$16,000 per annum for 1959-1960.

Note that including \$10,000 per annum anticipated contribution from the Government of Cuba for UNESCO's Regional Office in the Western Hemisphere; as this amount has been deducted from the appropriation for 1959 and 1960.

P Excludes undistributed reserves: 1960: \$1,195,060,1959: \$1,078,060.

Includes travel of Field Personnel: 1960: \$662,451; 1959: \$612,765.

Includes in 1960: \$46,540 for the Health Assembly (1959: \$58,340); \$14,900 for the Executive Board and its Committees (1959: \$14,900); \$184,900 for printing of technical publications (1959: \$172,900); \$24,000 for printing of reports of Expert Committees (1959: \$20,000); and the balance of \$21,982 representing costs of secretariat printing (1959: \$20,403).

Includes information, supplies and services: 1960: \$158,712.

Includes information, supplies and services: 1960: \$158,713; 1959: \$118,025.

* Includes library books: 1960: \$27,646; 1959: \$35,400.

- Includes cost of living allowances: 1960: \$53,349; 1959: \$49,823.
 Includes conference services: 1960: \$262,558; 1959: \$22,209.
 Figures relate to ordinary and extraordinary budgets.
- * Excludes the Publication Service treated as a separate trading operation.

WMO

Beginning with 1960 all revenue from the sale of publications will be credited to the Publications Fund to increase the appropriation for the Publication Programme.

Table C. Established posts

Schedule 1. Total established posts for 1958, 1959 and 1960

Organization	Total 1958	Total 1959	Total 1960
United Nationsa	4,147 ^b	4,198 ^b	4,327
International Labour Organisation.	974d	1.016^{d}	1,056
Food and Agriculture Organization	1,142	1,176	1,458°
United Nations Educational Scientific and Cultural Organization	1,077f	1,092	1,092
International Civil Aviation Organization	456	459	466
Universal Postal Union	36	43	43
World Health Organization	1,286g	1,342	1,410
International Telecommunications Union	221	222	224
World Meteorological Organization	64	64	77
Inter-Governmental Maritime Consultative Organization	_	13	14
Totals	9,403	9,625	10,167

^{*} Includes the Registry of the International Court of Justice; 30 posts respectively for 1960, 1959 and 1958.

nical assistance unit integrated with regular budget for the first time in 1960.

• Includes 203 posts formerly charged to technical assistance.

in 1960 integrated with the Regular Programme.

For purposes of comparison, the figure has been adjusted by increase of 82 posts financed previously by the technical assistance budget for administrative and operational services at headquarters.

g Represents the number of authorized posts as revised and shown in the 1958 and 1959 columns of the 1960 Programme and

Budget Estimates.

Table C. Established posts (continued)

SCHEDULE 2. TOTAL ESTABLISHED POSTS FOR 1960 BY LOCATION

	UN	ILO	FAO	UNESCO	ICA0	UPU	WHO	ITU	WMO	IMCO	Total
Africa											
Accra	1		16					_			17
Addis Ababa	50		4		_				_		54
Alexandria	_					_	168			_	168
Brazzaville				_	_		108				108
Cairo	7		39	10	11					_	67
_Lagos		9				_	_				9
Rabat			3								3
Sirs-el-Layyan		-		2	_						2
Asia											
Bangalore	_	12									12

^b Excludes local staff at Information Centres, ECAFE and ECLA in accordance with budget estimates for 1960. For comparative purposes the figures for 1958 and 1959 have been adjusted accordingly.

e Including officials employed full or part time in branch offices and as correspondents.

d For purposes of comparison, the 1958 and 1959 figures have been adjusted to include the administrative posts of the tech-

Table C. Established posts (continued)

SCHEDULE 2. TOTAL ESTABLISHED POSTS FOR 1960 BY LOCATIONS

	UN	ILO	FAO	UNESCO	<i>ICAO</i>	UPU	WHO	ITU	WMO	<i>IMCO</i>	Total
Bangkok	87		64	-	11		_			_	162
Beirut		_		14	_	_	_	_	-	_	14
Djakarta	1			8							9
Karachi	2	_					·	_	_		2
New Delhi	3		10	9			196	_			218
Rangoon	1				_						1
Teheran	1	_	_	****		******		_		_	1
Tokyo	2		_		_	_	_	_			2
Europe											
Athens	13		_	_	_	_			_		13
Belgrade	1	_		_		_					1
Berne	_			_		43*					43
Bonn	25				_	_	_	_	_		25
Brussels	8			_	_	_					8
Copenhagen	2						91		_		93
Geneva	831	853*	11		_		581 *a	224*	77*		2,577
Hanover	3			_	_		_				3
Istanbul		11	_	_	_						11
London	7		_			_		_		14*	21
Moscow	3	_									3
Munich	4							_	_		4
	1						_	_			1
Naples	2		_		_			_			2
Nuremberg	9	_	_	— 978*	25					_	1,012
Paris	1		_	910						_	1,012
Prague	15	_	1,193*					_		_	1,208
Rome	34a		1,193							_	34
The Hague	2	_	_	_							2
Trieste				_	_					_	37
Vienna	37				_		_	_	_		31
Central America				12							13
Havana		7	17	13		_					52
Mexico City	19	7	17		9		_	_		_	33
Patzcuaro				33	_			_			აა
North America					207*						207
Montreal	0.000*		—- "		397*	_	-			_	397
New York	2,892*	11	7	18			_		_		2,928
Washington	3		36	_			116	_	_		155
Oceania							440-				112
Manila	1		_			_	112°				113
Sydney	2		_		_	_	_		_		2
South America	•										2
Bogota	3	_						_		_	3
Buenos Aires	2		_			_					2
Lima		11			13	_	_	_	_	_	24
Montevideo				7		_	_	_		_	7
Rio de Janeiro	2		14				_	_			16
Santiago	65		41								106
Not distributed	185	142°	3		*****		38	_		_	368
	4,327 b	1,056	1,458	1,092	466	43	1,410	224	77	14	10,167

a Includes the Registry of the International Court of Justice

d Includes Copenhagen Tuberculosis Research Office—18 posts. Includes Singapore Epidemiological Intelligence Section—

DOCUMENT A/C.5/795 Joint Panel of Auditors Report of the Secretary-General

[Original text: English] [26 October 1959]

1. By resolution 347 (IV), of 24 November 1949, the General Assembly approved the principles, set out in annex B to that resolution, regarding a joint panel of auditors for the United Nations and the specialized agencies. Those principles provided, inter alia, that the panel should not exceed six in number, and that the

members of the panel performing audits should meet

together annually.

2. In the report on its fifth session, the panel observed (a) that, while fully convinced of the usefulness of having joint sessions of the several external auditors, it had not in the past considered that annual meetings were

⁽³⁰ posts).

^b Budgetary estimates provide additionally for local posts at Information Centres, ECAFE, ECLA, and ECA.

o Includes officials employed full or part-time in branch offices and as correspondents.

warranted, and (b) that, especially in view of the current establishment of new agencies, it was considered that the number of the members of the panel was unduly restricted. The panel felt that the terms of its establishment might usefully be amended on these lines.

- 3. This matter was brought to the attention of the Consultative Committee on Administrative Questions (of the Administrative Committee on Co-ordination) at its session held in April 1959. In addition to the points raised by the panel, it was noted by the CCAQ that while the concept of having a Panel of External Auditors from which the auditors of the participating organizations would be chosen served a useful purpose in the years immediately following its creation, this particular concept had given way to the practice of the external auditors meeting together as a committee more in a consultative capacity, to exchange experience and information regarding the external audits of the several organizations.
- 4. The CCAQ noted that the Secretary-General intended to propose to the General Assembly, at its four-

teenth session, amendments to resolution 347 (IV) which would bring it into line with the existing situation.

5. Thus, the Secretary-General submits the following draft resolution, revising annex B⁵⁵ of General Assembly resolution 347 (IV), for consideration by the General Assembly. The text of this draft resolution has been notified to the agencies involved (ILO, FAO, UNESCO ICAO, WHO and IAEA) and to the members of the Joint Panel of Auditors, and their observations have been incorporated in the text now presented. Similarly the Advisory Committee on Administrative and Budge tary Questions has been consulted, and that Committee concurs in the text of the draft resolution:

[Text adopted by the Fifth Committee without change See A/4276, para. 37]

The principles to govern the audit procedures of the United Nations contained in annex A of resolution 347 (IV) were incorporated in the Financial Regulations of the United Nations approved by the General Assembly at its fifth session (resolution 456 (V)).

DOCUMENT A/4276 Joint Panel of Auditors Report of the Fifth Committee

[Original text: English] [13 November 1959]

- 1. At its 741st meeting, held on 10 November 1959, the Fifth Committee considered a report by the Secretary-General (A/C.5/795) relating to changes in the terms of reference of the Joint Panel of Auditors which had been set out in annex B of General Assembly resolution 347 (IV) of 24 November 1949.
- 2. In his report, the Secretary-General set out the reasons for a change in the terms of reference of the Panel. He submitted the text of a draft resolution revising the provisions of annex B of resolution 347 (IV), which had been notified to the specialized agencies and to the members of the Joint Panel of Auditors and which incorporated the observations they had made. Further, the Advisory Committee on Administrative and Budge-

tary Questions had been consulted and that Committee had concurred in the text of the draft resolution,

Recommendation of the Fifth Committee

3. The Fifth Committee decided unanimously to recommend to the General Assembly the adoption of the following draft resolution submitted by the Secretary-General:

Panel of external auditors

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

DOCUMENT A/4328

Administrative and budgetary co-ordination between the United Nations and the specialized agencies

Report of the Fifth Committee

[Original text: English]
[3 December 1959]

- 1. The fifth Committee considered, at its 744th to 746th meetings held from 16 to 18 November 1959, the reports of the Advisory Committee on Administrative and Budgetary Questions concerning administrative and budgetary co-ordination between the United Nations and the International Atomic Energy Agency (A/4135), the United Nations and the International Telecommunication Union (A/4148); the United Nations and the specialized agencies, with particular reference to the Expanded Programme of Technical Assistance (A/4172), and also the report on the administrative budgets of the specialized agencies for 1960 (A/4257). The Committee also had before it, in document A/C.5/786, a note by the Secretary-General submitting Information Annex III to the 1960 budget estimates.
- 2. Many delegations joined in praising the work of the Advisory Committee, and, in particular, the research which the Committee had done since 1954 in the matter of the Expanded Programme of Technical Assistance. The series of reports which the Advisory Committee had written on the subject constituted an invaluable body of opinion, and bore witness to a sustained and admirable effort for which the Committee deserved well of the United Nations. Its work would undoubtedly prove to be the cornerstone, in years to come, of an improved system of co-ordination in the spheres with which the reports dealt.
- 3. The Committee addressed itself principally to the question of determining what should be the focal point

of authority in the appraisal of administrative and budgetary co-ordination (a) within the United Nations (with particular reference to the differing procedures applying respectively to the regular and to the special programmes) and (b) among the various organizations comprising the United Nations family. The Committee accordingly considered whether changes were called for in the existing arrangements for review on the part of Main Committees of the General Assembly, the Advisory Committee on Administrative and Budgetary Questions, the Technical Assistance Committee, and other organs of the United Nations and the specialized agencies.

- 4. As regards the activities of the United Nations, it was generally recognized that the issue had been clearly defined by the Advisory Committee in its observations on the legislative direction of the Expanded Programme of Technical Assistance and other special programmes (A/4172, paras. 14, 50-52). Acting on recommendations of the Fifth Committee, the General Assembly exercised exclusive budgetary responsibility for all activities financed from the regular budget. Conversely, however, where the special programmes were concerned, responsibility was diluted among a number of organs or subsidiary organs. A dichotomy of that kind served to emphasize the need for administrative and budgetary co-ordination to embrace both regular activities and special programmes: that need could be met only by a single legislative body, representative of the entire membership of the United Nations, which would have final responsibility for stating policy in respect of the many interrelated problems that arose in connexion with the two categories of programmes. With that object in view, the Advisory Committee had suggested that the Fifth Committee should perhaps be associated more closely with the administrative and financial aspects of the special programmes. Such a development would be in harmony with the Charter, which gave to the General Assembly exclusive responsibility in matters of administration and budget, and would help to delineate responsibilities which over the years had become blurred.
- 5. Some representatives, though supporting the general proposition of the Advisory Committee, were dubious regarding certain possible consequences. There would, for example, be no advantage in transferring from the Technical Assistance Committee (a body of twenty-four members) to the Fifth Committee the responsibility for reviewing the detailed administrative and financial implications of the Expanded Programme. That was a function which the TAC had been performing with success for some ten years and which called for a detailed examination of closely interwoven aspectssubstantive as well as administrative—of an intricate programme. In general, it seemed advisable, in the matter of inter-agency programmes, to leave the task of coordination to the Economic and Social Council, assisted, where appropriate, by the Advisory Committee. The fact that those programmes depended in large measure on voluntary contributions was an element for considera-
- 6. On the wider issue of co-ordination among the United Nations and the specialized agencies, reference was made to the programme appraisals for the period from 1959 to 1964 which were being prepared for the Economic and Social Council. In the consolidated report of its Committee on Programme Appraisals, the Council at its thirtieth session would have before it a single document correlating the major activities of all the organizations. The Council's study of the Committee's findings would be of the highest importance for the

planning of programmes, for the concentration of resources and for the assignment of priorities, and it was therefore to be hoped that the relevant chapter of the Council's 1960 report to the General Assembly would be remitted to the Fifth Committee or, alternatively, to a joint session of the three Main Committees primarily concerned.

- 7. The suggestion was made that, while it might be premature to place before the General Assembly the question of a consolidated general budget of the United Nations and the specialized agencies, there would be an advantage in requesting the ACC and the Advisory Committee to resume before long their consideration of the problem. Thought might likewise be given to a possible review of the agreements between the United Nations and the specialized agencies or of the method of their application. It was also pointed out in that connexion that the Advisory Committee itself had stated in 195556 that its annual review of the agency budgets hardly constituted an adequate implementation of Article 17, paragraph 3, of the Charter; the Committee had at that time suggested the possible substitution of a more thorough review to be made at regular but longer intervals. That was an issue of direct concern to the Fifth Committee, for while it was neither possible nor desirable for the latter Committee to attempt a detailed examination of the agency budgets, there was need-if sound conclusions were to be reached-for fuller information on the substantive background of the work programmes of the agencies.
- 8. Furthermore—in a wider context—it might be found necessary in the future to arrange for a comprehensive discussion in the General Assembly of all the programmes and other activities of the United Nations family as a whole. The structural alterations to which such a development would give rise might be of various forms: a change in the terms of reference of the Main Committees, a broadening of the powers of the Advisory Committee or the establishment of an advisory programming committee working closely with the present Advisory Committee. For the present, however, better cooperation between programming bodies on the one hand and administrative bodies on the other could be achieved by enlarging the terms of reference of the Advisory Committee so as to enable it to respond to direct requests for advice in the fields of its competence from organs and committees of the United Nations concerned with special programmes.
- 9. Strong support was given to the views and recommendations of the Advisory Committee regarding a closer integration of services extant in the field (A/4172, section VII). The whole network of services should be reviewed in order to determine whether existing staff and facilities were being used effectively and, in particular, to obviate the presence of two parallel organizational structures in the field. It was to be hoped that the Secretary-General would resubmit to the Administrative Committee on Co-ordination the broader issues of co-ordination in the field offices, since much remained to be done not only in the matter of common premises and common services, but also as regards common representation and a wider use of the services of the Resident Representatives.
- 10. At the 745th meeting the following draft resolution (A/C.5/L.585/Rev.1) was submitted jointly by Argentina, Japan, Netherlands, New Zealand, Pakistan and the United States of America:

⁵⁶ See Official Records of the General Assembly, Tenth Session, Annexes, agenda item 45, document A/3023, para. 25.

"The General Assembly,

"Having regard to reports presented in recent years by the Advisory Committee on Administrative and Budgetary Questions on the subject of administrative and budgetary co-ordination within the United Nations family of organizations and programmes, and to the desirability of having further attention given by the Advisory Committee to such matters,

Ι

- "1. Expresses its appreciation to the Advisory Committee for its reports, in particular the report on the administrative budgets of the specialized agencies for 1960 (A/4257) and the over-all report on the special studies made by the Committee at the headquarters of the agencies (A/4172);
- "2. Extends its appreciation to the specialized agencies and the International Atomic Energy Agency for the co-operation and courtesies offered to the studies and visits of the Advisory Committee;
- "3. Invites the attention of the International Atomic Energy Agency and the International Telecommunication Union to the reports of the Advisory Committee on its special studies at those agencies (A/4135 and A/4148 and Corr.1);
- "4. Invites also the attention of all specialized agencies and the International Atomic Energy Agency to the over-all report of the Advisory Committee (A/4172) and the report on the 1960 budgets of the agencies (A/4257);
- "5. Requests the Advisory Committee to keep under review the growth and developments in respect of offices, operations, and conferences of the United Nations and the agencies at locations away from their headquarters, and to report on possibilities of further administrative and budgetary co-ordination.

Π

- "1. Authorizes the Advisory Committee to examine and report on co-ordination and on administrative and budgetary aspects of special programmes of the United Nations at the request of the various organs, committees, or commissions concerned;
- "2. Authorizes the Advisory Committee also, in fulfilment of its functions under rule 158 of the rules of procedure of the General Assembly, to meet as it deems necessary and appropriate, at the various offices of the United Nations and at the headquarters of the specialized agencies and the International Atomic Energy Agency and, at the request of those agencies, to advise them on administrative and financial matters."
- 11. It was explained, on behalf of the sponsors, that the draft resolution was designed to transform into a continuing function of the Advisory Committee a duty assigned to it experimentally at the ninth session. Paragraph 5 of section I stressed the need, to which the Advisory Committee itself had drawn attention, for co-ordination in the field. Under paragraph 1 of section II, the Advisory Committee would have general authority to undertake activities of the type it had already performed in two cases (General Assembly resolution 1240 (XIII) part B, paragraph 54; Economic and Social Council resolution 702 (XXVI) section II, paragraph 1). Paragraph 2 of section II was intended to give the Advisory Committee greater scope in the performance of its ordinary functions and to dispel any possible doubt of its competence to advise organizations, at their request,

- on administrative and budgetary matters. In accordance with past practice, the Advisory Committee would, of course, inform the Fifth Committee of its work programme and make the necessary arrangements in consultation with the Secretary-General and the interested specialized agencies.
- 12. Some representatives felt that paragraph 1 of section II was unduly cautious. It should expressly state that the General Assembly would exercise administrative and budgetary supervision over the special programmes and at least implicitly indicate that both the Fifth Committee and the Advisory Committee would play a more active part in relation to those programmes. The Chairman of the Advisory Committee suggested that, in order to obviate a spate of requests from subordinate bodies, the words "as appropriate" might be inserted after the words "United Nations", the remainder of the paragraph being deleted.
- 13. At the 746th meeting, the sponsors proposed the following amendments to their draft resolution (A/C.5/L.585/Rev.1):
- (a) In paragraph 5 of section I: to insert the words "to the General Assembly at its fifteenth session" after the words "to report"; and
- (b) In paragraph 1 of section II: to replace the words "the various organs, committees or commissions concerned;" by the words "a principal organ or the body responsible for the special programme;"
- 14. The representative of the USSR proposed the following amendments to section II:
- (a) In paragraph 1: to replace the words "at the request . . . concerned;" by the words "if this should become necessary;" and
- (b) In paragraph 2: to delete the words "to meet as . . ." to the end of the paragraph and to substitute the following text:

"without detriment to its basic obligations in relation to the United Nations budget, to visit, at their request, the headquarters of the specialized agencies and the International Atomic Energy Agency for consultations with them on administrative and budgetary questions with a view to reducing administrative expenditures through co-ordination of their activities."

DECISIONS OF THE COMMITTEE

15. The Committee voted, at its 746th meeting, on the joint draft resolution (A/C.5/L.585/Rev.1) and on the amendments proposed thereto. The result of the voting was as follows:

The USSR amendment to section II, paragraph 1 was rejected by 31 votes to 10 with 19 abstentions. The USSR amendment to section II, paragraph 2 was rejected by 23 votes to 12 with 28 abstentions. Section II, paragraph 1 was adopted by 53 votes to 10 with 1 abstention. The revised draft resolution as a whole was adopted by 55 votes to none with 9 abstentions.

Recommendation of the Fifth Committee

16. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Administrative and budgetary co-ordination between the United Nations and the specialized agencies

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee in document A/4328, para. 16. For the final text, see resolution 1437 (XIV) below.

At the same meeting, the General Assembly also adopted the draft resolution submitted by the Fifth Committee in document A/4276, para. 3. For the final text, see resolution 1438 (XIV) below.

Resolutions adopted by the General Assembly

1437 (XIV). Administrative and budgetary co-ordination between the United Nations and the specialized agencies

The General Assembly.

Having regard to reports presented in recent years by the Advisory Committee on Administrative and Budgetary Questions on the subject of administrative and budgetary co-ordination within the United Nations family of organizations and programmes, and to the desirability of having further attention given by the Advisory Committee to such matters,

T

- 1. Expresses its appreciation to the Advisory Committee on Administrative and Budgetary Questions for its reports, in particular the report on the administrative budgets of the specialized agencies for 1960 (A/4257) and the over-all report on the special studies made by the Advisory Committee at the headquarters of the agencies (A/4172);
- 2. Extends its appreciation to the specialized agencies and the International Atomic Energy Agency for the co-operation and courtesies offered to the Advisory Committee in connexion with its studies and visits;
- 3. Invites the attention of the International Atomic Energy Agency and the International Telecommunication Union to the reports of the Advisory Committee on its special studies made at those agencies (A/4135 and A/4148);
- 4. Also invites the attention of all the specialized agencies and the International Atomic Energy Agency to the over-all report of the Advisory Committee and to the report on the 1960 administrative budgets of the agencies;
- 5. Requests the Advisory Committee to keep under review the growth and developments of the offices, operations and conferences of the United Nations and of the agencies, at locations away from their headquarters, and to report to the General Assembly, at its fifteenth session, on the possibilities of further administrative and budgetary co-ordination;

Π

1. Authorizes the Advisory Committee on Administrative and Budgetary Questions to examine and report on co-ordination and on the administrative and budgetary

aspects of special programmes of the United Nations, at the request of a principal organ or of the body responsible for the special programme;

2. Authorizes the Advisory Committee also, in fulfilment of its functions under rule 158 of the rules of procedure of the General Assembly, to meet as it deems necessary and appropriate at the various offices of the United Nations and at the headquarters of the specialized agencies and the International Atomic Energy Agency and, at the request of those agencies, to advise them on administrative and financial matters.

846th plenary meeting, 5 December 1959.

1438 (XIV). PANEL OF EXTERNAL AUDITORS

The General Assembly,

Having considered the report of the Secretary-General (A/C.5/795) on the Joint Panel of Auditors established by General Assembly resolution 347 (IV) of 24 November 1949.

Decides that the provisions annexed to the present resolution shall replace those set out in annex B of resolution 347 (IV).

846th plenary meeting, 5 December 1959.

Annex

- 1. The members of the United Nations Board of Auditors and the appointed external auditors of the specialized agencies and of the International Atomic Energy shall constitute a Panel of External Auditors, the purpose of which shall be to further the co-ordination of the audits for which its members are responsible and to exchange information on methods and findings.
- 2. The Panel may submit to the executive heads of the participating organizations any observations or recommendations it may wish to make in relation to the accounts and financial procedures of the organizations concerned.
- 3. The executive heads of the participating organizations may, through their auditor (or auditors), submit to the Panel for its opinion or recommendation any matter within its competence.
- 4. The Panel shall elect its chairman and adopt its rules of procedure. Meetings shall be held when necessary, but normally not less frequently than once every two years.
- 5. Costs of the meetings of the Panel shall be borne by the participating organizations.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 49 which are not reproduced in the present fascicle.

Document No.

Title

Observations and references

<u></u>	General rispensity Tour teenth Session Timeses	
Document No.	Title	Observations and references
A/2861	Report of the Fifth Committee	Ibid., agenda item 43.
A/3098	Report of the Fifth Committee	Ibid., Tenth Session Annexes agenda item 45.
A/3166	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Eleventh Session, Annexes, separate fascicle.
A/3209	Report of the Salary Review Committee	Ibid.
A/3598	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Twelfth Session: Annexes, agenda item 48.
A/3738	Report of the Advisory Committee on Administrative and Budgetary Questions	Mimeographed.
A/3832	Report of the Advisory Committee on Administrative and Budgetary Questions	Ditto
A/3996	Report of the Advisory Committee on Administrative and Budgetary Questions	Ditto
A/4016	Report of the Advisory Committee on Administrative and Budgetary Questions	Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 50.
A/4032	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid.
A/4110	Budget estimates for the financial year 1960 and information annexes	Ibid., Fourteenth Session, Supplement No. 5.
A/4170	Tenth report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Supplement No. 7
A/4229	Report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Annexes, agenda item 48.
A/C.5/L.585	Argentina, Japan, Netherlands, United States of America: draft resolution	Replaced by A/C.5/L.585/ Rev.1.
A/C.5/L.585/Rev.1	Argentina, Japan, Netherlands, New Zealand, Pakistan, United States of America: draft resolution	Incorporated in A/4328, para. 10.
A/C.5/L.587	Draft resolution adopted by the Fifth Committee at its 746th meeting	For the text of this document see Official Records of the General Assembly, Four- teenth Session, Supplement No. 16, resolution 1437 (XIV).
A/C.5/L.596	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 758th meeting, see A/4328.
E/3260 and Add.1	Note by the Secretary-General	Mimeographed.
E/TAC/83 and Add.1-3	Allocation of administrative and operational services costs between the regular and Expanded Programme budgets: communications from the organizations participating in the Expanded Programme of Technical Assistance: Note by the Secretariat	Ditto
E/TAC/84	Country programming procedures: report of the Technical Assistance Board	Ditto

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 50: Construction of the United Nations building in Santiago, Chile: progress report of the Secretary-General*

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DOCUMENT A /4239

Report of the Secretary-General

[Original text: English]
[5 November 1959]

- 1. At its twelfth session the General Assembly, by resolution 1224 (XII) of 14 December 1957, requested the Secretary-General to accept with thanks a generous offer by the Government of Chile to transfer to the United Nations a plot of land in Santiago for the construction of a building to house United Nations and specialized agency offices located in Chile. In resolution 1273 (XIII) adopted on 14 November 1958 at its thirteenth session, the Assembly set forth arrangements for the financing of the project and authorized the Secretary-General to proceed with the planning and construction of the building.
- 2. To the extent possible, all preliminary steps have been taken and much interest has been shown by the organizations concerned in the endeavour to consolidate premises pursuant to the recommendations of the General Assembly, but it is now certain that the project cannot go forward within the financial limit authorized by the Assembly. Because of this, the Secretary-General believes that he should advise the General Assembly of the position as it now stands prior to actual construction, and report the developments which have occurred during 1959.
- 3. The Secretary-General has undertaken negotiations with the Government of Chile to effect the transfer of a parcel of land of approximately 4.5 hectares located in an area known as Vitacura Park. The title has been transferred from the municipality of Las Condes to the Government of Chile; the boundaries of the plot have been defined; action is being taken to define certain basic responsibilities of the Government of Chile
- *For the discussion of this item, see <u>Official Records of</u> the General Assembly, Fourteenth Session, Fifth Committee, 747th and 754th meetings; and <u>ibid.</u>, <u>Plenary Meetings</u>, 845th meeting.

- for the preparation of the site, including the provision of access roads and the availability of utilities. Negotiations are also under way for the preparation of the formal instrument of transfer to the United Nations and to revise appropriately the Economic Commission for Latin America (ECLA) Headquarters Agreement with the Chilean Government.
- 4. The Government of Chile established in January 1959, under the chairmanship of the Minister of Foreign Affairs, a special national committee to co-ordinate the activities of various government agencies interested in this project. Consequently, in the course of 1959, engineering plans for the principal approach and connecting thoroughfares have been prepared; some necessary demolitions and the preliminary grading of the principal access road have been made and a temporary fence around the area to be transferred to the United Nations has been erected.
- 5. As regards plans for the construction of the building, an engineering survey of the site and a detailed appraisal of space requirements have been completed with the assistance of local consultants. An engineering report on the lands to be transferred to the United Nations and on the cost of local construction has also been obtained. These further surveys indicate that the financial arrangements contemplated for the project are not sufficient to permit the construction of a building of the size or character necessary for the needs of the United Nations and the specialized agencies.
- 6. When the project was first visualized in 1957, the Secretary-General reported to the Fifth Committee½ that, in the absence of architectural studies and de-

^{1/}Official Records of the General Assembly, Twelfth Session. Annexes, agenda item 50, document A/C.5/712.

tailed cost estimates, he was not in a position to determine with reasonable precision the cost of construction of an appropriate building. He indicated, however, that on the basis of very preliminary studies, at construction prices then current, it was reasonable to believe that the total construction costs might be of the order of \$800,000 to \$1 million. In 1958, in reporting to the General Assembly 2/after consultation with the Governments members of ECLA, the Secretary-General indicated that it would be possible to establish a figure of \$850,000 as an estimate for the total cost involved and General Assembly resolution 1273 (XIII) incorporated this figure as the basis for financing the construction. However, during the period that this matter has been under consideration and particularly during the past few months, construction costs in Santiago have increased substantially. The possibility of some continuing increase in construction costs must also be borne in mind. On the basis of estimates received from an independent local expert as well as from the Chilean College of Architects, it now appears that the cost of constructing an appropriate building is likely to be of the order of \$1,550,000. Although the increase in construction costs constitutes the major cause of the revised construction estimate, it has also been ascertained, after negotiations with the appropriate local authorities, that certain items, including landscaping, fencing, architectural competition and architectural fees, will be more costly than anticipated in 1957 and 1958.

- 7. The Secretary-General, with the assistance of engineering and architectural consultants, has conducted a complete re-appraisal of the space requirements and this study has confirmed that the original proposals for office and related space are still essentially valid. Certain adjustments have been made in the estimate for space required for general and common services, including corridors, machine rooms, conference areas and archives. Space estimated for dining, lounge and communications facilities, on the other hand, have been reduced. Particular attention has been given to the provision for facilities, which will be used to implement the policy of the General Assembly to establish common services in places where United Nations and specialized agency offices are jointly located in the same premises.
- 8. The current cost estimates make provision for office and other accommodations of the United Nations and other agencies in Santiago as follows:

Office space by agency (including proportionate share of corridors, stairways, washrooms, etc.)

	Square metres
Economic Commission for Latin America Food and Agriculture Organization of the United	3,201
Nations	697
Technical Assistance Board	505
United Nations Children's Fund	97
United Nations High Commissioner for Refugees	148
Sub-total	4,648
Conference rooms, library, archives, storage, machine rooms, dining areas, and other com-	
mon service requirements	2,689
Sub-total	7,337
Provision for expansion	1,383
TOTAL space	8,620

9. A break-down of the cost of construction is estimated in dollars at the current rate of exchange, as follows:

lonows.	United States dollars
Basic construction	1,083,000
Extension of utilities from boundary of site	11,500
Landscaping	
Access and service roads, parking and mainte-	
nance area	
Permanent fencing	14,500
Architectural competition, architectural and en-	
gineering fees and related costs	125,000
Sub-total	1,350,000
Contingency	200,000
TOTAL	1,550,000

- 10. The present arrangements for the financing of the building at an estimated total cost of \$850,000 provide—in accordance with resolution 1273 (XIII)—for an initial appropriation of \$50,000 in 1959 and annual instalments of \$200,000 for each of the ensuing four years. In the event that the General Assembly should concur with the increased construction costs amounting to \$1,550,000 it may wish to consider adopting a revised schedule of payments providing for \$20,000 in 1959, and annual instalments of \$382,500 for each of the ensuing four years. The remaining provisions of resolution 1273 (XIII) could stay unchanged.
- 11. While plans for the selection of an architect are under active consideration with the help of the Chilean College of Architects, the Secretary-General has not proceeded further either with the organization of a competition for the selection of an architector for the preparation of building designs and plans, since he believes that the General Assembly would wish to be informed in the first instance of the developments noted above.

DOCUMENT A /4277

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English] [13 November 1959]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report of the Secretary-General (A/4239) in which he submitted revised cost estimates for the construction of the United Nations building in Santiago, Chile.

2. By resolution 1273 (XIII) of 14 November 1958, the General Assembly authorized the Secretary-General to proceed with the preparation of plans and with the construction of the United Nations building in Santiago, Chile, at a cost not to exceed \$850,000. The

^{2/}Ibid., Thirteenth Session, Annexes, agenda item 52, document A/3952.

Secretary-General now reports that, owing to an increase in construction costs and taking account of certain requirements not provided for in the earlier estimate, the construction of the building cannot be planned within the authorized limit of \$850,000. He has accordingly submitted revised cost estimates in a total amount of \$1,550,000, including \$200,000 for contingencies.

- 3. The Advisory Committee recognizes the difficulty of calculating with precision the costs of erecting a structure not yet designed on a site still to be surveyed. Nevertheless, the Committee has been struck by the fact that the revised estimate is almost twice as much as the initial figure which was discussed and approved as a maximum limit. The Committee has accordingly paid special attention to the factors and assumptions which have formed the basis of each of the two estimates. The Committee is informed, in this connexion, that the earlier estimate was not based on an adequate and detailed study of the various factors involved, but had, rather, the character of a rough and ready approximation. It appears to the Committee that this point was not brought out clearly in the submission of the original estimate or in the discussions at the thirteenth session of the General Assembly. Indeed, it was stated in the report of the Secretary-General at that time "that, bearing in mind the space required and structural standards in the locality, it would be possible to establish a maximum figure of \$850,000 as an estimate for the total cost involved".3/
- 4. Representatives of the Secretary-General have now informed the Advisory Committee that the revised estimate is based on a complete reappraisal of space requirements, a better survey of building needs and costs and the best engineering and architectural advice that is possible and available at the present time. The major factors which contribute to the increase in the estimate are understood to be the following:
- (a) Following a relaxation of building restrictions in Santiago and a consequent boom in construction activity, prices of materials and building costs have increased substantially. This factor, together with a better estimate of construction cost per unit of space in the light of a more detailed technical study of the nature of the site, apparently accounts for an increase of some 30 per cent in the original estimate.
- (b) It had been United Nations practice, in respect of expenditures in Santiago, to assume that, in large measure, price changes and the accompanying fluctuations in the exchange rate of the Chilean peso would tend to balance each other out, when dollar funds are used to finance expenditure. However, with a fair degree of stability in the exchange rate over the past several months, the impact of the price increases has been real.
- (c) Space requirements, originally estimated at 6,800 square metres, have now been revised to 8,620 square metres, an increase of more than 25 per cent. The additional cost involved will also have to be calculated on the basis of the increased construction costs.
- (d) A more accurate estimate has been made of costs in respect of ancillary requirements, including land-scaping, fencing, architectural competition and architectural fees.

- (e) A specific provision, in the amount of \$200,000 (approximately 14 per cent of estimated costs) has been included for contingencies.
- 5. The Advisory Committee is informed that if expenditure was to be limited to a maximum amount of \$850,000, as already authorized, it would not, in the view of the Secretary-General, be practicable to erect a suitable building. Accordingly, the Committee has inquired into the possibility of a modest restriction in the scope and size of the building as now envisaged. It believes, however, that it might be more advisable and economical in the long run to construct an adequate, initial structure which would include some reasonable provision for future needs, since later extensions and modifications might prove costlier. At the same time, the Committee trusts that the size of individual office rooms and the amount of accommodation assigned per official will be governed by reasonable needs which will promote good working conditions, rather than by the initial availability of surplus space. Otherwise, the space set aside for expansion in the original plans may become unavailable, to the same extent, when additional needs actually arise in the future.
- 6. A further point to which attention should be drawn is the need for instituting a clear and specific arrangement in regard to the responsibility for the management and supervision of the construction project. It would be unwise to leave such responsibility divided among a number of officials, or between Headquarters and the secretariat of ECLA. Furthermore, the official entrusted with these functions should preferably have the full-time assistance of a senior engineer-architect, if necessary as a regular staff member on a temporary contract. Consideration might also be given to the usefulness of having an inter-governmental advisory committee, somewhat along the lines of the Headquarters Advisory Committee which assisted the Secretary-General in regard to the construction of the Headquarters building.
- 7. It might be noted, also, that the cost estimates now submitted do not include any provision for new furnishings. The Advisory Committee understands that the Secretary-General contemplates using, as far as possible, existing furniture and equipment, without fresh acquisition. It might also be possible that a number of Governments of States members of ECLA would wish to offer gifts which would facilitate the appropriate interior decoration of the building.
- 8. As regards arrangements for the financing of construction costs, the Advisory Committee has examined the desirability of extending the period over which the total budgetary provision is to be spread, beyond the four years already envisaged (apart from preparatory costs in 1959). The Committee notes in this respect that, apart from normal short-term advances from the Working Capital Fund to finance expenditures pending receipt of contributions, there has been, and may probably continue to be, a substantial call, on a longer-term basis, on the resources of that Fund, as a result of long and heavy arrears of contributions. Even the proposed four-year arrangement for the provision of budgetary credits in respect of the Santiago building would entail some recourse to drawings from the Working Capital Fund or interest-free loans from other sources, in order to meet construction

^{3/&}lt;u>Ibid.</u>, document A/3952, para. 3.

costs as they arise. An extension of the period, with a consequent reduction in the amount of the annual instalment, might further increase the strain on the Working Capital Fund. Accordingly, the Advisory Committee would agree that the total funds needed for the building should be provided in four annual instalments of \$382,500 each during the years 1960 to 1963 inclusive, and a preparatory allocation of \$20,000 in 1959. In this connexion, the Committee understands that, should the General Assembly approve the revised proposals, sufficient progress would be made in 1960 in the construction of the building, to require the full use of the annual instalment of \$382,500 proposed for that year.

9. The Advisory Committee recognizes that the increase in the estimated costs of the building in Santiago will further add to the already heavy financial burden on Member States. Nevertheless, having regard to the great interest shown in this question by the General Assembly at its twelfth and thirteenth sessions, the Committee would recommend approval of the revised proposals submitted by the Secretary-General (A/4239, paras. 9-10). The Committee would also suggest that it might be kept informed of the detailed plans and cost estimates that may be worked out and, generally, of related developments, and that a progress report should be submitted to the General Assembly at its fifteenth session.

DOCUMENT A /4306

Report of the Fifth Committee

[Original text: English] [30 November 1959]

- 1. At its 747th meeting held on 19 November 1959, the Fifth Committee considered the reports of the Secretary-General (A/4239) and the Advisory Committee on Administrative and Budgetary Questions (A/4277) on the agenda item concerning the construction of the United Nations building in Santiago, Chile.
- 2. In resolution 1273 (XIII) of 14 November 1958 the General Assembly authorized the Secretary-General to prepare plans for, and proceed with the construction of, the United Nations building in Santiago within a cost limit of \$850,000. The recent report of the Secretary-General contained a revised estimate of \$1,550,000, the increase of \$700,000 being attributed to the following main causes:
- (a) A rise in building costs (accounting for about 30 per cent of the total increase) together with a general rise in prices at a time of relative stability in the exchange rate (US dollars: Chilean pesos);
- (b) The inclusion in the revised estimate of a contingency item of \$200,000;
 - (c) An increase in space requirements; and
- (d) An increase in the cost of certain ancillary items (landscaping, fencing, architects' fees and architectural competition, etc.).
- 3. It was the view of some delegations that the Secretary-General's revised proposals and the manner in which the initial cost figures had been presented in 1958 disclosed a somewhat disturbing weakness in the processes of planning and estimation. In the case under review, a part of the total increase had admittedly been due to a sharp rise in building costs and to other factors that were beyond the control of the Secretary-General. Yet the fact remained that in 1958 the Committee had acted on the basis of what it understood to be a reasonably firm estimate and a precise scheme of financing. While they would support the revised proposals, the delegations in question felt that recent experience had demonstrated the importance, where long-term projects of that type were concerned, of ensuring thorough preliminary planning before the General Assembly was required to take decisions involving long-term financial commitments.

- 4. Other representatives felt that the revised proposals were sufficiently justified. Rising costs were a world-wide phenomenon which it was not possible to escape without reducing the scope of a project or the quality of its execution. In the present case, there was the added factor that it was wisely proposed to make adequate provision for future needs, and to meet certain other requirements not originally foreseen.
- 5. A majority of the delegations agreed with the Advisory Committee's conclusion that in the light of altered circumstances the revised proposal merited approval.
- 6. The Secretary-General's representative assured the Committee that it was with reluctance that the Secretary-General had submitted revised costfigures showing a substantial increase. It had been decided, in view of that increase, not to start work on the project until the General Assembly had had an opportunity of examining the proposed revision. The cost estimate presented at the previous session had necessarily been of a tentative character because the arrangements for authoritative surveys had had to await the appropriation of funds. Since then, it had become clear that the planning should take fuller account of the Assembly's policy of promoting common services wherever the United Nations and specialized agencies are housed in the same premises. Much of the proposed additional space had accordingly been allotted for the construction of conference rooms, a library, archives, machine rooms and other common services, whereas the factor of staff numbers in relation to available space had not been modified. The provision for expansion would cover only modest increases in the establishments to be housed in the building; it would not serve to accommodate a new agency or new local office of any size. It was standard and necessary practice to include a contingency item equivalent to between 12 and 15 per cent of construction costs, and the Assembly had agreed to such a provision in connexion with the Headquarters building, the new Library, and the modernization of the Palais des Nations. Nothing was included for furnishings or equipment to replace the existing material, although provision would be made as required in annual estimates. While a strong case could certainly be

made for the inclusion of a specific sum for such purposes—\$30,000 had been suggested by one delegation—there was the possibility, on the evidence of past experience in the United Nations and the specialized agencies, that gifts of representative examples of national art or craftsmanship might be made for the embellishment of the premises.

- 7. During the discussion, the representative of Chile, replying to a question addressed to him, stated that all material required for the construction of the building would be exempt from taxes or import duties.
- 8. The Secretary-General's representative added that he had been directed formally to place on record the Secretary-General's warm appreciation of the cooperation which was being given by the Government of Chile, and other Chilean authorities, both in Santiago and through the representative of Chile in the Fifth Committee of the General Assembly, in the furtherance of this project.

DECISION OF THE COMMITTEE

9. The Committee decided, by 57 votes to none, with 6 abstentions, to approve the recommendations contained in paragraph 9 of the Advisory Committee's report (A/4277).

Recommendation of the Fifth Committee

10. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 845th plenary meeting, on 1 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4306, para. 10). For the final text, see resolution 1407 (XIV) below.

Resolution adopted by the General Assembly

1407 (XIV). CONSTRUCTION OF THE UNITED NATIONS BUILDING IN SANTIAGO, CHILE

The General Assembly,

Recalling its resolutions 1224 (XII) of 14 December 1957 and 1273 (XIII) of 14 November 1958 concerning the construction of the United Nations building in Santiago, Chile,

Having considered the report of the Secretary-General (A/4239), in which revised proposals for the construction of the building are presented, and the twenty-sixth report of the Advisory Committee on Administrative and Budgetary Question to the General Assembly at its fourteenth session (A/4277),

1. Authorizes the Secretary-General to proceed with the preparation of plans for, and the construction of, the United Nations building in Santiago, Chile, at a cost not to exceed \$1,550,000;

- 2. <u>Decides</u> to appropriate in the regular United Nations budget for 1959 the sum of \$20,000 for initial preparatory and construction expenses for the building;
- 3. <u>Decides</u> that the balance of the building cost shall be included in the regular United Nations budget in annual instalments of \$382,500 for each of the ensuing four years;
- 4. Decides that the remaining provisions of resolution 1273 (XIII) shall continue in force;
- 5. Requests the Secretary-General to keep the Advisory Committee on Administrative and Budgetary Questions informed of developments relating to the present project, including the detailed plans and cost estimates, and to present a progress report to the General Assembly at its fifteenth session.

845th plenary meeting, 1 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 50 which are not reproduced in the present fascicle.

Document No.

Title

Observations and references

A/C.5/L.589

Draft report of the Fifth Committee

Same text as A/4306

ANNEXES

GENERAL ASSEMBLY



Official Records

NEW YORK, 1959

FOURTEENTH SESSION

Agenda item 51: United Nations International School: report of the Secretary-General*

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DOCUMENT A /4293

Report of the Secretary-General

[Original text: English]
[21 November 1959]

- 1. The report of the Board of Trustees of the United Nations International School covering the year 1958-1959 is annexed hereto.
- 2. It will be recalled that under resolution 1297 (XIII) of 5 December 1958 the General Assembly requested the Secretary-General to continue to use his good offices to assist the Board of Trustees of the International School in finding suitable permanent accommodation for the School in the vicinity of the United Nations Headquarters, in developing plans for a building and in pursuing efforts to raise funds from private sources for the construction of the building, including, if necessary, the acquisition of a site, and to make a further progress report to the General Assembly at its fourteenth session. By the same resolution, the General Assembly also approved a grant-in-aid of \$32,700 to the International School towards meeting the expected deficit in respect of the school year 1958-1959.
- 3. It will be noted from the report of the Trustees that, at 30 June 1959, the School had an accumulated deficit of some \$22,600 and that the deficit for the year ending 30 June 1960 is estimated at some \$42,800. The figure of \$22,600, however, is arrived at after taking account of the General Assembly's grant-in-aid of \$32,700. Without the grant, the deficit would have been \$55,300. The estimated deficit of \$42,800 for 1959-1960 therefore represents a step towards economic viability and this has been achieved largely by a considerably expanded enrolment in the Manhattan school.
- 4. Consonant with the hope expressed by the General Assembly that the School be made available to the children of the greatest possible number of staff of delegations, United Nations staff members and others
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 752nd, 755th to 757th and 759th meetings; and ibid., Plenary Meetings, 846th meeting.

- associated with the United Nations, efforts are continuously being made to increase the facilities and enrolment in the School, and place it within reach of those who need this type of facility most. It is clear that, with a progressive increase in the enrolment, there will be a decrease in the size of the annual operating deficits of the School. But it cannot be expected that an institution such as the International School, designed to meet the special needs of an international community, could hope in the near future to pay its way fully at any reasonable level of fees. The School is still growing. Capital expenses, such as the equipping of laboratories, have to be incurred; an increase in enrolment will mean an expansion of teaching facilities; the salaries at present paid to the teaching staff are low and need to be reviewed. Nevertheless, it is a reasonable assumption that, as the School in Manhattan becomes firmly established and enrolment reaches the optimum figure, the annual operating deficits will be reduced.
- 5. The major obstacle in the way of increasing the enrolment from the delegations and the Secretariat is the level of the tuition fees. The move of the School to Manhattan has placed it physically within reach of delegations and others associated with the Organization but the fees, especially if there is more than one child of school age in the family, still place the School beyond the resources of large numbers of potential users, amongst whom must be numbered the junior and less well-paid members of the delegations and Secretariat. If some financial assistance in the form of scholarships could be given to these groups, there is little doubt that enrolment would rapidly increase.
- 6. In addition to these problems, the necessity of finding permanent premises for the School is becoming urgent. The temporary premises in Manhattan (the former New York City Public School 82) have been made available to the International School until the close of the academic year 1960-1961 and alternative

accommodation requires to be found before then. While the Secretary-General is hopeful that sufficient support from foundations or other private donors can be enlisted for the construction of a permanent building for the School, it has become clear that a prerequisite to that end is evidence of the future continuance of the School as a self-supporting and economically viable undertaking.

- 7. After considering the various aspects of these problems, the Secretary-General has come to the conclusion that the only adequate solution is to establish, by some means, a continuing fund from which appropriate assistance could be given to the International School in New York City, and, if necessary, to the International School in Geneva also. The establishment of such a fund would obviate the necessity of the General Assembly having to consider annually a grant-in-aid. More important still, it would ensure that the School could plan for the future with assurance of solvency, thus qualifying it for capital assistance from voluntary sources for such purposes as the building and equipping of new premises.
- 8. As a possible source for the fund referred to above, it would seem appropriate to look to the net revenue arising from the operation of the United Nations Gift Centre. As will be recalled, the Gift Centre was started on a very modest scale in 1952 on the initiative of certain members of the Secretariat staff and others associated with the Organization, for the purpose of the retail sale to visitors to United Nations Headquarters of representative examples of handicraft work and other articles of an artistic or cultural value from Member States. The venture soon proved so successful and grew to such proportions that the Gift Centre has now been organized as a United Nations revenue-producing activity. It is operated by the United Nations Co-operative Inc., a voluntary organization of United Nations staff and of other persons connected with the United Nations, subject to policy guidance by a policy committee consisting of equal numbers of members appointed by the United Nations and by the Co-operative. The Cooperative is paid a management fee based on a percentage of the net profits from the Gift Centre.
- 9. The net revenue from the operation of the United Nations Gift Centre, in the absence of any specific alternative purpose to which such funds could in the past have been specifically and appropriately applied, is at the present time credited to the miscellaneous income of the Organization. The Secretary-General believes that Members might wish to consider the desirability of the revenue being placed in a special fund for the purpose of assisting the International School. It would seem altogether appropriate that the net proceeds of this particular United Nations activity, which, like the International School, owed its origin and progress to the initiative of staff members of the Secretariat, should be used for such a purpose, and it has been established that the Directors of the United Nations Co-operative would be happy to see the proceeds of this part of its activities applied in the manner suggested. The Secretary-General would contemplate that the fund would be applied in the broadest possible manner, including the provision of a generous scholarship scheme, but the primary purpose of this proposal is to ensure that the School in New York will be economically self-sufficient for a reasonable period of time.

- 10. If this recommendation is favourably received by the General Assembly, the Secretary-General would propose to work out, in consultation with the Advisory Committee on Administrative and Budgetary Questions and the Board of Trustees of the International School, detailed arrangements for the management of the fund and rules governing the making of payments and awarding scholarships. It would be the Secretary-General's recommendation that such arrangements should provide for both internal and external audit review of the fund's management, as well as for annual reports to the General Assembly on the School's future development and financial situation.
- 11. The Secretary-General would further propose that the above arrangements be reviewed after a period of three years in the light of developments in the acquisition or construction of permanent premises for the International School and the reserves built up in the fund.

ANNEX

REPORT OF THE BOARD OF TRUSTEES OF THE UNITED NATIONS INTERNATIONAL SCHOOL

- 1. The Board of Trustees of the United Nations International School has the honour to present, through the Secretary-General, for the information of the General Assembly, the following report on School developments and progress over the past twelve months. It believes that, with a view to a better understanding of the stage of development which the School has now reached, as firm an indication as possible of anticipated future developments, including the financial prospects for the year 1959/1960, should also be attempted.
- 2. During the period under review, the main and continuing concern of the Trustees has been the problem of finding practicable and effective means of fulfilling the hope expressed by the General Assembly in resolution 1297 (XIII) of 5 December 1958 that the School be made available to the children of the greatest possible number of members of delegations, United Nations staff members and others associated with the United Nations. Substantial progress has been made in this direction (current enrolment is over 330, compared with 219 a year ago) despite certain temporary set-backs (among them the fact that the School was without a principal during the latter half of school year 1958-1959) which, in conjunction with other difficulties consequent on the move to Manhattan, have prevented full advantage being taken of the increased enrolment potential. There has thus been some delay in utilizing, to the extent anticipated, the opportunity afforded by the move to Manhattan of enlarging the enrolment in the School while simultaneously strengthening its financial structure. However, as indicated in appendix I to the present report, the initial enrolment for 1959-1960 is about half as high again as that for 1958-1959 and includes children from forty-five as against thirty-five countries. Despite the higher level of expenditures, the budgetary deficit has been slightly reduced.
- 3. The Board is formulating its plans for the School's future development in the confident expectation that further increases in enrolment can be achieved without a corresponding increase in costs and that, as a result of a thoroughgoing review and reappraisal of such matters affecting its operation and management as fee and scholarship arrangements, the School's financial situation can be further strengthened. There is likely, nevertheless, in the Board's best judgement, to be some continuing need, at least pending the acquisition of permanent premises and a modest endowment, for limited budgetary support, if the School is to serve, in a reasonably adequate manner, the purposes of the international community. The Board would, indeed, venture to suggest that the very fact of such support during the formative period of the School's establishment in Manhattan will be of very real help in carrying through the larger and increasingly urgent task of "finding suitable permanent accommodation for the School in the immediate vicinity of United Nations Headquarters, in develop-

ing plans for a building, and in pursuing its efforts to raise funds from private sources for the construction of the building and, if necessary, for the acquisition of a site therefor (resolution 1297 (XIII)).

Development

- 4. For the reasons indicated in last year's report ^{a/2} and in the present report, the long-sought move to Manhattan occurred in September 1958 under somewhat inauspicious circumstances, the school year commencing with a total enrolment (for both the Parkway Village and Manhattan branches) of 219 as against 299 in the previous year, in spite of the fact that a number of new pupils were admitted into the Manhattan primary department. By the end of the year, enrolment had risen to 235.
- 5. In 1958/1959 only a pilot primary school was maintained in Manhattan. The first grade was eliminated, the second and third grades were combined under one teacher, and the fourth and fifth grades under another. French was not offered as a first language in the Manhattan primary school. By such means and by the application of stringent economies to other parts of the budget, expenditure was kept within approved budgetary limits. However, a substantial deficit (though somewhat less than estimated) on the year's operations was unavoidable.
- 6. In preparing for 1959-1960, it was decided that lost ground would have to be recovered quickly by the adoption of policies and plans based on a realistic appraisal of existing potential, if the School was to survive as a viable institution. Arrangements were accordingly made for the recruitment of a Director who could undertake long-term planning as well as the management of the institution for the establishment of a full primary school in Manhattan and for the strengthening of the secondary department, including the addition in 1959 of an eleventh grade. To achieve this expansion without weakening the School's financial structure and to make its facilities available to the largest number of children of persons associated with the United Nations, an enrolment target of 340 pupils was set, involving a doubling of the Manhattan enrolment in one year. While the net increase aimed at was 105, the high level of rotation in the School as a consequence of mission assignments and transfers of international civil servants made it necessary to try to attract no less than 153 new entrants. Owing to the sustained efforts made by the School and its well-wishers and to the goodwill and reputation acquired over the years, this target has almost been reached. There is every reason to believe, moreover, that it can be progressively improved upon.
- 7. The primary branch of the School located in Parkway Village continues to cater to the needs of children from five to approximately ten years of age resident in that area. Though the size of this establishment is to be periodically reviewed in the light of the demand from the international community in the area, as well as the educational and financial aspects of its operation, it would seem necessary to proceed on the assumption that the present "feeder" school for small children will be needed in the foreseeable future in Parkway Village or its immediate vicinity. Meanwhile, it was found possible, despite earlier advice to the contrary, to renew the lease for another two years with the new owners of the development.

Finance

- 8. A breakdown of the School's finances during the last five years and the budget for 1959-1960 will be seen in appendix III to the present report. The basic tuition fee remains unchanged
- 2/ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 54, document A/C.5/754.

- from last year's at \$800 per child. This fee includes lunch, text-books and other materials. Transportation by bus is provided from Parkway Village to the Manhattan school and the cost (about \$150 a year) is charged to parents. Other charges are kept to a minimum. Grants from the Bursary Fund are made to parents with more than one child enrolled in the School and in case of financial hardship.
- 9. By 30 June 1959, the School had accumulated a deficit of \$22,600. Because of this deficit, financed largely by temporary loans, the School has frequently had a shortage of cash and has had to forgo or postpone desirable measures. The Board of Trustees is anxious to eliminate this accumulated deficit so that its attention may be fully devoted to its plans for the further development of the School.
- 10. The anticipated deficit of \$42,800 for the current year (1959-1960), unlike last year's, is based on a full complement of staff and an expanded enrolment. The teaching staff has been increased from twenty to twenty-eight. The cost per child has, however, been measurably reduced despite a substantial rise in the total expenditure. The enrolment and income may be further increased next year without a corresponding increase of staff.
- 11. To maintain and develop this institution which has proved its importance to the Secretariat and to many delegations, as well as to the advancement of new concepts in education, the Board of Trustees hopes that the General Assembly will be able to make a special grant-in-aid for the coming year to strengthen the financial situation of the School. The Board has made, and indeed will continue to make, efforts to seek other sources of support, but a substantial grant from the United Nations would facilitate its approach to other sources for immediate assistance as well as for the permanent premises which are urgently needed.

Conclusion

- 12. The temporary accommodation acquired last year through the co-operation of the Mayor and other authorities of the city of New York, is available only until the summer of 1961. The upward growth of the School, which has developed since 1947 by adding one grade every year, will be completed in 1961. The acquisition of permanent premises has, therefore, become a matter of urgent concern.
- 13. In view of the more complex problems faced by the School at the present stage of its growth and development, the Association for the United Nations International School, which then consisted mostly of parents, revised its Constitution in June 1959 in order to widen its membership and provide for the inclusion of experienced educators, administrators and financial authorities on the Board of Trustees. The Association now includes a sizable number of permanent representatives to the United Nations and senior officials of the Secretariat. One-third of the membership of the new Board of Trustees is nominated by the Secretary-General and one-third co-opted. Among its members are three distinguished educators, five permanent representatives and several senior officials of the Secretariat.
- 14. The Board of Trustees is confident that its efforts, in co-operation with the Secretary-General, to build a viable School and to obtain adequate premises will be well received. It is gratified to note that the School has attracted wide attention as a significant experiment in education. The authorities of the city of New York have recognized it as a complement to the city's educational system and have given it valuable encouragement and support.
- 15. The Board of Trustees of the United Nations International School wishes to express its appreciation to the General Assembly for its continued support and to the Secretary-General for his good offices on its behalf.
- 16. Further details concerning the School's development, programme and finances are appended hereto.

Appendix | United Nations International School, 1947-1960

			Annual	1		I	Pupils	F	aculty
Scholastic year	Historical notes	Premises sq. ft.	fee \$	Academic growth <u>a</u> /	Age of pupils	No.	Nation- alities	No.	Nation- alities
1947-1948	United Nations International School (UNIS) founded. Rent-free premises on United Nations site in Guest House, Lake Success	1,300	300	Nursery I	4	20	15	4	4
1948-1949	Association for UNIS formed, with 220 members of the United Nations staff	1,300	400	Nursery II b/ Junior A (Kindergarten)	5	40	17	5	5
1949-1950	Provisional charter granted for elementary education by Board of Regents of University of the State of New York, United Nations Secretariat moves to New York	1,300	450	Elementary Junior B	6	55	19	6	6
1950-1951	UNIS moves to temporary quarters in Park- way Village, Jamaica. School assumes rent burden, growing from \$7,400 this year to \$18,000 for 1957-1958	3,400	450	Junior C	7	70	20	7	6
1951-1 952	General Assembly gives first grant-in-aid to UNIS to cover eighteen months (\$11,000)	3,400	500	Junior D	8	80	22	10	6
1952-1953	United Nations grant-in-aid continued (\$7,400). Rent increase and expansion at Parkway Village premises	5,100	580	Middle A	9	107	25	10	6
1953-1954	United Nations grant-in-aid (\$7,400)	6,100	580	Middle B	10	147	25	16	7
1954-1955	Permanent charter granted, including secondary education, by Board of Regents of University of the State of New York. United Nations grant-in-aid (\$7,400)	6,100	580	SECONDARY: Middle C	11	180	31	16	8
1955-1956	UNIS receives grant of \$80,000 from Fund for Advancement of Education to be used over a period of five years to finance projects considered mutually beneficial. United Nations grant-in-aid (\$12,000)	6,100	700	Senior A	12	133	23	16	7
1956-1957	Education grant increased from \$200 to \$350. United Nations grant-in-aid not requested by UNIS	6,800	700	Senior B	13	204	34	19	7
1957-1958	General Assembly asks Secretary-General to use good offices to secure a Manhattan site for UNIS in the Headquarters area (resolution 1228 A (XII))	9,500	700	Senior C	14	229	37	20	9
1958-1959	Secondary School moves to temporary quarters in Manhattan (former Public School 82). Pilot primary branch also opened in Manhattan, United Nations grantin-aid (\$32,700) (resolution 1297 (XIII))	44,000	800	Tutorial Group I (10th grade)	15	227	35	21	8
1959-1960	A complete primary branch established in Manhattan	43,000	800	Tutorial Group II (11th grade)	16	330	45	29	14

^{2/} One level is added each year until full range elementary/secondary education is achieved.

Appendix II

Countries of origin of and languages spoken by pupils and teachers

1. There are 330 children in the school from the following forty-five countries:

Argentina, Australia, Bolivia, British West Indies, Bulgaria, Burma, Canada, Ceylon, Chile, China, Colombia, Denmark, Ecuador, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, India, Indonesia, Ireland, Italy, Japan, Jordan, Laos, Lebanon, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Poland, Romania, Turkey, Union of South Africa, United Arab Republic, United Kingdom of Great

Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

2. The languages (twenty-nine) spoken by these $330\,\mathrm{children}$ are:

Arabic, Bengali, Bulgarian, Burmese, Chinese, Danish, Dutch, English, Finnish, French, German, Greek, Hebrew, Hindi, Italian, Japanese, Maduran (Malay), Polish, Romanian, Russian, Serbo-Croatian, Singhalese, Spanish, Swedish, Tamil, Telugu, Thai, Turkish, Urdu.

by Nursery classes discontinued after 1956-1957, owing to space limitations.

3. There are thirty-three faculty members, including five part-time teachers from the following thirteen countries: Australia, Canada, China, Cuba, Denmark, France, India, Ireland, Norway, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

4. The languages (thirteen) spoken by these thirty-three staff members are:

Arabic, Chinese, Danish, Dutch, English, French, German, Hindi, Irish, Norwegian, Spanish, Swedish, Ukrainian.

Appendix III

Budget for 1959/1960 and results of five previous years a/

(In thousands of United States dollars)

	1959/1960 <u>,b</u> /	1958/1959	1957/1958	1956/1957	1955/1956	1954/1955
Income Net tuition fees and other dues c/	247.5	173.2	146.4	126.5	88.1	97.5
Donations and other in-	27.5	23.6	19.5	20.8	18.9	3.0
	275.0	196.8	165.9	147.3	107.0	100.5
United Nations grantse/		32.7	_	6.0	9.7	7.4
	275.0	229.5	165.9	153.3	116.7	107.9
Expenditure						
Salaries $^{{\underline{f}}/}$	211.1	171.2	130.2	103.7	81.0	82.4
Rentalsg/	25.5	24.3	18.2	15.7	11.2	10.8
Maintenance and utili-	9.0	7.5	6.1	2.6	4.4	3.1
Supplies and equipmenti/	20.0	13.6	11.4	8.5	5.3	6.0
School lunches \underline{j}/\ldots	35.0	10.8	7.9	5. 4	4.5	6.7
Other expenses \underline{k}	17.2	14.4	8.0	5.3	4.2	2.3
	317.8	241.8	181.8	141.2	110.6	111.3

2/Over the six-year period the School has grown from 180 pupils to 330 pupils enrolled at present. The transition from a primary school to an institution offering primary and secondary education has demanded additional premises, more teaching staff and an increasing amount of capital expenditures on specialist requirements. The Trustees have met part of the inescapable burden by raising tuition fees from \$580 in 1954/1955 to the present fee of \$800 per annum.

b/ The budget estimates for the school year 1 July 1959 to 30 June 1960 show the increase in the size of the School, from an average of 227 pupils for 1958/1959 to an expected enrolment of 340 for the current year.

C/ This item includes admission fees, association membership fees as well as tuition fees. It must be pointed out, however, that tuition fees are payable monthly and fluctuate from month to month where members of the Secretariat and delegations are concerned, since the School, in serving the needs of these parents, must stand the financial risk of losing pupils at any time during the year. Nor can it be assumed that a place vacated by a child leaving New York will automatically be filled the next day by a child of the same age and educational attainment, coming to New York. Every effort is made to balance enrolment losses with incoming pupils but experience shows that the "loss" due to this factor has been as high as \$11,000 for a school year.

d/Under this item are included the sums derived from the Fund for the Advancement of Education, from individual donations and from special fund-raising events organized by parents.

<u>e</u>/ The grants received from the United Nations have been pro-rated to coincide with the financial year of the School rather than that of the United Nations.

f This item includes salaries of all personnel on the payroll: teachers, office staff, maintenance staff and, up to and

including the year 1958/1959, also cooks. For part of 1958/1959 and the current year, amounts equalling 5 per cent of teachers' salaries are also included for contributions into a Provident Fund which is presently being organized (see also note j).

g/This item covers the rental for the temporary quarters in Manhattan as well as the apartments in Parkway Village. It was possible to give up one of the eight apartments in Parkway Village, but the resulting savings are partly offset by an increase in the rental for the remaining seven apartments.

h/This item includes the cost of maintaining the Manhattan building as well as the seven apartments in Parkway Village but does not include the salaries of the maintenance staff. Also included are the costs of utilities. These include the cost of coal, gas, water and electricity for Manhattan and electricity only for Parkway Village, where gas, water and heating are included in the rental.

if This item covers not only the additional specialist equipment and furniture for laboratories, but also all text-books, stationery, office supplies, art supplies and class-room and lunch-room furniture.

j/The figure for lunches is a net figure, after deduction of a New York State subsidy for an approved luncheon programme. For the current year 1959/1960, the operation of the luncheon programme has been handed over to a contractor on a cost-plus-management fee basis, as a result of which salaries for cooks, kitchen help, dietitian and supervision are now shown under this heading instead of under salaries. The cost per serving is expected to remain equal to last year's at about 50 cents.

k/ This item covers the costs of telephone, insurance, alterations to buildings, expenses of teacher recruitment, etc.

DOCUMENT A /4331

Report of the Fifth Committee

[Original text: English]
[4 December 1959]

- 1. At its 755th, 756th and 757th meetings, held 1, 2 and 3 December 1959 respectively, the Fifth Committee considered the report of the Secretary-General (A/4293) on the United Nations International School. In this report, submitted in pursuance of resolution 1297 (XIII), the Secretary-General suggested that Member States might wish to consider the desirability of placing the net revenue of the United Nations Gift Centre in a special fund for assisting the International School in order to obviate the necessity for considering annually a grant-in-aid for the School and, more important, to ensure that the School could plan for the future with assurance of solvency, thus qualifying it for capital assistance from voluntary sources for such purposes as the building and equipping of new premises.
- 2. The delegations of Ecuador, Ghana, India, Iran, Iraq, Peru, Poland and Uruguay submitted a draft resolution (A/C.5/L.593 and Add.1) establishing, as at 1 January 1960, an International School Fund to which would be credited the net revenues of the United Nations Gift Centre. The delegations of Argentina and the United States of America submitted a draft resolution (A/C.5/L.594) deciding, in principle, to contribute to the School for a period of five years such continuing financial assistance as the General Assembly might consider necessary, to make a grant of \$75,000 to the School in 1960 and to consider further at the fifteenth session the suggestion of the Secretary-General for the establishment of a continuing fund financed from the revenue derived from the Gift Centre, as well as other means for financing grants to the School.
- 3. During the discussion, several representatives expressed appreciation for the important contribution made by the International School towards the education of the children of members of the Secretariat and of permanent missions. They noted with satisfaction the substantial increase in the enrolment in the School and expressed the hope that its services would be made more widely available to such children and that efforts to secure permanent premises and adequate equipment would be successful.
- 4. The sponsors of the eight-Power draft resolution felt that the International School Fund suggested by the Secretary-General should be established immediately in view of the urgent need to expand the services of the School and to acquire permanent premises by 1961. The sponsors of the two-Power draft resolution argued that, while the International School deserved support, the proposal concerning the allocation of the net proceeds of the Gift Centre deserved further study in terms of its implications on budgetary policy and in the light of the desire to preserve the autonomy of the International School.
- 5. At the 756th meeting, the sponsors of the two draft resolutions submitted a new joint draft resolution (A/C.5/L.598) inviting the Board of Trustees to establish an International School Fund, deciding to contribute to the Fund for a period of five years such financial assistance as the Assembly might consider necessary and to make a contribution of \$100,000 in

- 1960, and requesting the Secretary-General to present to the fifteenth session (a) a report on the International School Fund; (b) his recommendations, together with the comments of the Advisory Committee, on future contributions to the Fund, including the suggestion contained in the Secretary-General's report (A/4293, paras. 8 and 9); and (c) a report on the progress made in finding permanent accommodation for the School. They indicated that the new draft would make it clear that the proposed Fund would be established by the Board of Trustees of the School rather than by the United Nations, and would permit greater scrutiny of the suggestion for providing a continuous source of income from the proceeds of the Gift Centre. They expressed the hope that, with the establishment of the proposed Fund, it would be possible to obtain voluntary contributions and donations.
- 6. Several members of the Committee, while expressing appreciation of the services performed by the School and sympathy for the efforts made to establish the School on a sound financial basis, opposed the provisions of the joint draft resolution. While assistance might be given in special circumstances on an ad hoc basis, they could not accept a continuing financial commitment to the School, nor an obligation to cover the operating deficits of the School, particularly since the School served not only children of members of the Secretariat, but also children of members of permanent missions and of others not connected with the United Nations. The School, in their view, should seek to balance its budget by setting up a more economic level of tuition fees, bearing in mind the fees charged by national schools. It also seemed that the proposals advanced tended to favour one group. They suggested that the Secretary-General discuss this matter with the Board of Trustees and consult with the Advisory Committee on Administrative and Budgetary Questions on the level of the education grant, so that the Assembly might review the education grant at its fifteenth session. In view of the considerable financial commitment proposed in the joint draft resolution, it was also suggested that the relationship between the United Nations and the International School should be defined. Several members expressed regret that the documentation was not available in time for detailed consideration.
- 7. A number of representatives argued, on the other hand, that the level of tuition fees was beyond the capacity of many members of the Secretariat and of the permanent missions, and that the International School might approach economic viability by increasing enrolment, lowering the fees or establishing a scholarship fund. They felt that higher fees would further inhibit the enrolment of children of persons associated with the United Nations and would not be justified so long as facilities in the temporary quarters were inadequate. Certain delegations felt that the scholarship fund should clearly be limited to children of families associated with the United Nations.
- 8. The representative of Lebanon, while supporting continuing assistance to the International School, felt that instruction in Arabic and other languages would

enable the School to attract wider enrolment. He proposed an amendment to request the Secretary-General to take the necessary steps with the Board of Trustees to institute instruction in Arabic and other languages. Subsequently, he agreed to withdraw the amendment after a statement by the representative of the Secretary-General that the School was fully aware of the need for instruction in additional languages, that more could not be done in this respect because of financial stringency or lack of demand, and that the Secretary-General would bring the Lebanese proposal to the attention of the Board of Trustees.

DECISION OF THE COMMITTEE

9. Separate votes were taken on the last paragraph of the preamble and each of the operative paragraphs of the joint draft resolution (A/C.5/L.598). The last paragraph of the preamble was adopted by 32 votes to 7, with 20 abstentions; operative paragraph 1 was adopted

by 52 votes to none, with 8 abstentions; operative paragraph 2 was adopted by 43 votes to none, with 17 abstentions; operative paragraph 3 was adopted by 32 votes to 22, with 6 abstentions; operative paragraph 4 was adopted by 40 votes to 6, with 12 abstentions; operative paragraph 5 was adopted by 50 votes to none, with 9 abstentions; operative paragraph 6 was adopted by 44 votes to none, with 16 abstentions. The joint draft resolution as a whole was adopted by 38 votes to 4, with 18 abstentions.

Recommendation of the Fifth Committee

10. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4331, para. 10). For the final text see resolution 1439 (XIV) below.

Resolution adopted by the General Assembly

1439 (XIV). UNITED NATIONS INTERNATIONAL SCHOOL

The General Assembly,

Having considered the report of the Secretary-General on the United Nations International School (A/4293) as well as the report by the Board of Trustees of the School (ibid., annex),

Recalling its resolution 1297 (XIII) of 5 December 1958 requesting the Secretary-General to use his good offices to assist the School to find suitable permanent accommodation and approving a grant-in-aid in respect of the school year 1958-1959,

Recognizing the increasing urgency of providing permanent accommodation for the School,

Believing it necessary that the financial solvency of the School should be assured,

Noting the suggestion of the Secretary-General that a continuing fund should be established for assistance to the International School to be financed by the net proceeds from the operation of the United Nations Gift Centre,

- 1. Reaffirms its hope that steps will be taken to make the United Nations International School available to the children of the largest possible number of members of delegations, United Nations staff members, and others associated with the United Nations;
- 2. Invites the Board of Trustees of the School to establish an International School Fund;
- 3. Decides to contribute to the International School Fund for a period of five years such continuing finan-

cial assistance as the General Assembly may consider necessary;

- 4. <u>Decides</u> to make a contribution of \$100,000 to the International School Fund in 1960 for the purpose of liquidating the operating deficit at the end of the 1959-1960 school year and for such other purposes of the School as the Board of Trustees deems fit;
- 5. Requests the Secretary-General to continue to use his good offices to assist the Board of Trustees of the School in finding suitable permanent accommodation for the School in the immediate vicinity of United Nations Headquarters, in developing plans for a building, and in pursuing its efforts to raise funds from private sources for the construction of the building, and, if necessary, for the acquisition of a site therefor;
- 6. Requests the Secretary-General to present to the General Assembly at its fifteenth session:
- (a) A report by the Board of Trustees of the School on the establishment and operations of the International School Fund;
- (b) His recommendations, together with the comments of the Advisory Committee on Administrative and Budgetary Questions, on future contributions to the Fund and on the means of financing such contributions, including the suggestion contained in paragraphs 8 and 9 of his report;
- (c) A report on the progress which has been made in finding permanent accommodation for the School.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

 $\underline{\text{Note}}$. This check list includes all the documents mentioned during the consideration of agenda item 51 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/C.5/L.593 and Add.1	Ecuador, Ghana, India, Iran, Iraq, Peru, Poland and Uruguay: draft resolution	Incorporated in substance in A/4331, para. 2
A/C.5/L.594	Argentina and United States of America: draft resolution	Idem.
A/C.5/L.598	Argentina, Ecuador, Ghana, India, Iran, Iraq, Peru, Poland, United States of America and Uruguay: draft resolution	Idem., para. 5
A/C.5/L.603	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 759th meeting, see A/4331

Official Records

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 52: Public information activities of the United Nations*

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^{*} For the discussion of this item, see Official Records of the eneral Assembly, Fourteenth Session, Fifth Committee, 722nd

DOCUMENT A/4122 Report of the Secretary-General

[Original text: English]
[16 June 1959]

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I. Introduction

1. In resolution 1335 (XIII) of 13 December 1958, ie General Assembly requested the Secretary-eneral to give effect in 1959 in so far as practicable those recommendations made by the Committee of xperts on United Nations Public Information and to the objectives set out in the preamble to the resolution ith the maximum of effectiveness at the lowest posble cost. It further requested him to consult the

Advisory Committee on Administrative and Budgetary Questions concerning the financial implications involved and to report to the Assembly at its fourteenth session on the progress made in implementing the resolution.

2. The preamble to the resolution referred to the report of the Committee of Experts on United Nations Public Information¹ and the comments of the Secre-

to 732nd, 748th and 749th meetings; and *ibid.*, *Plenary Meetings*, 845th meeting.

¹ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 55, document A/3928.

tary-General thereon; to the statements of the Secretary-General in the Fifth Committee (682nd and 689th meetings) during the consideration of these documents, in particular his statement that it is his intention to act upon the many excellent recommendations included in paragraph 227 of the report of the Committee of Experts in the light of basic principles as interpreted in his statement made at the 682nd meeting; and to General Assembly resolutions 13 (I) of 13 February 1946 and 595 (VI) of 4 February 1952 setting forth the basic policy and principles of the United Nations public information programme. It then recapitulated the objectives of this programme as follows:

"Considering that, pursuant to the above-mentioned resolutions, the Secretary-General should, within budgetary limitations imposed by the General Assembly, make available objective and factual information concerning the United Nations and its activities to all the peoples of the world through any appropriate media,

"Believing that, consistent with this policy, the Secretary-General should give priority to the use of all media of information which ensure the maximum of effectiveness at the lowest possible cost,

"Considering that the Secretary-General should place greater emphasis than heretofore upon enlisting the co-operation of Governments of Member States, privately-owned mass media of information, private institutions, non-governmental organizations and educators in the programme of informing the peoples of the world of the United Nations and its activities.

"Considering that greater emphasis should be placed upon the operations and effectiveness of information centres in relation to the Office of Public Information at Headquarters, without impairing the over-all central direction of the United Nations information programme or the present facilities for the representatives of media of mass communication."

- 3. With a view to the implementation of the resolution, the Secretary-General on 18 December 1958 appointed a Committee consisting of Mr. Andrew W. Cordier, Executive Assistant to the Secretary-General, Mr. Anatoly Dobrynin, Under-Secretary for Political and Security Council Affairs, and Mr. Philippe de Seynes, Under-Secretary for Economic and Social Affairs, with Mr. Alfred G. Katzin (whom he simultaneously temporarily designated Acting Head of the Office of Public Information) as Executive Secretary of the Committee. This Committee was instructed to report recommendations to the Secretary-General in implementation of the Assembly's resolution, taking into account, inter alia, the recommendations of the Office of Public Information made in the light of operational experience.
- 4. As a result of this study, the measures and proposals set forth in the present report are intended to implement the Assembly's resolution. Clearly many of the objectives sought by the Assembly are necessarily of a long-range nature. The measures reported herein are considered to be the most practicable steps at present feasible in the light of experience towards developing the programmes and services rendered by

² Ibid., document A/3945. ³ The complete text of the statement made by the Secretary-General at the 682 meeting was circulated as document A/C.5/764.

- the Office of Public Information (OPI) in the directions sought in the resolution.
- 5. Increasing emphasis upon the co-operation c Member States and non-official agencies of information, as called for in the preamble to the resolutior must necessarily be a continuing concern. Greate emphasis in enlisting this co-operation in originatin information material in the local idiom, as advocate by the Committee of Experts, is also desirable, thoug in this regard certain considerations (see para. below), must also be borne in mind.
- 6. The Secretariat also has a responsibility, a reaffirmed in resolution 1335 (XIII), for makin available objective and factual information concernin the United Nations to all the peoples of the world In the discharge of this responsibility the General Assembly considered that field operations should be strengthened without, however, impairing the present facilities for the servicing of media of mass communications at Headquarters. Accordingly, due weight habeen given to this consideration and measures take will not reduce such facilities below their present leve
- 7. A primary requisite for strengthening field oper ations is adequate support and direction of suc operations from Headquarters. In the reorganization of OPI, a new External Relations Division has bee created at Headquarters and additional transfers of staff and resources have also been made from Heac quarters to the field. These, together with othe measures described later in the present report, reflec the views generally expressed by the Committee c Experts and in the General Assembly, and shared b the Secretary-General, that greater emphasis shoul be placed on the operations and effectiveness of info mation centres. It has been found after very searchin exploration that, in some cases, the workload, and i others, matters relating to the redisposition of staf do not lend themselves to certain of the organization; changes suggested by the Committee of Experts. I such instances alternative arrangements, as dictate by experience, have been made to meet the needs.
- 8. Steps have been taken to facilitate increasing adaptation of United Nations information materia to the national idioms of the various parts of th world, as recommended by the Committee of Expert However, the recognized advantages gained from decentralized production of such materials must t weighed in practice in each case against certain other important factors. Control over the objectivity (material bearing OPI originating imprint is a constar concern and must, by the nature of Secretariat responsibilities, remain the subject of much editori. and executive supervision quite apart from the techn cal staffing and consequent financial problems entailed Such difficulties were, of course, recognized by th General Assembly itself when it stated that the ove all central direction of the United Nations informatic programme should not be impaired. The problem and will continue to be one of a balance of judgemen in varying circumstances and of a constant search for mproved means to attain the objectives.
- 9. The organization and management of OPI programmes are being adjusted to give a greater emphasito regional needs in other respects also. Thus, in publications the emphasis will be on producing fewer ar shorter pamphlets primarily intended as working guides to the major responsibilities and programm of the United Nations. Funds made available by the

reduction in the number of pamphlets will be devoted to the adaptation of materials in more language editions. Similar initiatives are being introduced in the programming of radio and visual services activities.

- 10. The Committee of Experts advocated the closest co-ordination between the information services of the United Nations and those of the specialized agencies, closer working relationships beween OPI and other departments of the United Nations Secretariat and collaboration and co-ordination, where possible, of OPI field activities with those of other United Nations overseas offices, such as the offices of Technical Assistance Board (TAB) epresentatives. In all of these areas, the Secretary-General agrees that room for improvement exists and that such co-ordination should be strengthened. The Consultative Committee on Public Information of the Jnited Nations and the Specialized Agencies, at its neetings from 16 to 19 March 1959, agreed on several proposals for closer co-ordination on a practical workng basis between the information departments of all ts members. Steps have also been initiated at Headjuarters towards closer working relationships between OPI and the other departments of the Secretariat, as vell as between OPI and TAB, especially in the use of common services and common staff in the field, vherever this proves to be expedient in the light of revailing circumstances.
- 11. In approaching the implementation of resolution 1335 (XIII), both in respect of the 1959 programme and looking forward to the next few years, primary consideration has been given to the directive that the action taken should be aimed at obtaining 'the maximum effectiveness at the lowest possible cost'.
- 12. It is generally recognized that the effectiveness of the programme depends upon its reaching the videst possible audience and this in turn depends to a arge extent on the provision of suitable arrangements—not only for the maintenance of an over-all central lirection of the United Nations information programme and adequate facilities for the representatives of media of mass communication, but also for the provision of information centres in Member States and their progressive establishment in new Member States.
- 13. It should be noted that, in the absence of a eady measurement for determining an appropriate evel of expenditure for public information activities, hese measures, taken in the context of the wide range of United Nations activities, might tend to imply an ncrease in the allocation of resources to public infornation activities over the current level. The level of expenditure, however, must be one that the Member states are prepared to support. In this respect, the hecretary-General has, of course, considered the mplications of the several proposals that have been nade in the past few years that OPI resources be kept within the limits of a fixed and predetermined alloation.
- 14. As a result of increases in the "uncontrollable" osts for project estimates for public information, xpenses have shown a steady increase over the past ew years without a corresponding increase in the evel of effective resources which have remained rirtually unchanged since 1955. The approved proessional establishment for 1959 is at the same level s that approved for 1955. The approved 1959 amount of funds for operational purposes (radio, motion

- picture, photographic and television supplies and services), when adjusted for revenue from films and television, approximates closely the actual level of expenditures incurred in 1955. There has been no change since 1955 in the amount (\$200,000) provided for the OPI for its printing budget. Apart from other demands for OPI services it should also be recalled that in 1955 the membership of the United Nations comprised sixty States, compared with eighty-two in 1959, and the number of information centres totalled twenty in 1955, compared with twenty-four in 1959, excluding the services provided at the Geneva office, of the Economic Commission for Asia and the Far East (ECAFE) and the Economic Commission for Latin America (ECLA).
- 15. Salary, wage and related staff costs comprise upwards of 70 per cent of OPI expenditure and a considerable proportion of the balance represents local operating costs of information centres. A strict adherence to a fixed expenditure target which carries with it the necessity to absorb costs over which OPI has no direct control, such as progressive salary increments, cost-of-living increases, increases in common staff costs or other rate increases, means that, with limited exceptions, the same amount of expenditure would provide for correspondingly less service. The process is hastened in a period of rapidly rising prices. When, as was the case in recent years, such a period saw at the same time the necessity to increase rather than decrease the range of activities, the Secretary-General did not find it possible to retain basic services and simultaneously absorb the rise in "uncontrollable" costs.
- 16. There must be a rational basis for planning a public information programme designed to give the maximum effectiveness at the minimum possible cost. In terms of cost, it will need to be restrictive—not restrictive to the degree that the possibility of a controlled development of the programme is rendered difficult, if not impossible, to achieve, but restrictive in the sense that it would reflect the concern of Member States that particular care be exercised in respect of public information expenditures and that in this area a policy of stabilization of expenditure should apply over a period.
- 17. The steps being taken in 1959 in the implementation of resolution 1335 (XIII) are being carried out within the approved 1959 provisions for staff and for other OPI expenses. Further, the Secretary-General will present the budget estimates for 1960 within this general policy of stabilization.
- 18. More specifically, this policy might be stated as follows:
- (a) Stabilization at the current level of professional staff employed in public information activities;
- (b) Outposting of additional professional staff within the above level for the execution of field production projects;
- (c) Utilization, to the maximum extent possible and wherever operationally feasible, of combined Secretariat staff resources, including TAB staff, to meet additional demands in the operation of information centres;
- (d) Stabilization of the amount of operational funds (radio, motion picture, photographic and television supplies and services and contractual printing) at the total of the amounts approved for 1959, except for

such increases as might be offset by additional revenue;

- (e) Provision of local costs, including local staff of the information centres, at the level required for effective operation.
- 19. The Secretary-General believes that the line he has followed in the preparation of the 1960 estimates for public information activities presents a viable framework for the development of the programme and at the same time provides a restrictive and practical approach to the mandate of maximum effectiveness at the lowest possible cost. It would be the Secretary-General's intention to hold generally to the above line in future budget proposals, except when a marked change in conditions clearly justified a departure from it.
- 20. The present report has been prepared against the above background.

II. CHANGES IN ORGANIZATION AT HEADQUARTERS FOR DIRECTION AND SUPPORT OF FIELD OPERATIONS

- 21. The Office of Public Information has been reorganized into three Divisions-Press, Publications and Public Services; Radio and Visual Services; and External Relations. The new External Relations Division has been established by the transfer of posts from the Office of the Under-Secretary, Press and Publications Division and the former Public Liaison and Distribution Division. Professional and general service staff who serve in the information centres and offices are also directed by this new Division. Its purpose is to provide more effectively, in co-operation with the other divisions of the Office, for the special needs of the information centres while rendering essential services to non-governmental organizations and educationists and strengthening co-ordination with the specialized agencies. It will also, through consultations, seek to assist government agencies and departments of the various Member States to play an increased role in the dissemination of information about the United Nations.
- 22. The External Relations Division has two main units: Centre Services and Overseas Briefing and Liaison and Special Projects. The former will consist, as far as possible, of officers with experience of the principal regions so that each may serve a group of centres in the area of his experience. Its functions are to analyse and meet the needs of the centres, to keep them constantly informed and to provide them with material particularly useful on a regional basis. Liaison and Special Projects is charged with developing practical co-operation on joint projects with the information departments of the specialized agencies. It also serves educators and non-governmental organizations and ensures close co-ordination with the centres on joint programmes, such as those for United Nations Day and Human Rights Day. The manning table pattern for the two units will be exercised as flexibly as talent permits. By filling posts on a rotating basis, the maximum use of overseas experience will be made by moving OPI personnel both to and from the field, the need for which was emphasized by the Committee of Experts.
- 23. In order to strengthen field operations while maintaining existing services without an increase in manpower, closer working arrangements are being progressively developed on a day-to-day basis at Headquarters between OPI and other departments and within OPI itself. The importance of such co-

ordination was stressed by the Committee of Experts Special reference and guidance material prepared with the help of specialists in substantive departments wil be provided to the centres to deal with United Nations documentation. A standing departmental committee with representatives from other departments and the specialized agencies at Headquarters, has been established and will review the publications programme or a continuing basis. The former Press Liaison and Central Editorial Services of the Press and Publications Services have been combined into one unit—Press Services—and greater interchangeability of writing and editing assignments between the staff of the Publications Service and of the Press Services will be continuously developed.

III. PROGRAMMING AT HEADQUARTERS TO STRENGTHEN FIELD OPERATIONS

- 24. A stronger accent will be placed on the needs in the field also for information material and programmer emanating from Headquarters. For example, in the the publications programme, as previously stated primary emphasis will be given to fewer and shorter pamphlets, essentially intended as working guides to the major responsibilities and programmes of the United Nations, which can be reproduced economically and easily adapted in many language editions and which will furnish the centres with factua material for answering inquiries.
- ✓ 25. The Office of Public Information will continue to supply basic material upon request to nationa radio organizations for use in their own programmes The transcription service of feature and documentary radio programmes is being continued where there is a clear demand by national radio organizations and where they are rebroadcast. At present these pro grammes are supplied to about ninety Member States non-member States and territories, some sixty o which rebroadcast on a regular basis and the others from time to time. Special attention is being paid to a thematic treatment of major subjects, when appropriate, in line with suggestions of the Committee o Experts. Wherever practicable, and to meet specific demands, centrally-written programmes will be pro duced and distributed locally after adaptation to the national or regional style of presentation.
- 26. The years 1959 and 1960 are being regarded attransitional years in United Nations visual services policies. During this period an organizational consolidation will be undertaken which will permit of a more rational and flexible use of manpower and othe resources which are at present spread over three unitedealing with television, film services and photographic services. In the context of this proposed reorganization, OPI will aim at achieving a blending of its film and television activities so that the operational need of both media may be met by a joint programming beneficial to both.
- 27. Apart from providing for an increase of suitable library material, which will be made available also to external producers of United Nations programmes, the main programming objective will be to produce television films and short films of attractive quality to meet the need demonstrated through information centres and through official and approved channel for important non-theatrical audiences throughout the world. The ramifications of these showings are significant to the United Nations, as the Committee of Experts recognized. Advantage will of course be taken

of any opportunity for theatrical distribution of films produced within this more limited mandate. The 1959 programme carries through intentions planned in 1958 for the production of six short films both for the United Nations and some of the specialized agencies. The specialized agencies are contributing financially to several of these mutually agreed and supporting projects.

- 28. To secure the maximum use of the demand for photographic and exhibition material, the budget of the photographic services has been strengthened by \$18,000 through a redeployment of finances. A replica photo library in Geneva has greatly increased the speed of delivery for European countries and it is intended to conduct similar experiments in Asia and Latin America.
- 29. Television programmes will continue to be provided when commissioned. The majority are paid for by commercial or government-controlled stations. Most important meetings of the United Nations are now being covered by television. While the United States and Canada still furnish the greatest demand and most of the revenue for television material, requests for programmes and inquiries about them have been received in 1959 from fifteen European countries. Programmes are also being carried regularly in seven Latin American countries and in Japan. This development is illustrative of the rapid increase in the number of television stations outside the North American continent—a 60 per cent increase since 1957. To assist in meeting the developing demand from overseas for television and other visual services, visual officers will be posted in the field and Headquarters staff will be deployed as necessary.
- 30. The suggestion of the Committee of Experts that the provision of a television studio and other facilities at Headquarters should be delayed (A/3928, para. 264) is proving unrealistic. The Committee's opinion was based on the principle that since the demand for television services was from North America, such facilities would not cater for the requirements of a majority of Member States. It must be pointed out, however, that it is mainly owing to the support from North America that the television services have been able to expand to meet the new demands upon them and that this continued support will help the United Nations to meet the increasing demands which are now arising and must continue to arise on a world-wide scale. For economical production, central facilities are necessary wherever the demand for programme material may originate. The revenue derived from these services rose from \$45,000 in 1956 to \$175,000 in 1958, with an additional increase anticipated in 1959. Present facilities for the current development needs of this programme are quite inadequate. Working space is cramped and technical equipment is compressed into small areas, which renders operating conditions difficult and in some cases unsafe. A relocation of these facilities and services through the development of the studio area already built under the original Headquarters plans is therefore considered a necessity. However, plans to amalgamate the Films and Television Services at present located at opposite ends of the Headquarters building cannot be properly implemented until this relocation is effected. Moreover, the cost of the relocation of these facilities will, over a period of time, be to a large extent offset by revenues accruing from the visual programmes produced.

IV. MAINTENANCE OF EFFECTIVE HEADQUARTERS SERVICES

- 31. In its resolution 1335 (XIII), the Assembly specifically provided that the strengthening of the operations of the information centres should not impair the present facilities for the representatives of the media of mass communications. These involve, primarily, liaison and coverage for press, radio, television, films and photographs. They are being maintained at their present levels, the importance of which is illustrated by the fact that at least 90 per cent of the news printed about the United Nations comes from accredited correspondents. It is anticipated that the number of accredited press and radio correspondents will increase in 1959 and 1960, with a corresponding increase in the demand for services and facilities. In the case of radio, this will also mean additional facilities for the transmission of news dispatches by radio correspondents to their countries.
- 32. Coverage of United Nations activities by United Nations press officers not only provides an essential service to the mass media but also forms the essential working basis of much of the information programme of OPI as a whole, both at Headquarters and in the field. Other essential Headquarters services will also be continued, for example, United Nations direct news broadcasts are being continued in thirty languages; at present arrangements are in effect for their relay by some fifty Member States.
- 33. The Headquarters publications programme will continue to take into full account the demand for sales items for revenue-producing purposes. Basic publications, including the *United Nations Yearbook* and *Everyman's United Nations*, are being continued. If funds permit, editions of the latter will also be produced in French and Spanish. As regards the three *Reviews*, since the balance of opinion in the Fifth Committee, as reported by the Rapporteur, inclined "in favour of the existing arrangements, at least as regards frequency of publication", it is proposed to continue monthly publication but to modify the contents to increase the usefulness of the magazines as "working tools" for those actively engaged in writing, speaking and teaching about international affairs.
- 34. Full service is also being maintained for non-governmental organizations (NGO) and educational contacts at Headquarters—NGO facilities at Headquarters, NGO briefings, the document service—and the present staff involved in these arrangements is being continued.
- 35. Other Headquarters services, the Visitors Service and the Sales and Circulation Service, are financed from revenue. It is not considered that the Visitors Service (which incorporates the Public Inquiries Unit) requires any change from its present line of organization and management. In the case of the Sales and Circulation Service, the policies and practices obtaining rest on a basis broader than purely OPI's responsibilities and interests. A review of this operation, in which the special interests of other substantive departments involved will be taken fully into account, is being conducted under the auspices of the Chairman of the Publications Board.

⁴ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 55, A/4062, para. 23.

V. Organizational changes to strengthen field operations

- 36. To strengthen field operations further manpower and funds are being transferred from Headquarters to the information centres. During 1959 additional officers will be transferred or posted for varying periods to the centres in Geneva, Washington, Rangoon, Santiago, Mexico City, Teheran, Manila, and Beirut. Nine of these officers will be engaged in collaboration with local services in the radio and visual field. Also, \$251,500 has been allocated from production funds to the field for local and regional production. Of this amount, \$59,000 is for radio production, \$110,000 for television, photographic and film production; \$75,000 for publications and \$7,500 for photographic and visual aids. (This compares with a total of \$161,000 spent in 1958 for these purposes.)
- 37. Direct contact between the centres and Headquarters is being increased. In March 1959, the annual meeting of directors of information centres, which had previously been held on a limited geographical basis and, for budgetary reasons, mostly away from Headquarters, was held for the first time at Headquarters with all centre directors participating. In addition to consultations with senior officers of the Headquarters Secretariat, the directors were also able to attend the meetings of the Consultative Committee on Public Information. It is hoped to hold such directors' meetings at Headquarters every second year. In addition, each centre would be visited by a senior OPI officer from Headquarters at least once in two years. As recommended by the Committee of Experts, a policy for a more systematic rotation of senior centre personnel is being put into effect. It provides that, as a rule, directors of centres should not remain at a post longer than four years; all those who are already beyond that period of time come under the transfer plans for 1959 and 1960.
- 38. With a view to improving the operation of the centres, along lines suggested by the Committee of Experts, consideration is being given to providing reference library facilities at centres where these do not yet exist. With the aid of the Headquarters Library staff, a study is being undertaken of reference aids designed to meet the particular needs of information centres.
- 39. In considering measures to strengthen the centres it must be borne in mind that since 1953. while the number of Member States of the United Nations has grown from sixty to eighty-two, the number of information centres exclusive of the ones in Geneva, ECAFE and ECLA, have grown only from twenty to twenty-four. Existing centres have had to serve new Members in their vicinity, often without corresponding resources to meet the increased workload. Consideration will have to be given to further deployment of staff and money for strengthening centres and opening new ones. The pattern of development must provide for a balanced geographical distribution and must take into account those places where existing offices are still trying to service areas too large for their resources. Against that background must also be judged proposals for new centres which have been made by Member States to the Secretariat or to the General Assembly in debate. At present, proposals for centres have been made by Afghanistan, Austria, El Salvador, Libya, Morocco, Poland, Tunisia and Turkey. Approval has already been given by the

- General Assembly for a centre in Burma which was opened in 1959.
- 40. Practical arrangements have also been initiated for a closer working relationship with the information departments of the specialized agencies. The Consultative Committee on Public Information of the United Nations and the Specialized Agencies, at its meetings from 16 to 19 March 1959, discussed this question in the light of General Assembly resolution 1335 (XIII). The Committee's recommendations provide a practical basis for a more effective pooling of facilities and services in giving greater publicity in all media to economic, social and human rights activities of the United Nations family. Other recommendations for closer co-ordination concerned co-operation in sales and distribution arrangements including the exchange of information on sales agents, the issuance of joint catalogues and the exchange of mailing lists
- 41. The Consultative Committee also approved proposals for a further integration of operations of the United Nations and the specialized agencies in the area of films, television, filmstrips and still photographs. They provided that the United Nations Visua Services Board, formerly the United Nations Film Board, would undertake a number of joint activities in the visual field. The Administrative Committee or Co-ordination at its meeting in May 1959 considered that the activities of the Board should be increased, in being understood that the necessary administrative and financial arrangements would be worked out or an *ad hoc* basis among the organizations taking part in those activities.
- 42. Consultations have been undertaken with the Technical Assistance Board (TAB) to plan the use of common services in the field to the greatest possible extent. This is in accord with the recommendation of the Committee of Experts. The new centre at Rangoor and the office which was reopened at Djakarta wil share premises and will have closer working relations with TAB in each capital. The centre at Athens is acting as a technical assistance office and the possibility of similar arrangements in Latin America and elsewhere is currently being investigated. However, these consultations and practical experience both show that the existence of a TAB, UNICEF or other United Nations office in a city does not mean that that office can carry out all or any public information functions beyond its own mandate. The possibilities vary according to different circumstances and are limited. They may depend on the individual suitability for information work of officers, the nature of whose qualifications must be dictated by their primary duties. In the circumstances, it may also be difficult for OPI to exercise the necessary direction over their assignments and movements.
- 43. Measures have also been taken to strengther co-operation with non-governmental organizations through the information centres in Geneva and Washington.

VI. STRENGTHENING OF FIELD PROGRAMMES

44. The organizational arrangements described will enable stronger initiatives to be taken in the field for local production of material suitable for dissemination in the various areas. Necessarily, it will take some time to put the programme into effect, but some measures are already being taken to increase local production.

- 45. The Geneva Office will be charged with new egional production initiatives among which will be he voicing of some language news services presently elayed from Headquarters. Amongst others aproached, the Italian Government has agreed in rinciple to grant Italian short-wave facilities for this surpose and discussions on the technical level are low in progress towards implementing this decision. Production from Paris will also be further developed. n Asia, All-India Radio has established within its wn organization a special unit which, in conjunction vith the United Nations regional radio officer, will produce United Nations Headquarters materials as vell as other United Nations programmes of local nitiative, adapted to the regional idiom. The possivilities of radio production in Latin America are being xplored along lines similar to those in India.
- 46. In addition, a series of regional projects is being indertaken in which combined teams of radio and risual reporters visit certain areas to cover regional activities, in co-operation with specialized agencies and national media organizations. These teams, under arrangements worked out with Governments, collect naterial and produce programmes designed primarily o be accepted in the areas concerned. This regional overage will also replenish the rather depleted reources of the radio and visual libraries at Head-quarters. The first of these teams left United Nations Headquarters for Africa on 1 April 1959; the second eam left for Central America on 15 May 1959. Plans are now in progress for a third team to cover South-East Asia early in 1960.
- 47. A greater proportion of the Headquarters publications budget is being made available to the centres or local production, adaptation and initiation of publications: \$75,000 out of a total OPI budget of \$200,000 in 1959, as compared with \$50,000 in 1958. From \$20,000 to \$25,000 of this amount is intended o finance originally written or regionally adapted pamphlets in the field, including the payment of special service contract fees to outside writers working under the centre director's supervision.

VII. ORGANIZATION AND BUDGET

Manning table

- 48. The pattern of organization established for 1959 is reflected in annex I. This will be revised in the course of 1960 to provide for a further consolidation within the Radio and Visual Services Division. Three present subdivisions—Film Services, Television Services, and Photographic and Exhibition Services—will then be re-grouped into one section under a single over-all direction. The organizational pattern of the Division will thereafter consist of Radio Services; Visual Services, and Operations and Facilities Services.
- 49. The possibility is also foreseen that the adminstration of the Sales and Circulation Section might be transferred to the Chairman of the Publications Board. Such a transfer from OPI of responsibility for the sale of publications might require reconsideration of the organizational placement of several posts in the present distribution unit of the Sales and Circulation Section which performs combined distribution services or both the Sales Section and other OPI units. In so ar as these "marginal" posts are at present provided out of revenue-producing activities, a decision to attribute them for organizational purposes to the OPI establishment or other appropriate services, while

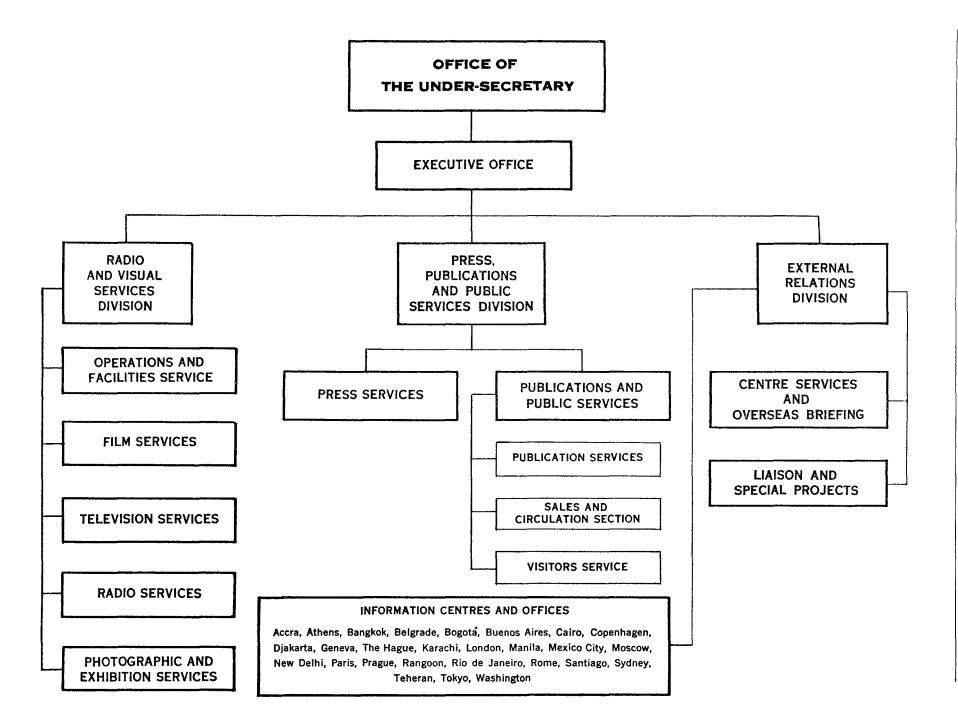
- resulting in an increase in the establishment, would simultaneously reduce the expenses charged against the income of the sale of publications and would, therefore, not result in any net increase of staff costs.
- 50. The handling at Headquarters of administrative and financial matters relating to information centres has been transferred from the OPI Executive Office to Field Operations Service on an experimental basis. This realignment of administrative channels is to be combined with the introduction of simplified and improved procedures in the administrative and financial control of information centres and offices which should reduce considerably the administrative workload on directors of information centres in line with the recommendation of the Committee of Experts.
- 51. The manning table structure in effect in 1959 is shown in annex 2. It provides 168 Professional posts, of which 120 will operate out of the Headquarters establishment and forty-eight are assigned to information centre manning tables. Postings to the field on a temporary basis will be made from the Headquarters establishment as required. Posts established on other manning tables to provide the information services of the Geneva Office and of ECLA and ECAFE are also reflected in this annex.
- 52. By way of illustrating the trend in the flexible use of Professional staff over a period, there is attached as annex 3 a comparative table indicating the redeployment of staff among media at Headquarters. It will be observed that there has been a progressive diversion of Professional staff since 1953 from media services to information centres and other needs in the field. This trend has been further developed in 1959 to give effect to the proposals outlined in the present report in implementation of the General Assembly resolution. For the additional strengthening of services to the field, fifteen posts formerly part of External and Specialized Agencies Services, the Press and Publications Division and of the former Special Services Division have been incorporated in the newly established External Relations Division.
- 53. The Office of Public Information is required to provide staff for special information services of an ad hoc nature at short notice. In the recent past it has met this need on behalf of the United Nations Emergency Force, the Suez Canal Clearance Operation, the United Nations Observation Group in Lebanon, the Mission in Jordan, and the two United Nations International Scientific Conferences on the Peaceful Uses of Atomic Energy. Most recently it has lent the services of three officers to assist with the work connected with the World Refugee Year and additional officers for the Foreign Ministers' Conference. It must be expected that similar demands will continue to arise in the future.
- 54. In order to be in a position to service the present demands, while at the same time retaining the flexibility necessary to the development of additional services in the field as outlined in the present report, resort will be made increasingly to the outposting of Headquarters staff for varying projects in support of country and regional programmes developed in cooperation with information centres. During 1959, a total of sixteen Professional officers will have been posted from the Headquarters establishment for varying periods of time.
- 55. Added to the demands now to be met by OPI will be the undoubted necessity in coming years of

staffing more information centres, for which there is already a demand. In addition to the development of joint staffing projects with TAB and other offices in the field, the maximum flexibility in the use of existing staff strength will have to be applied if the stabilization policy proposed by the Secretary-General is to be achieved for a reasonable period. This factor has been taken into account in the course of the review just completed.

Budget

- 56. An examination has been made of the budgetary aspects of the OPI operation not only bearing in mind the General Assembly's concern that within existing resources larger amounts should be made available for improved field services, but also against the background of past proposals made in the General Assembly that the total resources allocated to public information activities should be kept within a fixed and predetermined limit.
- 57. Reference has been made in paragraph 14 of the present report to the factor of "uncontrollable" costs in the context of the above considerations. Over recent

- years, despite some decrease in the number of stat assigned to OPI, actual expenditures for staff havincreased owing to the following factors: cumulative annual increments for staff, several cost of living in creases, progressive increases in common staff costs a Headquarters and at information centres. Similarly because of rising prices and increases in other costs of supplies and services, operational costs have risen, by a most conservative estimate, by 10 per cent. The admission of new Members since 1955 and, finally the incorporation into the budget of television expenses, not previously budgeted, have called for special allocations of operational funds.
- 58. The foregoing "uncontrollable" costs and othe special expenditures have increased the cost of main taining the same level of work programmes over the 1955-1959 period, on a conservative estimate, by \$600,000. When viewed in the light of this position it is the Secretary-General's opinion that the policy of budget stabilization as now recommended by him rather than a fixed ceiling, would properly and realistically serve the mandate of the General Assembly for a controlled development of the information programme at the lowest possible cost.



 $\begin{array}{c} \textbf{Annex 2} \\ \\ \text{Manning table for 1959 based on the reorganization} \\ \\ \\ \textit{Summary} \end{array}$

		US	D-2	D-1	P-5	P-4	P-3	P-211	Sub-total	GS	Tot
I.	Office of the Under-Secretary	1		1	1	2	1	1	7	6	1
II.	Press, Publications and Public Services.		1	2	5	10	11	4	33	27	6
III.	Radio and Visual Services	—	1	2	7	23	12	20	65	54	11
IV.	External Relations		1	_	2	4	7	1	15	16	3
V.	Information centres	_	_	4	10	19	11	4	48	103	15
	Total	1	3	9	25	58	42	30	168	206	37
			In for	mation of	Tices						
	Geneva			1		2	2	2	7	6	1
	ECLA				1	_	_		1	_	
	ECAFE			_		1			1	_	
						_	-				-
	Total			1	1	3	2	2	9	6	1
			Revenue-	producing	activities	;					
		Visite	rs Service			Sales e	and Circula	tion			Toi
	P-5		1				1				
	P-4		1				1				
	P-3		1								
	P-2		2				_				
	P-1						1				
	Total		5				3				_
	1 OTAL		3				3				
	General service		22				17				3
	_										-
	Grand total		27				20				4
							===				=

	As at 1953	As at 1956	As at 1959
Media			
Press	35	28	20
Publications	15	11	13
Films	16	15	10
Television	1	4	7
Radio	54	44	40
Photo	8	8	8
Services			
Former External and Specialized Agencies Service and Special Services Divisions.	10	10	
Present External Relations Division.			15
Administration			
Including Office of Under-Secretary, Executive Office, Sales and			
Circulation	16ª	7	7
Sub-total	155	127	120
Information Centres	38	41	48
Grand total	193	168	168

 $^{^{\}mathtt{a}}$ Includes 9 posts now separately charged to revenue-producing activities outside the regular budget.

DOCUMENT A/C.5/790

Statement by the Acting Head of the Office of Public Information at the 725th meeting of the Fifth Committee

[Original text: English]
[21 October 1959]

- 1. Perhaps the shortest way to proceed will be to answer first some of the direct questions put by certain representatives and to interpolate simultaneously some less direct but general questions raised by others.
- 2. The first question raised by the representative of Australia at the 723rd meeting was whether a policy of stabilization based on retaining the present staff level would be likely to result in increasing costs if costs, prices and wages continue to increase on the same basis as they have done in the last four years. Given his premises, the answer would be in the affirmative. There would continue to be, for example, such increases in costs as within-grade increments and cost-of-living allowances. But the stabilization policy proposed by the Secretary-General in paragraph 18 of his report [A/4122] would obviously result in a restrictive budgetary approach to the development of the public information programme under the mandate of maximum effectiveness at the lowest possible cost.
- 3. The second question referred to the proposal by the representative of the Soviet Union for a ceiling of 4.5 million [A/C.5/L.573] and the suggestion by the United Kingdom representative of a ceiling of \$5 million for a two-year period. The latter had asked at the 722nd meeting if these ceilings could be implemented without a reduction in either Professional or General Service staff. The answer would be in the negative in the case of \$4.5 million and a qualified negative in the case of a \$5 million ceiling. There is a relation between operational funds and staff. Without operational funds staff cannot be economically retained to operate. Approximately 70 per cent of the whole OPI budget is related to staff costs and in these circumstances any such reductions would necessarily bring reductions in staff.
- 4. The representative of Australia has also requested some indication of what reductions might be made in the programmes and services of OPI, should either a \$4.5 million or a \$5 million ceiling be imposed. The imposition of a \$4.5 million ceiling would require a reduction of over \$600,000 in the budget for 1960 proposed by the Secretary-General. The imposition of a \$5 million ceiling would require a reduction of \$138,000 in the 1960 budget and, if applied for a twoyear period as suggested by the United Kingdom representative would call for an additional reduction in 1961 because of the "uncontrollable" costs to which the Secretary-General's report referred [A/4122, paras. 14, 57 and 58]. In either case substantial reductions in the present OPI professional staff and in existing programmes would have to be made.
- 5. The Secretary-General,—in his report to the Assembly, and in the budget estimates for 1960 [A/4110], has already indicated what he believes to be a rational and restricted approach in the development of the various media programmes and services in line with the wishes expressed by the General Assembly in resolution 1335 (XIII) concerning a programme of maximum effectiveness at the lowest possible cost. The

- Secretary-General, in the introduction to his report before the Assembly, has further stated that the measures he has reported upon are considered to be the most practical steps at present feasible in the light of experience towards developing the programmes and services rendered by the OPI in the directions sought in the foregoing resolution. The Secretary-General, has further drawn attention, in the introduction to his report, to his own responsibility as reaffirmed in the resolution adopted last year for making available objective and factual information concerning the United Nations to all the peoples of the world.
- 6. In his approach to the whole of this subject, which has been of much concern to the General Assembly as it has also been and remains to the Secretary-General, the Secretary-General has adhered closely and vigorously to his expressed intention before the Fifth Committee to act upon many of the excellent recommendations in paragraph 227 of the report of the Committee of Experts on United Nations' Public Information [A/3928] in the light of the basic guiding principles of the OPI programmes as interpreted in the statement before this Committee at the thirteenth session [682nd meeting]. The Committee will recognize that in applying himself to this purpose not only the basic resolutions and the Expert Committee's report have been the yardstick under which this question has been the subject of full and careful examination and action, but also the views expressed in the course of the debate at the thirteenth session in the Fifth Committee. It has been rightly interpreted by some speakers in the debate that extension of the intentions expressed by the Secretary-General in his report will be progressively reflected in the patterns of organiza-tion and programmes of the OPI and that the report reflects the initial steps taken in the desired direction.
- 7. It might be helpful at this point to clarify many of the questions raised in the course of the present debate and to give some of the background to the first measures adopted in furtherance of the objectives sought both by the General Assembly and by the Secretary-General.
- 8. Several speakers have expressed their preference for some of the patterns of administrative organization recommended for consideration by the Expert Committee. In particular, the comments have referred to the proposal that there should be established a bureau of planning and co-ordination to bear the main responsibility for planning and implementing the policy of the OPI. The Secretary-General indicated to the Fifth Committee at the thirteenth session that the objectives mutually sought would not in his judgement be served more effectively by such a structure, but he believed that the highly important planning and co-ordinating activity should remain basically in the hands of the Under-Secretary of the Office using the appropriate staff resources available to him in making the complex and diversified judgements involved. In the course of the subsequent examination

made, nothing, after the most careful consideration of all of the elements involved, has served in practical terms to suggest to the Secretary-General that the objectives sought would be better served by a change in the structure he has advocated. However, this does not imply that many of the suggestions of a different pattern made by the Expert Committee as well as by some members of the Fifth Committee are not in the Secretary-General's judgement valid or to be lightly passed over. For instance, in the present organization of the newly created External Relations Division, officers have been deployed on a functional rather than on a regional basis as a necessary first step. It is the intention to move gradually towards the establishment of regional desks. The assignment of responsibilities to these cannot in all its detail necessarily follow the exact proposals suggested by the Expert Committee. The deployment and training of staff for the operation and the shift of certain duties which over a period of years have created an expected form of service to clients in all parts of the world will be the more effective for gradual change related to studied needs. The concept itself calls both for the redeployment of staff members not only on the basis of their representative character as coming from the major geographical areas, but also necessarily as recommended by the Expert Committee itself to the availability of such staff members with basic field experience of Information Centre operations. Staff members have already been gradually reassigned from outside areas into this new Division in order to begin to form the pattern of the regional approach, and the experience and training of these area specialist staff as they take up their duties is used within the Division on the work as a whole. It remains only to move towards an arrangement by which the officers concerned will be able to work to an even fuller extent on the problems and services of centres with which they are most familiar as area specialists.

- 9. It must be stated, however, that in working in the direction sought the question of the number of staff involved both as regards the seniority of level, geographical representation, and substantive knowledge must be related as time proceeds to the load of work entailed and to the necessary periodic rotation of posts between Headquarters and the field, advocated by both the Expert Committee and by the Secretary-General and by considerations of sound administration, all of which factors it is essential to take into account if the various mandates of the General Assembly are not to be ignored.
- 10. Before passing to a further subject it will be opportune to reply at this point to the question on the movement of an officer of the External Relations Division to the Washington Information Centre. Members of the Committee will note from paragraph 230 of the Expert Committee's report that it recommended that responsibility for liaison with United States NGO's and such international NGO's as have their headquarters in the United States should be shared by the Headquarters operational unit with the Washington Information Centre. The single Information Officer at Professional level stationed in Washington has been unable to meet the increasing demands for services from non-governmental organizations and educators. It was deemed advisable, in line with the Expert Committee's own opinion, to meet the increasing demands for such services which could not be adequately dealt with by the single officer present.

- 11. An officer who normally dealt with educators at New York was transferred to the Washington Centre to work in this field. Almost his first task on the new assignment was to attend the International Conference of the World Confederation of Teaching Professions and to arrange for twenty visiting educators from Africa to detail their requirements for United Nations materials, and to come to United Nations Headquarters for discussions with other divisions and departments. The World Confederation of Teaching Professions is the international hub of school teachers in most parts of Africa, Asia and Europe and regular liaison with that organization provides more effective contact with teachers at a professional level than would be possible at any other single point. There are other organizations requiring services from the Washington Centre which nationally or internationally provide a greater audience as the result of one officer's work than would be the case if he were operating in the same field from United Nations Headquarters. The experiment seems already to have been justified after only a few months of operations.
- 12. Reference has also been made to the fact that the post of Director at the London and Geneva Information Centres had been vacant for one year and that the Director of the Paris Centre had frequently, been absent on mission during that time without replacement. The implication was that the Centres concerned can therefore operate always with one post less. The experience has been to the contrary. The additional load thrown on other staff members has not been in the best interests of the service. At two centres extra professional help has had to be employed. Although it is clear that for a short period of time a Centre may improvise and use the momentum of past direction, it is also clear that in the three cases cited it would not be possible for the Centres to continue to meet essential demands if they are not brought up to full strength.
- 13. It will be proper in the context of the reply to the question of the representative of Australia to refer also to another facet involving budgetary and programming considerations which has held the attention of this Committee during the course of the debate. This question is that of the establishment of additional information centres. It is of course a hope shared by the Secretary-General equally with the Fifth Committee that there be an increase both in the number and in the geographical distribution of such centres. The Secretary-General has referred to this matter in paragraphs 39 and 42 of his report. Apart from the requests made before this Committee in the current debate that additional centres should be set up in Cuba, El Salvador and Peru, such suggested needs are also pending before OPI from suggestions which have reached the OPI either now or in the recent past from Austria, Libya, Morocco, Poland, Tunisia and Turkey—a total of nine. It can be assumed that, further, such suggestions will develop from emerging States and others. It is hoped that to an increasing extent information centres may be shared and combined with the activities of other United Nations offices in the interests of economy. It is the belief of OPI that by some juxtapositions of this sort it will be possible to achieve this objective. As the Secretary-General has reported, progress has already been made in this direction and there are several other situations which appear to offer prospects of achieving the desired objective in other areas in the near future. But the Committee will appreciate that such opportunities

are limited. TAB and other agencies cannot in all cases place additional workloads on their field staff and in some cases such staff is not suitable professionally or otherwise for information purposes. Where arrangements do prove feasible, there must also be some assurance of continuity as concerning the non-OPI personnel involved in the post and other such factors dealing with assignments and movements.

- 14. But the establishment of a new centre requires resources not only of professional manpower but of supporting services both at Headquarters and in the field. It is difficult under the most favourable circumstances to consider a cost of less than \$20,000 to \$25,000 per annum for such a centre's costs in the field proper, and support of the centre must necessarily involve spiralling costs at Headquarters even though its servicing is on the most modest basis consistent with efficiency and the purpose for which it is set up. The Fifth Committee would not itself conceive of a situation in which, with the establishment of each new information centre, Headquarters services pruned and geared to its new techniques should be divested of further resources for servicing minimal needs. Such an expanding process would in fact so jeopardize the centre's work as to threaten its raison d'être and effectiveness. By the means previously referred to it has been the expectation of OPI that an additional three centres spread geographically could be established and serviced within the budgetary estimates submitted to the Fifth Committee. It must be anticipated that resources for additional centres will have to be considered eventually in the context of budgetary realities.
- 15. In this regard, also, I might refer to the suggestion made at the 723rd meeting by the representative of Colombia for providing an itinerant liaison officer to work with NGO's in Latin American countries. Such a step has in fact been carefully considered in principle and as a matter of budgetary feasibility not only for the Latin American region but also for Asia, the Middle East and Africa. While recognizing the value that could accrue from such closer relationships, it is clear that even more essential services to NGO's would in a broad sense flow from stronger regional patterns developed within the External Relations Division at Headquarters so that more material in Spanish and Portuguese and material of particular interest to NGO's in the region may be provided. Furthermore, increased emphasis has been placed on the role of the information centres to maintain close contact with NGO's at the local level. The question therefore has been under study and will remain under still closer study following the suggestion now made before the Fifth Committee. At this stage of our consideration of the matter, in the context of the proposal made for its provision in Latin America, it seems that a post devoted to regional materials for South American countries from Headquarters would provide a fuller service, and consequently information centres in the region would be able to maintain more effective liaison with non-governmental organizations.
- 16. Finally, in the context not only of the programme of work but also of the staffing pattern long recognized by the Assembly and more recently by the Expert Committee as valid with respect to these particular and similar centres in more developed areas, it has been suggested that substantial curtailment both of staff and of work programmes would enable more to be done to establish centres and meet the needs of many less developed areas which are now inadequately

served by information centres. The Secretary-General is of course closely concerned as is the Fifth Committee with the need for such additional centres. It is clear, however, that most careful consideration must be given in over-all United Nation interests to the degree to which the modest servicing of the needs of the public in developed countries should be met. Increasing awareness of the problems confronting the United Nations has been evidenced over the years especially with regard to technical assistance and social activities. The mass media in all of the main fields of Press, radio and television have become increasingly seized of this problem. The Economic and Social Council has consistently advocated that its work should be more widely publicized by United Nations information services. The OPI does not attempt to perform functions of the mass media in this field nor does it seek to exceed its terms of reference. Indeed, the history of its functioning is one of necessity constantly and on almost a daily basis to reject services requested of it because of its inability to meet demands. The provisions of basic material is frequently not sufficient. The assistance of OPI officers is sought in wider fields. But the bare minimum injection of assistance and stimulation, particularly where such assistance is accompanied by the accrual of revenue, is mandatory, and is not to be ignored despite the fact that the most careful control must be and is exercised to keep within the principles and practical possibilities recommended by the Fifth Committee. It need hardly be added that some concentration on this important field, which is productive in its results of a great deal of the main support for the funds necessary to carry out the technical assistance and practical social projects of the United Nations in the field, must be regarded as a highly important element of OPI functions.

- 17. The debate in the Committee has touched upon the question of the radio programmes with particular reference to the validity or usefulness of the shortwave broadcasts.
- 18. Roughly speaking, United Nations broadcasts are divided into two categories. The first concerns what the Secretary-General in his statement to the Fifth Committee on 13 November 1958 [682nd meeting! described as "the presentation of facts regarding problems facing the United Nations and regarding the treatment of those problems within the United Nations or through its actions". The second category deals with that area of information, aimed at spreading a better understanding of the purposes of the United Nations, in which, for maximum effectiveness Public Information activities need to adjust themselves to the national idioms of various "target" areas.
- 19. Some speakers have advocated the cessation of short-wave broadcasts where they are not relayed under specific arrangements by Member and non-Member States. The policy which has been followed and endorsed in the past by the Assembly has been that such broadcasts have been conducted in the five languages of the permanent members of the Security Council and on a provisional basis only in the language of other countries where matters relating to such State have been seized of by the General Assembly or one of its principal organs. The languages in which these unrelayed factual news broadcasts are at present conducted, other than the languages of the five permanent members, are Arabic and Hungarian. In interpreting the sense of the debate in the Fifth Committee at the

thirteenth session on the subject of these short-wave broadcasts, it appeared and a study of the summary records confirmed, that the consensus of opinion was in favour of the past policies of the Assembly and of the Secretary-General being continued. Both the distinguished representatives of the United Kingdom and the Netherlands have expressed the belief that such programmes should be based upon listener research. The degree to which listener research can, or should, be related to United Nations Public Information activities in the field of radio, raises questions of not only a practical nature but also, in at least one important respect, of principle. Determining the extent to which listener research might be applicable to unrelayed broadcasts, it is necessary to bear in mind what the Secretary-General described at the 682nd meeting as the principle of the "universality of information", with the responsibility that this places upon United Nations Radio of making "an effort to reach all parts of the world on as equal a basis as possible" with information of "factual accuracy and objectivity". The cost of these broadcasts in all languages is approximately \$95,000. About \$25,000 of this sum covers the cost of the broadcasts in non-official languages.

- 20. The continuation of these broadcasts, therefore, is a matter of policy and principle. It is a question upon which differences of opinion have been expressed within both the Expert Committee and the Fifth Committee. Guidance to the Secretary-General in addition to his own interpretation of the responsibilities placed upon him for the widest possible dissemination of information within reasonable budgetary limitations might well be considered. The programmes have been included in both the 1959 and 1960 estimates. In view of the conflict of opinion, the Committee might wish to make its position more definite.
- 21. While on the subject of radio broadcasts reference should be made to the possible need, in face of any large reduction in budgetary proposals, to curtail the universal support painstakingly built up over the years for the presentation of United Nations information through this medium. These radio programmes are important also in the area of service on as wide as possible a basis to less developed areas. Apart from the 55 Member States who receive and rebroadcast daily and weekly news broadcasts in 25 languages, feature and documentary programmes of the United Nations are rebroadcast in 31 languages through arrangements made with 93 Member States, nonmember States and territories. Their acceptability to the Member States participating seems therefore to be demonstrated apart from regular information received from the OPI to this effect from a majority cross-section of the customer stations. The OPI has been fully conscious of some of the inherent weakness attaching to the centralized production of programmes of an interpretative or thematic nature notwithstanding that the Expert Committee considered them to be valuable and recommended their continuation. It is in the context of these suggestions of the Expert Committee that the OPI is concentrating strongly on attempting to assure to the United Nations equal coverage by the stimulation of local production also. In the execution of this programme, in particular, OPI has kept in mind the value and necessity of bringing economic, social, technical assistance and specialized agency activities constantly before listeners. The continuation of these programmes at their present level in the 1960 budget is planned in the hope that the im-

- pact of the relay of these broadcasts, which have proved acceptable to the listener stations, will not be lost while an assessment is made and acted upon of the extent to which similar programmes will be regularly produced by local stations. It is felt that as and when this is achieved, the investment built up in this highly important field of communication would have been justified and direct programmes can be reduced. To this end the various radio officers posted in the field are establishing contacts and work relations with all those engaged in the preparation and dissemination of radio materials in their areas to assure, on the one hand, that broadcasts can be tied to the fullest possible degree to listener taste of specific audiences, while on the other hand increasing the possibilities and stimulating the opportunities for the production by such stations of the broadcast programmes themselves.
- 22. I can assure the representative of Afghanistan that the creation of an Information Office in Kabul has not led to the discontinuance of United Nations broadcasts in Pushtu and Duri for Afghanistan. One of the main purposes of the creation of the regional office in question was to improve United Nations broadcasts for Afghanistan, both in terms of quality and quantity.
- 23. For several years now, United Nations Radio Services, operating from Headquarters, has been beaming, at the request of Afghanistan, a ten-minute news programme in Duri daily during General Assembly sessions and weekly in inter-Assembly periods. Radio Kabul has advised us that these programmes have been transcribed by the Bakhtar (official) News Agency, for dissemination among the Afghan newspapers and for incorporation into Radio Kabul's own news programmes.
- 24. The transfer of the Afghan staff member of United Nations Radio Services to assist in the establishment of an Information Centre jointly with TAB facilities has *inter alia* been designed to continue and strengthen these radio services.
- 25. By arrangement with Afghan authorities United Nations news continues to be fed to Kabul from New York daily, over the same transmitters which have been in use during the previous years. As in previous years, this news is monitored in Kabul for redissemination and is revoiced locally over Radio Kabul's transmitters, thus reaching Afghan radio listeners directly for the first time.
- 26. It may be added that similar transmission methods are now in use for the Burmese and Tagalog news programmes, both—like the Afghan programme—being prepared and voiced regionally on the basis of news material fed in English from Headquarters. In addition feature and thematic programmes are similarly locally prepared and voiced in New Delhi, the Federation of Malaya, Athens, Jakarta, Yugoslavia and Ceylon and also in the Philippines and Afghanistan.
- 27. In the field of features and documentaries also, the Afghan staff member was transferred to Kabul for the express purpose of making United Nations Radio output fit more closely with the needs and interests of Afghanistan. No reduction whatsoever is contemplated in the number of programmes in Pushtu and Duri. In past years, at Radio Kabul's own request, the United Nations Radio Services provided Afghanistan with one fifteen-minute transcribed feature a week, alternating equally between Duri and Pushtu. Last year, at the instance of the Afghan delegation, the output was

creased to twenty-six fifteen-minute programmes in ruri and thirty-two in Pushtu.

- 28. The United Nations Information Officer in labul is under instructions to maintain this number transcribed programmes, with the added benefit they can achieve by being produced in closer contact ith Afghan authorities in the local idiom and with the larger supply of talent locally available.
- 29. There remain some questions upon which less pecific answers have been called for but some requests or enlightenment made and I would suggest that these e left over for a later intervention. I might add, howver, in reply to a question asked by the representative I India [723rd meeting] that as part of the recomnended decentralization of radio programmes, arrange-

ments were made, during 1959, to have some broadcasts, which had hitherto been prepared in New York, originate from Geneva instead, in order to ensure better technical reception. One Service so decentralized was in the Arabic language. This Service now originates in Geneva and is fed by line to Rome where it is picked up for short-wave broadcast by the transmitters of the Italian State Radio. This arrangement necessitated splitting the staff of the Arabic Section of United Nations Radio, one staff member remaining at Headquarters for coverage of Headquarters activities (which he feeds to Geneva for its incorporation into its Arabic bulletin) and the other posted to Geneva for the coverage of activities at the European Headquarters of the United Nations and for writing and voicing the Arabic broadcasts.

DOCUMENT A/C.5/791

Statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions at the 726th meeting of the Fifth Committee

[Original: English] [22 October 1959]

- 1. I will try to reply to the two questions asked by he representative of Indonesia at the 724th meeting, which in fact are one question. I think that the representative will find that my reply will answer the two arts of the one question.
- 2. For several years, the Advisory Committee uggested that expenditure on public information hould be reduced and requested the Secretariat, rhich is also the body which formulates the public iformation programme, to develop a system of priorities according to which expenditures might be conrolled. As this approach did not prove successful—he Secretariat, in fact, did not come forward with a ystem of priorities and it has been very difficult for he Advisory Committee to see eye to eye with the office of Public Information in regard to priorities—he Advisory Committee recommended a new approach, that is, one of pure budgetary limitation. In 956, the Committee suggested a limit of \$4.5 million is a target to be attained in 1959.
- 3. The representative of Indonesia stated at the 24th meeting that the idea of limitation had been in he minds of the Advisory Committee for a long time. The Fifth Committee also endorsed this general pproach.
- 4. In 1957, the Secretary-General said that, even rith no increase in the level of activity, it was not nly not possible to move towards the \$4.5 million arget, but even difficult to hold to the current level. The Secretary-General did not, however, explore the cossibility of the curtailment of the activities. It is cossible that the Secretary-General did not do that recause he felt that the Member States themselves are not prepared to accept any curtailment. I qualify he words "Member States". You realize, Mr. Chairan and gentlemen, that among those of the eighty-wo delegations that have spoken, it is very rare that ne finds two statements which are really completely lentical. There are several views in this Committee, nd that is natural because the OPI is a department shose activities have repercussions not only on the

In these circumstances, the Advisory Committee recommended that the only way to achieve further progress on this question was to undertake a comprehensive survey of the entire information work of the Organization, to explore ways and means by which an effective information programme could be implemented at minimal cost. An expert committee had been set as the result of this recommendation [resolution 1177 (XII)].

5. The Expert Committee studied the question in

technical side of communication, of mass information

media and so forth, but also political implications.

- 5. The Expert Committee studied the question in detail and submitted its report to the thirteenth session [A/3928]. The Fifth Committee had an exhaustive discussion of this report at that session and, as a result, the General Assembly adopted the well-known resolution 1335 (XIII). By that resolution the General Assembly requested the Secretary-General to take certain action, to which reference is made in the Advisory Committee's report [A/4170, para. 49].
- 6. It will be seen that the Advisory Committee was not asked to perform any specific tasks except, naturally, to comment on the financial implications of the measures taken by the Secretary-General—and I underline those words "measures taken by the Secretary-General". The Advisory Committee was not given a mandate or any authority to look into those steps, but only to comment on the financial implications of the measures taken by the Secretary-General, and this is exactly what the Advisory Committee has done in paragraphs 49 to 60 of its report.
- 7. In saying this, I am not implying any criticism of the Fifth Committee. I hope no one will misunderstand. I do not mean to say that the Fifth Committee should have asked the Advisory Committee to do the work which was done by the Expert Committee on Information. On the contrary, I think that the Fifth Committee was right because this is a very delicate subject. There is not only the mechanical side, the technical side of information; there are the political implications. Therefore, it was right that the Fifth Committee should have elected a committee from among its own members.

⁵ Ibid., Tenth Session, Supplement No. 7, para. 96.

8. The steps taken or proposed by the Secretary-General are essentially within the present financial structure of these activities. In other words, those steps do not contribute to a reduction of expenditure, nor do they result in an immediate substantial increase. The implications of the budgetary policy enunciated by the Secretary-General are analysed by the Advisory Committee in paragraphs 52 to 54 of its report. The Advisory Committee did not feel that under the terms of General Assembly resolution 1335 (XIII) it would

have been appropriate for it to go further. In paragrap 50 of its report the Advisory Committee has explaine the scope of its action in this matter and then specific ally suggests that "the General Assembly will doubless consider in detail those aspects of the Secretary General's report which concern the programmati content of these activities", because on that we hav nothing to say.

9. I hope that my reply satisfies the two question put to me by the representative of Indonesia.

DOCUMENT A/C.5/792

Statement by the Secretary-General at the 727th meeting of the Fifth Committee

[Original: English [22 October 1959

- 1. I regret that other duties have made it impossible for me to attend personally the discussions of the Fifth Committee regarding OPI. However, I have studied the records, and thus have been able to follow the debate and take note of the views expressed.
- 2. I would wish to remind the Committee of the time-table. After the lengthy studies by the Committee of Experts and the long debate in this Committee, the decision was reached late in 1958—only ten months ago. As pointed out by the representative of Cuba among others, the decision taken left it largely in the hands of the Secretary-General, with the guidance provided by the General Assembly and the report of the Committee of Experts [A/3928] to work ahead in the direction indicated, as endorsed by him. This, obviously, meant that after the decision I had to go over the ground all over again in order to define such plans and arrangements as in the light of experience would be most conducive to further the established aims
- 3. In my report to the General Assembly [A/4122] the stages of this study and the methods used have been indicated. They led to results fairly late in spring 1959. The report before this Committee was written only a few months later. Therefore, it is obviously entirely premature to assess "results" at the present stage. I ask those representatives who have expressed disappointment with the positive steps taken so far to remember this.
- 4. The way in which the matter was left at the end of 1958 means that we are still at an extremely early stage of the implementation of the decision. I should also mention that the long period during which the problem of public information activities had been under examination had had an effect on the work of OPI which also had had to be overcome before the work of building and re-building could begin with full efficiency.
- 5. I wish in this context to pay a special tribute to the Acting Under-Secretary, Mr. Katzin, who was given the difficult and exacting task facing us in the first stages because of the extraordinary ability he had shown in other similar work. He was carefully chosen for this task, and during his temporary assignment he has in all respects lived up to my expectation, as based on previous experience.
- 6. Ever since the death of Mr. Bokhari less than a year ago I have been canvassing possibilities of finding a candidate for the post of Under-Secretary in charge

- of OPI. With the pattern of geographical distributio I wish to maintain, the post should in the first instanc be filled by a Latin American, combining rich adminis trative experience, a broad cultural outlook and solic experience in the specific professional fields covered by OPI. In spite of the kind assistance rendered by various Governments I have so far found it difficult to achieve what I have in mind, but I firmly hope that this will soon be possible. The Committee will excus me for pointing out that a man with the qualification just mentioned, commands what I might call such thigh market value that he is not likely to accept the post offered unless, for idealistic reasons, he is willing to accept the economic sacrifice which would follow with the salary level this Organization maintains.
- 7. As I touch on the question of geographical dis tribution, I may say a word also about the staffing a the senior level of the OPI. Let me draw your atten tion to three things. First, that a period of transition is also a period in which the best qualified men are needed in the key posts, irrespective of nationality Secondly, such men cannot and should not be pu aside for reasons of geographical distribution. The Charter itself states in Article 101 that the "para mount consideration" in the employment of staff shal be the necessity of securing the highest standards o efficiency and competence, while "due regard" shal be given to geographical distribution. Thirdly, as already pointed out by the Acting Under-Secretary the Organization neither could nor should disregard merits of service and, therefore, will necessarily always show a lag in the distribution of posts among caree civil servants, owing to recruitment policies pursued at a much earlier stage of development of the Secre
- 8. As a matter of course the policy should move in the direction of the widest possible representation of traditions and areas within the OPI, but I cannot push such a policy at the exclusion of other and, as the situation now is, essential values. The Secretariat, like any administration, is a body subject to an organic development of which one should not expect fruit at the time of buds, or another kind of tree than the one planted.
- 9. As to the practical issues which have been raised in the debate, I can, regarding the suggestion that ar advisory committee be established, refer to my state ments in the Fifth Committee at the thirteenth sessior of the General Assembly [682nd meeting]. The value of such an advisory arrangement would to a very

large extent depend on the representatives which Governments would be willing to send. Even in the suggested consultant capacity the work they undertake will be very time-consuming, as this is not a field in which it is possible to arrive at helpful views without careful prior studies and a thorough acquaintance with current problems. Without such thorough knowledge it is impossible to apply here experiences gathered in other fields of public relations activities.

10. With regard to the idea of a ceiling on expenditure, I have on various occasions expressed my scepticism about the value of artificially imposed limitations. The line that seems most promising to me is the one I have presented in this year's report to the General Assembly; the ceiling formula is deceptive, unless based on an agreement also regarding what OPI activities should be reduced. I fear that the wide unanimity on the desirability of keeping down the costs for OPI

has a counterpart in a divergency of views which would become apparent if the Fifth Committee were to try and establish by what sacrifices the reductions should be achieved. The alternative to the establishment of a ceiling is, of course, an addition to the restrictive rules, which I have proposed, of a direct reduction in next year's expenditure, for example, to the level indicated in the United Kingdom representative's proposal [722nd meeting], combined with a clear understanding regarding what activities would then be eliminated or reduced.

11. I wish to end this short intervention by an appeal to the Committee. Permit the very able men who are in charge of OPI to do their best for the purposes set by the General Assembly, and, to that end, grant them the time needed for serious and solid work, taking fully into account their wide first-hand knowledge of the facts.

DOCUMENT A/4301

Report of the Fifth Committee

[Original: English]
[25 November 1959]

- 1. At the 722nd to 732nd meetings, held from 16 to 29 October 1959, the Fifth Committee considered agenda item 52 on the public information activities of the United Nations. The basic documents before the Committee were a report of the Secretary-General (A/4122) setting forth the progress made in implementing General Assembly resolution 1335 (XIII) of 13 December 1958, and a report of the Advisory Committee on Administrative and Budgetary Questions [A/4170, paras. 49 to 60] on the budgetary aspects of the action taken by the Secretary-General under that resolution.
- 2. An exhaustive review of the Committee's discussion is not attempted. What follows in paragraphs 3 to 69 below is intended as a synopsis of the main points to which the Committee addressed itself and of the main currents of opinion. The views of individual delegations are given in the records of the meetings.

Scope of the Secretary-General's report

3. It was generally recognized that the report of the Secretary-General should be read as an interim and provisional submission. The task of fulfilling the provisions of General Assembly resolution 1335 (XIII) and reorganizing the Office of Public Information (OPI) was not one to be completed even between two sessions of the Assembly, and still less—since the report had been written in June 1959—within a shorter period. Changes of policy and of organization were still in progress; their effectiveness had yet to be tested and appraised. Discussion in the Committee would none the less enable the Secretary-General to learn the views of Member States on what had already been done or was in prospect, so that future planning could be adapted to their desires.

Level of expenditure for information activities

4. As in past years, differing opinions were heard on the appropriate level of expenditure and, during the first phase of the discussion, they were reflected broadly in three main approaches to the problem.

- 5. The first approach was based largely on the proposition that the Secretary-General's budgetary policy, as outlined in the report (A/4122, paras, 18)and 56-58), far from stabilizing expenditure in the sense intended by the Committee of Experts on United Nations Public Information [A/3928, para. 278, would have a contrary effect. It would stabilize the practice of progressively enlarging the information budget. The recommendations of the Expert Committee had been endorsed in 1958 by the General Assembly, and, had the provisions of resolution 1335 (XIII) been observed, the Secretary-General would have been able to fulfil at much lower cost the purposes defined in its preamble. The resolution laid stress on "the maximum of effectiveness" and "the lowest possible cost", but the Secretary-General's report was silent on the former consideration and afforded little satisfaction on the latter. A level of \$4.5 million6 for the total costs of public information had been endorsed by the Advisory Committee and the Fifth Committee in 1956. More recently, the Committee of Experts had termed that level a reasonable basis for planning. Instead, the Member States had witnessed the curve of expenditure steadily rising to the level of \$5.14 million foreseen for 1960. In 1956, the Advisory Committee had spoken of attaining the target of \$4.5 million by means of "gradual and progressive adjustments".7
- 6. The time had therefore come to apply to the information activities a limit of expenditure that would represent: (a) a reasonable proportion of the total budget in relation to the cost of other activities to which the Organization was committed under the Charter; and (b) a true stabilization expressed in financial terms and covering a stated term of years. To that end, the Union of Soviet Socialist Republics

⁶ Figures of total expenditure cited in the present report cover all public information expenses with the exception of: (a) Visitors Service; (b) Sales and Circulation Section; and (c) distributed conference service costs. Income as estimated under part C of the budget (for television services and film distribution) has been deducted in every case.

⁷ See Official Records of the General Assembly, Eleventh Session, Supplement No. 7, para. 116.

submitted at the 723rd meeting the following draft resolution (A/C.5/L.573):

"The General Assembly,

- "Recalling its resolution 595 (VI) of 4 February 1952, indicating the need for greater participation by Governments of States Members of the United Nations and non-governmental agencies of information in the programme for informing the peoples of the world about the United Nations and its activities,
- "Referring to the recommendation approved by the Fifth Committee and included in its report to the General Assembly at its eleventh session (A/3550) concerning the stabilization of total expenditure on the public information activities of the United Nations,
- "Bearing in mind the recommendations contained in the report of the Committee of Experts of United Nations Public Information (A/3928) of 28 August 1958,

"Decides:

- "1. To limit total expenditure on the public information activities of the United Nations (excluding the Visitors Service and the Sales and Circulation Section) in the years 1960 and 1961 to a level not exceeding a maximum of \$4.5 million a year;
- "2. To recommend that the Secretary-General take the necessary measures arising out of operative paragraph 1 of the present resolution."
- 7. The second approach, though based on a substantial measure of support for the Secretary-General's proposals looked to the possibility of a modest budgetary reduction for the two years 1960 and 1961, or, as alternatively suggested by some delegations, for 1960 alone. In adopting resolution 1335 (XIII) the General Assembly had requested the Secretary-General to give priority to the use of all media of information that would ensure maximum effectiveness at the lowest possible cost. For his part, the Secretary-General had laid emphasis in his report on three criteria: how much money to spend on information activities; how best to organize the information services; and how to ensure the effectiveness of the programme.
- 8. As regards the first of these criteria, the Secretary-General had rightly observed that the "level of expenditure... must be one that the Member States are prepared to support" (A/4122, para. 13). Concurrently, however, delegations would wish to apply the criterion of "lowest possible cost" and, since the salary bill accounted for some 70 per cent of expenditure, to inquire into the staffing increases that had occurred since 1958; they might thus determine whether or not such increases were at variance with the desire which the Committee had long expressed for a reduction in expenditure.
- 9. The Secretary-General had proposed (*ibid.*, paras. 18, and 56-58) a policy of budgetary stabilization which, though set within somewhat narrow limits, might be accepted subject to two reservations:
- (a) The policy should be judged by reference to the views or recommendations of the Committee of Experts and the Advisory Committee. In 1958, the former body had considered the level of \$4.5 million

- as a reasonable basis for planning (A/3928, para. 278). That figure might be deemed unrealistic, the Fifth Committee having, since the "base year" of 1956, concurred in successive budget increases. But in 1959 the Advisory Committee had inclined (A/4170, para. 53) to a level of expenditure lower than that proposed by the Secretary-General;
- (b) It would also be advisable to look closely at the area of "uncontrollable" costs. The Advisory Committee had indicated (*ibid.*, para. 54) that, in order to compensate for extraneous factors of increase, a stricter policy might have been applied to such costs, and particularly to the local costs.
- 10. In view of those considerations, the Committee might wish to recommend a slight reduction in the authorized level of expenditure, though without looking beyond the year 1961, and possibly even 1960. So far, with the process of reorganization still under way, only a progress report had been submitted. The situation would undoubtedly be clearer by the Assembly's fifteenth session, when the Secretary-General would be in a position to present an integrated programme with well-defined targets and priorities.
- 11. At the 722nd meeting, the United Kingdom representative suggested, though without making a formal proposal, that for the years 1960 and 1961, efforts should be made to hold expenditure within a limit of \$5 million, that figure being exclusive of distributed conference service costs (estimated for 1960 at \$288,000) and net of income (estimated for 1960 at \$210,000). The suggested figure was therefore comparable to the target figure of \$4.5 million recommended in 1956.
- 12. The views of delegations which gave support to the policy of budget stabilization defined by the Secretary-General (A/4122, para. 18) represented the third approach to the problem. The Secretary-General had done his utmost to achieve the objectives set out in General Assembly resolution 1335 (XIII). He had been requested to give effect, not to all the recommendations of the Expert Committee, but only to those which, in his opinion, would further the objectives in question. That was a distinction which the Advisory Committee and some representatives appeared not to have remarked. The latter Committee had envisaged an effective information programme costing less than \$5.14 million (A/4170, para. 53). But maximum effectiveness could not be achieved on those terms, for many services and activities which most Member States considered essential would have to be discontinued.
- 13. The choice lay between a system of ceilings as proposed in the USSR draft resolution and a policy of budget stabilization in the form outlined by the Secretary-General (A/4122, para. 18). The Committee should no longer defer a decision. Over the years, OPI had been subjected to administrative reviews and surveys of an intensity and frequency not experienced by any other branch of the Secretariat. Despite that fact, it was now proposed to revert to the ceiling system. Maximum effectiveness would not be achieved by such measures at a time when, on the one hand, the membership of the United Nations, the demands for information services, and staff and supply costs were increasing, and, on the other, the resources at the Secretary-Generals' disposal were equivalent, in view of the rise in costs, to those authorized in 1955. It was not clear how, in those circumstances, a pre-

etermined ceiling or budget cuts additional to those ready recommended by the Advisory Committee 1/4170, para. 55) would conduce to an effective rogramme.

14. Delegations which endorsed the Secretary-Genal's policy of budget stabilization included those of olombia, Cuba, Peru and Venezuela, which subitted jointly, at the 724th meeting, the following aft resolution (A/C.5/L.576):

"The General Assembly,

- "Noting with appreciation the Secretary-General's report on public information activities of the United Nations (A/4122), dated 16 June 1959,
- "Recalling General Assembly resolutions 13 (I) of 13 February 1946 and 595 (VI) of 4 February 1952, setting forth the basic policy of the United Nations in its public information activities,
- "Recalling General Assembly resolution 1086 (XI) of 21 December 1956 relating to the establishment of information centres,
- "1. Requests the Secretary-General to give special attention to the importance of adequate regional representation in the policy-making and programme-planning levels of the Office of Public Information, in the structure and staffing of the External Relations Division, and in the distribution of information centres;
- "2. Requests the Secretary-General to establish new information centres by a further decentralization of Headquarters staff and services;
- "3. Requests Member States concerned to give all possible facilities for the establishment of the new centres mentioned and to co-operate fully and actively in efforts to promote wider public understanding of the aims and activities of the United Nations;
- "4. Expresses the hope that media of information and publicity, non-governmental organizations and educational institutions in all Member States will continue and expand their commendable activities on behalf of a greater understanding of the United Nations by fuller dissemination of accurate and objective information;
- "5. Recalls General Assembly resolution 13 (I) of 13 February 1946 which envisaged the need for an advisory body in the field of public information as well as paragraph 8 of the Secretary-General's statement (A/C.5/764) of 13 November 1958 which reiterates the above, and requests the Secretary-General to appoint an honorary United Nations Advisory Committee on Public Information composed of ten Member States from the main cultural and geographic areas to meet periodically at United Nations Headquarters with the Secretary-General to review and discuss information policies and programmes in order to ensure maximum effectiveness at minimum cost;
- "6. Requests the Secretary-General to provide the above-mentioned Advisory Committee with necessary services and facilities including an officer of sufficient seniority and competence from the Office of Public Information to function as Secretary of the Committee;
- "7. Requests the Advisory Committee on Administrative and Budgetary Questions to co-operate closely with the above-mentioned Committee;

- "8. Requests the Secretary-General to submit a report on the implementation of the above-mentioned recommendations, together with the comments of the Advisory Committee on Public Information, to the General Assembly at its fifteenth session."
- 15. Outlining his attitude towards a ceiling on expenditure (A/C.5/792; para. 10) the Secretary-General said that at previous sessions of the Committee he had expressed doubts regarding the value of artificially imposed limitations. It would be deceptive to set a ceiling on information expenditure unless there was at the same time agreement on what particular activities should in consequence be cut. As the possibility of such an agreement seemed remote, an alternative method of keeping down the cost of the programme would be to add to the restrictive policy he had himself defined (A/4122, para. 18) a direct reduction in 1960 expenditure to the level suggested by the United Kingdom representative (para. 11 above), combined with a clear understanding as to the activities which would then be eliminated or curtailed.
- 16. The representative of the Secretary-General, replying to questions put by delegations, pointed out (A/C.5/790, A/C.5/793) that, were either a \$4.5 million or a \$5 million ceiling to be imposed, substantial reductions in the professional establishment and in the programmes would have to be made. The United Kingdom suggestion would entail a reduction of \$138,000 in 1960, but, in view of the impact of "uncontrollable" costs, that figure would be higher in 1961. Existing arrangements in respect of staff and activities would necessarily have to be reviewed, and, while it was not possible, in advance of such a review, to indicate the precise distribution of a hypothetical cut, reductions, under a \$5 million ceiling, would probably be applied to section 6, chapter I: section 13 chapter IV; and section 14, chapter IV. Reductions would reflect such decisions as to discontinue the unrelayed broadcasts, to substitute a quarterly for the monthly United Nations Review, and to defer recruitment in certain cases. Alternatively, it was likely that any cut would be applied generally across items in sections 13, chapter IV, with the exception of the contractual engineering staff.
- 17. The Chairman of the Advisory Committee on Administrative and Budgetary Questions emphasized (A/C.5/791, para. 6) that the General Assembly had in 1958 assigned to that Committee a single, specific task: to comment on the financial implications of action to be taken by the Secretary-General in accordance with resolution 1335 (XIII). In its report on the 1960 budget estimates, the Advisory Committee had accordingly analysed (A/4170, paras. 52-54) the implications of the budgetary policy which the Secretary-General had formulated. That policy did not give rise either to a reduction in expenditure or to an immediate increase of any magnitude. But, inasmuch as the scope of the Advisory Committee's function had in that instance been strictly defined by the Assembly, the Committee had confined its examination to the financial aspects of the Secretary-General's approach including related administrative and organizational matters. In that context, the Advisory Committee had expressed the view, first, that a policy of stabilization, even such as the one proposed by the Secretary-General, could well have been related to a lower level of expenditure, and, secondly, that the Secretary-General's proposal in effect represented, at

best, a possible slowing down of further increases of expenditure on public information activities. In any case, the substance of the information activities and the content of the programmes had come under review at the hands of an expert committee whose composition had been representative of Member States, and the findings of that committee had been fully discussed by the Fifth Committee in 1958. The latter would now doubtless consider in detail those aspects of the Secretary-General's report which concerned the programme content of the activities in question.

Priorities in the information programme

- 18. On the subject of priorities, to which there were numerous references throughout the discussion, the Chairman of the Advisory Committee traced the position taken by that Committee. For many years prior to 1956, the Advisory Committee had suggested that the cost of public information should be reduced and, to that end, had asked the Secretariat, as the organ responsible for designing the programme, to develop a system of priorities whereby the expenditure might be controlled. But as the Secretariat had not found it possible to work out such a system, the Advisory Committee had in 1956 recommended a new approach, in the form of a budget limit of \$4.5 million to be attained in 1959. In the following year, however, the Secretary-General had pointed out that even without any increase in the volume of activities he was finding difficulty in keeping to the current level of expenditure and a fortiori in moving towards the lower target of \$4.5 million. In view of that situation there had been no alternative before the Advisory Committee but to recommend in 1957 that there should be an exhaustive survey of the entire programme.
- 19. The representative of the Secretary-General assured the Committee that OPI was conscious of the imperative need to apply priorities. So heavy was the demand for services that the Office had in any event to enforce priorities on a continuous, day-today basis. It was, moreover, to be noted that in 1958 the Secretary-General had requested the guidance of the Committee of Experts on the possible introduction of a priority system as an instrument of economy (A/3928, annex I, para. 7). The Committee had formed the opinion that priorities should not be regarded purely in the context of economy or be interpreted as a preference of one medium, one subject or one area to another. The Committee had then concluded that it would be possible, through a more restrictive and selective treatment of subjects, to apply an expenditure ceiling of \$4.5 million as previously suggested by the Advisory Committee. Although the Secretary-General still adhered to the opinion, which he had expressed at the previous session (682nd meeting), that he could not, on the basis of the Experts' over-simplified approach, adequately fulfil his responsibilities in the sphere of information, he did, of course, recognize that a system of priorities was of fundamental importance to the purposes stated in his latest report. The Fifth Committee had appeared to concur in 1958 in the Secretary-General's opinion since it had granted him discretion in giving effect to those of the recommendations of the Committee of Experts which would further the objectives set out in the preamble of General Assembly resolution 1335 (XIII)

The system of information centres

- 20. Of the many topics considered under the pr sent agenda item, none received closer attention that the system of information centres. Delegations offerenumerous suggestions or comments:
- (a) The network of centres was wholly inadequat as illustrated by the fact that since 1955 only for new centres had been opened, whereas the membe ship of the United Nations had increased in the san period from sixty to eighty-two States, with further additions impending. Nor was the geographical pa tern of the centres satisfactory. General Assembl resolution 1086 (XI) of 21 December 1956 had spoke of establishing centres on the basis of a regional an linguistic distribution and of providing for the need of new Member States. At present, however, thirtee of the twenty-seven centres were situated in techn cally developed countries and only twenty-six of fifty-seven Professional officers working in informatio centres were assigned to the less developed area There were only two centres in the entire continer of Africa and only four in Latin America, whi. Europe had ten centres. Furthermore, the territor covered by some centres was far too large in relatio to their budget or staffing resources; in other cases the areas served, though geographically adjacen were so disparate in language and culture that the could not effectively be served by a single centre, an particularly by one of small size.
- (b) As regards the manning of the centres, most delegations felt that a just balance should be sough between the extremes, which several speakers deplored of (i) staffing a centre exclusively with nationals of the country in which it was situated, and (ii) staffing it with officials not well versed in the language traditions and culture of the country to which the were assigned.
- (c) While it was generally agreed that it would be essential on budgetary, and desirable on administrative, grounds to draw largely on Headquarters for the manpower and funds with which to enlarge the net work of centres, care should be taken not to carriate process of decentralization to the point of impair in the vital Headquarters services, which would alway constitute the main source of information.
- (d) Some representatives saw insufficient justifica tion for maintaining centres in London, Paris and Washington, or for maintaining them on the presen scale. As regards the Paris Centre, information on th United Nations was being disseminated both by th United Nations Educational, Scientific and Cultura Organization and by the Geneva Information Services while Washington was not only within easy distance c Headquarters, but also the capital of a country i which educational facilities were wide-spread and non governmental organizations extremely active. Although the demand for information had hitherto been greate in technically advanced countries where the media of information were highly developed, it was th function of OPI to take the initiative in stimulating through its network of centres, similar demand i other countries, including the Trust Territories.
- (e) Representatives welcomed the policy (A/4122 para. 37) already in force for a more systematic rota tion of senior centre personnel; it would undoubtedl result in a more dynamic approach to programming

similar policy should also be applied as widely as ossible within Headquarters, through interchanges I staff between OPI and other departments or offices.

- 21. The representative of the Secretary-General aid that, as his report indicated, the Secretary-General as at one with the Fifth Committee in seeking ways nd means of increasing the number of information entres and improving their regional distribution. Sugestions had already been made for nine additional entres and further requests would doubtless be reeived. The estimates, as submitted by the Secretaryreneral, provided for the opening of three new centres 1 1960, but as the cost of maintaining a centre mounted to at least \$20,000 to \$25,000 a year, apart om the cost of supporting services at Headquarters, would be illusory to expect that more than three entres could be established without additional funds, r that Headquarters resources could be diverted at ill without impairing the central programmes and
- 22. It had also been suggested that more might be one for the less developed countries if staff and work rogrammes were scaled down in the larger centres erving the technically advanced areas. That proposion, though attractive at first glance, should be condered in a wider context. With specific objects in iew, the General Assembly had approved the staffing attern and work programmes of the larger centres, nd more recently the Committee of Experts had likerise endorsed them. It was a vital interest of the Inited Nations that an awareness of its activities nould spread among the general public, and to that nd the Economic and Social Council had constantly ressed for action that would make its work better nown. While OPI at Headquarters and the centres ever attempted to assume functions that belonged to ne mass media of information, it was required to timulate interest in the great economic and social rogrammes of the United Nations and to help in ecuring support for them. A considerable part of that esponsibility fell on the centres in large capital cities.

Organization of the Office of Public Information

- 23. Most delegations felt that the Secretary-Feneral's plan of organization, though departing at ome points from that recommended by the Committee of Experts, was calculated to improve the cordination of services at Headquarters and strengthen perations in the field. The Secretary-General had hade it clear in his report that the process of adjustment and change was still continuing, and it followed hat a final judgement on his reorganization of OPI ould not yet be attempted.
- 24. Much of the discussion had to do with the structure and functions of the External Relations Division f OPI. It was the opinion of some representatives at the Secretary-General's proposals failed to proide for a planning body of sufficient authority within ne Office, and that inadequate emphasis had been laced on the activities of the External Relations Division. In that respect, the Division differed radially from the Bureau of Planning and Co-ordination ecommended by the Expert Committee (A/3928, aras. 230-231). The Division had been organized on functional rather than a regional basis, and too little ttention had been paid to the needs of the undereveloped areas. It would be advisable to aim instead t a purely regional structure. The Division might

- comprise, for example, in addition to a Director and Deputy Director, four units covering the major regions of the world, with each unit manned by two Professional officers conversant with conditions and requirements in one of those regions. Such an organization would yield a saving of five Professional posts and, combined with similar arrangements in the service divisions, would strengthen the network of centres at no additional cost. It would also serve to accelerate the pace at which decentralization had so far proceeded.
- 25. The hope was also expressed that a broad interpretation would be given to the "further decentralization of Headquarters staff and services" mentioned in the four-Power draft resolution (A/C.5/L.576). A mere physical displacement of staff and services was not enough. The information centres should be enabled, by means of adequate resources and a reasonable degree of autonomy, to do really effective work, and be urged to seek out and exploit the available opportunities; in that way they would provide information of the type best suited to their area. That would represent the very antithesis of a routine function.
- 26. The representative of the Secretary-General explained that, although a functional rather than a regional pattern had been followed in the External Relations Division, the intention was to move gradually towards a system of regional desks. Too rapid a change would, however, disrupt the existing services since staff must not only be area specialists but have direct experience of information centre operations. The regional pattern had already been drawn, and as the reorganization proceeded, the selected officers would be in a position to give still closer attention to the needs of centres in the area of their competence.
- 27. It had rightly been assumed that the Secretary-General's proposals represented no more than initial steps in the direction set by the General Assembly, and while the Secretary-General adhered, as regards the possible establishment of a Bureau of Planning and Co-ordination, to the views he had expressed at the thirteenth session, he was still studying a number of other suggestions regarding organization made by the Committee of Experts and by representatives in the Fifth Committee.

Geographical distribution of the staff

28. Many speakers deplored the fact that an equitable geographical distribution of staff had not yet been achieved in OPI. None of the posts at the policymaking levels (Principal officer and above) was held by an Asian, African or Latin American staff member. Senior posts were filled preponderantly by staff belonging to a single language-group, which likewise accounted for the majority of the Professional category in OPI at Headquarters. It might perhaps be argued that what was important, in the matter of geographical distribution, was not isolated statistics pertaining to a single department or office but rather the situation in the Secretariat as a whole. However, given the fact that the information programme of the United Nations was addressed to all the peoples of the world and not to those of any particular region or culture, that programme, to be persuasive, ought surely to be the work of persons intimately acquainted with the traditions and culture of the different regions. In the case of OPI, technical rather than political reasons spoke in favour of a broader distribution of staff, at least in a regional sense.

29. At the 727th meeting the Secretary-General (A/C.5/792) said that while it was, of course, his policy to seek the widest possible representation of traditions and regions among the staff of OPI, he was not disposed to pursue such a policy at the expense of other values that were essential in present circumstances. Three points should be borne in mind. First, in a period of transition, key posts had to be filled by those best qualified, of whatever nationality. Secondly, it was not possible, and in any case it would not be appropriate in the terms of Article 101, paragraph 3, of the Charter, to put aside the most highly qualified members of the staff for reasons of geographical distribution. Thirdly, the Organization could not and should not disregard meritorious service. If, as a corollary, there was a lag in the geographical distribution of posts, that was due to the recruitment policy followed at a much earlier stage.

Press and publications

- 30. The Committee was unanimous in approving the Secretary-General's decision that the facilities at Headquarters for media representatives should be maintained at their present level. If, however, there was, as anticipated, an increase in the number of accredited correspondents, some addition to the facilities would have to be considered. Thought might also be given to the problem of improving the regional representation among the correspondents, most of whom represented publications or radio systems in highly developed areas.
- 31. On the subject of the OPI publications, the following were among the comments offered:
- (a) The proposed provision of \$200,000 seemed low in relation to the total cost of information, and might perhaps be increased at the expense of less productive services. The distribution of the sum between Headquarters (\$125,000) and the centres (\$75,000) might also call for an adjustment in favour of the latter.
- (b) The distribution of publications in a multitude of languages, though undeniably useful, should not be pursued at the expense of direct contacts with working journalists.
- (c) It might be advantageous to substitute quarterly for monthly publication of the *United Nations Review*. The English edition, which so far had been little changed, was too high in price. It should be printed in a more economical format, and preferably on paper suited to air-mail transmission.
- (d) Annual editions of Everyman's United Nations should be issued and, funds permitting, Spanish versions both of that publication and of the United Nations Yearbook.
- 32. The representative of the Secretary-General explained that in the first nine months of 1959, 80 per cent of the total OPI printing budget (excluding the provision for the Review, the Yearbook and Everyman's United Nations) had been allotted for publications produced by, or on behalf of, the information centres. As regards the frequency of publication of the Review, on previous occasions the Secretary-General had himself suggested the possibility of quarterly issues. At its thirteenth session, however, the Fifth Committee had not concurred in such a change. Everyman's United Nations was a cumulative work published at intervals

of two to three years. The sixth edition would I issued in English in November 1959, and in Frenc and Spanish early in 1960. It was hoped to produceditions in other languages, possibly with the collaboration of Member States.

Radio services

- 33. As regards the radio services, the Committee considered the problem of the unrelayed broadcast Support was given to the proposition that the Unitee Nations was entitled to count on the co-operation of all Member States in authorizing the relaying of it broadcasts. Some representatives suggested, howeve that listener research should be undertaken in order to determine the degree of effectiveness of the unrelayed broadcasts. If the findings were adverse, the broadcasts should be discontinued and the relate funds diverted to more productive uses.
- 34. It was argued, on the other hand, that a continuation of such broadcasts, which were expensive and reached relatively few listeners, could not in an event be justified. The Committee of Experts had expressed doubts regarding their effectiveness and had recommended that OPI should ascertain the desires of the Member States and their radio organizations is the matter (A/3928, paras. 85 and 260). The unrelayed broadcasts should therefore be replaced by appropriate arrangements for the use of the national or regions systems of Member States. The broadcasts would the better attuned to local needs and local condition
- 35. More generally, the suggestion was made that due weight should be given to the medium of broad casting in countries where the level of illiteracy is high OPI should therefore concentrate on providing assistance to national broadcasting systems. Several representatives also requested that the programmes no being broadcast or recorded for broadcasting in the countries should be increased in number.
- 36. The representative of the Secretary-General made the following, among other, points. The shor wave unrelayed broadcasts consisted of a factua presentation of problems facing the United Nation In the past, the General Assembly had approved the policy of making such broadcasts in the five language of the permanent members of the Security Counc and additionally (on a purely ad hoc basis) in th languages of other countries that were parties t questions before a main organ. The record of th discussion at the thirteenth session showed that th majority of the Committee had been in favour of continuing that policy, and provision for the programme had accordingly been maintained in the 196 estimates. It had been suggested that the criterion c listener research should be applied to the unrelaye broadcasts, but apart from practical difficulties, th suggestion raised certain questions of principle. Th "universality of information", to which the Secretary General adhered strictly, placed upon the Unite Nations the responsibility of ensuring that peoples i all parts of the world received, as far as possible on basis of absolute parity, information that was objective and factually accurate. But, in view of the diverger opinions expressed in the Committee of Experts an in the Fifth Committee, the latter might wish to tak a clearly defined position on the matter, for th guidance of the Secretary-General.
- 37. Other broadcasting activities would likewis be continued at the present level. It was hoped tha

⁸ Ibid., Thirteenth Session, Annexes, agenda item 55, document A/4062, para. 23.

the volume of Headquarters production could eventually be reduced and, with that object in view, radio officers in the field were seeking to promote local production of programmes of an interpretative character adapted to national or regional idioms. Meanwhile, it would be unwise to discontinue the centralized production of programmes for, without careful preparatory work, the transition to locally produced material might be too abrupt and cause a loss of listener support. Evidence of that support was available: fifty-five Member States received and rebroadcast daily and weekly news broadcasts in twentyfive languages, while feature and documentary programmes were rebroadcast in thirty-one languages by arrangement with Member States, non-member States and territories.

Television services

- 38. Several delegations expressed satisfaction that the expanding demand for television material and other visual services was not confined to the North American continent; they took note in particular of the Secretary-General's statement (A/4122, para. 29) that fifteen countries in Europe had contributed to the demand, and that television programmes were carried regularly in seven Latin American countries and in Japan.
- 39. Opinions were, however, divided on the related question of the construction of a television studio. Representatives who concurred in the Secretary-General's view (*ibid.*, para. 30) were satisfied that the project was a wise and necessary investment. Not only were adequate control facilities indispensable for the production of programmes, regardless of where they would be transmitted, but the revenue from the programmes would, in turn, largely offset the construction costs. The need was reflected in the number of countries requesting material, and there seemed to be little justification for disallowing or deferring an expenditure that would yield an ample return.
- 40. Other delegations, however, while agreeing that better facilities would have to be provided at some future time, considered that other more urgent projects qualified for prior financing. Television was still a medium of restricted scope, and the geographical area which it could serve was still disproportionately small in relation to the cost of the project. Furthermore, countries which, having television networks, would benefit were precisely those in which the media of mass communication were most highly developed. It was also argued that commercial concerns could be counted on to cover United Nations proceedings that were of public interest, and, further, that the commercial networks would eventually arrange for complete coverage at no cost to the Organization. On all those grounds it would be wise to defer construction of the studio.
- 41. The representative of the Secretary-General submitted that the arguments advanced against the expenditure were not convincing when weighed against the resulting benefits. The potential audience for the United Nations television programmes was increasing yearly, and it was merely a matter of time before television services were established on a world-wide basis. Moreover, the cost of the programmes, financed in large part out of revenue, would not be entirely lost but would yield some savings on the film programmes when OPI's activities in the two media were consolidated. Television was a fertile field for inter-

agency collaboration in promoting knowledge of the economic and social work of the United Nations family and of the needs of the under-developed countries. Such countries would not, as some delegations had suggested, be excluded from the benefits; on the contrary, support would be stimulated for the programmes of technical assistance by a medium which had an exceptional impact on mass audiences.

Film services

- 42. Some delegations, while suggesting that the benefits derived from the film programme were not commensurate with its cost, felt that there was too little evidence on which to form an authoritative opinion. The Secretary-General's report did not indicate to what extent he had been able to give effect to the recommendations of the Committee of Experts.
- 43. Other speakers offered critical comment on the policy of OPI regarding the operation of film services. The Office was apparently aspiring to engage in large-scale film production in the "Hollywood" manner. In spite of the explicit recommendations of the Committee of Experts (A/3928, paras. 272-274) the film unit had produced during the year a ninety-minute documentary film entitled "Power among Men" at an outlay (exclusive of staff costs) of \$150,000, which would most probably not be recouped. It seemed unwise to devote so large a proportion of funds to a single experiment that made a dubious appeal to the public at large, and entailed an unwarranted concentration of expenditure. It was, moreover, questionable whether a production of that type, however excellent, came within the Office's province.
- 44. One delegation considered that the whole film programme had been misconceived. Assurances should be given that production funds would be used exclusively for short documentary films on United Nations activities and for educational film scripts; and further that there would be close co-operation with the specialized agencies as well as with Governments, non-governmental organizations and private industry in producing information films.
- 45. The representative of the Secretary-General observed that it was presumably not necessary for him to assure the Committee that OPI did not aspire to emulate Hollywood. A glance at the budget would dispose of that idea. Other points of criticism were, however, more serious as they carried the suggestion that officers responsible for planning the policy of film production or for its technical execution showed no regard for the aims and requirements of the programme. That suggestion had no foundation in fact.
- 46. Paragraph 27 of the Secretary-General's report contained an explicit definition of the policy governing the work of the Film Services. The production of large-scale films did not come within the compass of that policy. "Power among Men", which had been internationally acclaimed and was a continuing source of revenue, had been started in 1958 before the Committee of Experts had issued its report. As an example, it was not a valid criterion for the appraisal of the present policy. That policy was reflected in the 1959-1960 work programme, the main items of which could be summarized as follows:
- (a) A series of short documentary films had been or would be produced, most of them in collaboration, substantive and financial, with interested specialized agencies. The series included four documentary films

- on the activities of the United Nations family of organizations in Asia, in connexion with which local production facilities would be utilized, if and as they were available.
- (b) For 1960 a sum of \$90,000 had been earmarked for the production of films, comprising \$35,000 for Headquarters and \$55,000 for other areas.
- (c) It was intended to build up a film library adequate to the needs of the non-governmental organizations and other institutions; the library would also provide material for preparing television programmes.
- (d) It was further intended to continue the systematic planning of film production through the Visual Information Board, composed of representatives of the Secretariats of the United Nations and of the specialized agencies.
- 47. In film production, as in other fields, OPI had been urged, in the interest of economy, to rely on the co-operation of governmental and non-governmental organizations. It was therefore to be noted that, where films were concerned, OPI's production costs were in some cases lower than those incurred by external agencies. That was a consideration to which neither the Committee nor OPI could remain indifferent, and the matter was therefore being closely studied.

Establishment of an advisory body

- 48. The sponsors of the four-Power draft resolution (A/C.5/L.576) suggested that the establishment of an advisory body on public information, as proposed in paragraph 5 of their draft text, would: (a) ensure a better understanding of the Secretary-General's task; (b) provide a useful opportunity for discussion; and (c) lead to a greater effectiveness in the work of the Secretariat. In the sponsors' opinion, the proposal did no more than give effect to a recommendation already endorsed by the Secretary-General.9
- 49. There was considerable support for the principle of setting up consultative machinery in a form to be determined by the Fifth Committee. The work of an advisory body would relieve the Committee of the time-consuming task of attempting an annual examination of OPI activities. The proposal accorded moreover with a principle which the General Assembly had laid down in 1946 (resolution 13 (I) of 13 February 1946). Had that principle been applied, the Committee might have been spared the long series of debates that had taken place since that time.
- 50. It was suggested that the advisory body should initially be set up for a trial period of two years. Its terms of reference should be so defined as to obviate any possible overlapping of functions with those of the Advisory Committee on Administrative and Budgetary Questions, and they should include the limiting stipulation that advice would be tendered only at the request of the Secretary-General. The views of the advisory body would, of course, not be binding upon him.
- 51. A revision of the four-Power draft resolution (A/C.5/L.576/Rev.1), which was introduced at the 726th meeting of the Committee, contained the following amended text concerning the establishment of an advisory body:
 - "5. Recalls General Assembly resolution 13 (I) of 13 February 1946 which envisaged the need for
 - ⁹ *Ibid.*, document A/3945, para. 17.

- an advisory body in the field of public information, and paragraph 17 of the report (A/3945) dated 16 October 1958, in which the Secretary-General refers to such a body, and invites the Secretary-General to appoint a United Nations Advisory Committee on Public Information composed of ten Member States from the main cultural and geographic areas to meet periodically at United Nations Head-quarters with the Secretary-General to review and discuss information policies and programmes in order to ensure maximum effectiveness at minimum cost."
- 52. At the 727th meeting, the Secretary-General defined his position on the four-Power proposal by referring to the statements be had made at the thirteenth session (682nd and 689th meetings). The value of the proposed arrangement would depend on the quality of the representative members whom Governments were prepared to send. The members would be serving in the consultative capacity of advisers to the Secretary-General. The work would make heavy demands on their time for, without a conscientious study of the documents and of the questions at issue, they would not be in a position to tender useful advice. It was a highly specialized field and the members could not rely solely on the practical experience, however, large, which they had gained in other parallel activities.
- 53. When the Committee came, at the 728th meeting, to a detailed consideration of the draft resolutions (see para. 70 below), the sponsors of the four-Power draft resolution (A/C.5/L.576/Rev.1) accepted an amendment proposed by the representative of India for the replacement in paragraph 5 of the word "Committee" by the word "Board" or other appropriate variant.
- 54. The second revision of that draft resolution (A/C.5/L.576/Rev.2) accordingly contained a paragraph concerning an advisory body which read as follows:
 - "6. Recalls General Assembly resolution 13 (I) of 13 February 1946 which envisaged the need for an advisory body in the field of public information, and paragraph 17 of the report (A/3945) dated 16 October 1958, in which the Secretary-General refers to such a body, and invites the Secretary-General to appoint a United Nations Advisory Board on Public Information composed of ten Member States representing the main cultural and geographic areas to meet periodically at United Nations Headquarters with the Secretary-General to discuss and consider information policies and programmes in order to ensure maximum effectiveness at minimum cost."
- 55. The United States representative entered several reservations to the revised proposal. The setting up of a board would tend to diminish the Secretary-General's responsibility. To whom would Member States address their criticism in the future? As constituted under the proposal, the board would inevitably have a political complexion. His delegation considered it preferable for the General Assembly to invite the Secretary-General to appoint a panel of qualified persons representative of the various geographical regions, which he would consult from time to time. Such consultations would not necessarily be held in New York, and might even be conducted by correspondence. The United States of America accord-

igly submitted the following amendment (A/C.5/...578) to paragraph 6 of the revised draft resolution:

- "6. Requests the Secretary-General to appoint a panel of qualified persons representative of the various geographic areas and cultures of the world and to consult with members of that panel from time to time on United Nations information policies and programmes in order to ensure maximum effectiveness at minimum cost."
- 56. At the 730th and 731st meetings the following ral amendments were proposed to paragraph 6 of he four-Power draft resolution and the United States mendment thereto:
- (a) Four-Power draft resolution (A/C.5/L.576/lev.2)¹⁰
- (i) Ethiopia: to transpose the words "geographic" nd "cultural".
- (ii) Ethiopia: to delete the word "periodically" nd, in place thereof, to introduce the idea, suitably hrased, that meetings with the Secretary-General rould be held as and when the latter deemed them ecessary and useful.
- (iii) Japan: to replace the words "to meet periodially at United Nations Headquarters with the ecretary-General to discuss and consider" by the rords "and to consult with it whenever deemed ecessary on major".
- (iv) Japan: to delete the introductory clause, *Recalls*... refers to such a body, and"; the pararaph to open with the words "*Invites* the Secretary-General...".
- (v) Japan: to insert after the words "to appoint" he words "for a period of two years starting in 1960".
- (vi) Canada: to insert after the word "composed" he words "of suitably qualified representatives".
- (vii) Ukrainian SSR: to insert in the paragraph a tatement to the effect that the establishment of the Advisory Board would not entail any additional xpenditure.
- (viii) Ethiopia: to insert at the end of the paragraph he phrase: "The Board is authorized to formulate ts own rules, consistent with the policy defined in the resent resolution".
- (ix) Ethiopia: to provide for an uneven number of nembers of the Board, either nine or eleven.
- (b) United States amendment (A/C.5/L.578)
- (i) United Arab Republic: to insert after the word appoint" the words ", in consultation with Governments of Member States,".
- (ii) United Arab Republic: to insert the word main" before "cultures".

The United States representative accepted both submendments.

- 57. The form of the consultative machinery was urther considered during the second stage of the Comnittee's discussion, at the 729th to 731st meetings.
- 58. It was argued in support of the four-Power raft resolution that it afforded the Secretary-General practical method of enlisting the co-operation of

- Member States in the work of public information. States could doubtless be counted on to appoint to the Board representatives with the necessary qualifications. The Board members, familiar with the work of the United Nations and representing the main geographical areas of the world, could render assistance to the Secretary-General, especially in advising him on the needs of the areas they represented and on the programmes best fitted, in the light of available facilities, to those needs. In addition, the Board would be able to assist in appraising the information work being done by OPI throughout the world. An advisory body of the type envisaged by the four sponsors accorded with the recommendation of the Committee of Experts (A/3928, para. 280) in which the Secretary-General had concurred in 1958 (A/3945, para. 17).
- 59. Representatives favouring the United States amendment (A/C.5/L.578/Rev.1) based their support on the following reasoning. The panel of experts would be closer in nature and functions to the body proposed by the Secretary-General in 1958. It would be of a less formal character than the Advisory Board, and would not detract, as the latter might do, from the administrative responsibility of the Secretary-General. The United States amendment also offered the advantage of greater flexibility: it left to the Secretary-General the detailed arrangements concerning the number of panel members and the form and frequency of meetings.
- 60. According to a third view, adverse to both draft texts, it was difficult to trace a similarity between the proposed Advisory Board and the standing advisory group which the Committee of Experts and the Secretary-General had contemplated in 1958. The Board would be empowered to "discuss and consider" but not to submit recommendations or reports. It would be free to address itself to a seemingly unlimited number of topics that now came within the purview of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions. The United States amendment, on the other hand, left to the Secretary-General the initiative for seeking advice, and though it was to be preferred on that ground, it failed, as did the four-Power text, to give a precise definition of the advisory function for which it provided.
- 61. Several speakers deplored the fact that cost estimates of the respective proposals had not been submitted, with the result that it had been claimed for each, on a conjectural basis, that it would be the less expensive of the two, or alternatively that it would cost nothing. Was it consistent for the Fifth Committee to dwell so long on the financial aspects of public information and so little on those of its own proposals?
- 62. When the vote was taken at the 731st meeting, the Committee had before it the text proposed by the delegations of Colombia, Cuba, Peru and Venezuela for operative paragraph 6 (A/C.5/L.576/Rev.3) and the United States amendment (A/C.5/L.578/Rev.1) to operative paragraph 6 of the four-Power draft resolution.¹¹ The United States amendment read as follows:
 - "Requests the Secretary-General to appoint in consultation with Governments of Member States

¹⁰ At the 731st meeting the Committee had before it the third evised version of the draft resolution. However, the text of aragraph 6 of that revision was identical with that of paragraph of the second revision.

¹¹ At the 730th meeting Peru, one of the sponsors, accepted the United States amendment.

a panel of qualified persons representative of the various geographic areas and main cultures of the world and to consult with members of that panel from time to time on United Nations information policies and programmes in order to ensure maximum effectiveness at minimum cost."

63. As indicated in paragraph 78 below, the Committee decided in favour of the United States amendment.

Interne and fellowship programmes

- 64. As regards the operation of the two interne programmes and the fellowship (senior study) programme, reference was made to the importance of adhering to the recommendations of the Committee of Experts (A/3928, paras. 167-169) concerning: (a) an order of priority among the three programmes, and (b) criteria for the selection of candidates, preferably from the under-developed countries.
- 65. Some representatives were of the opinion that a term of eight weeks for the students' interne programme was inadequate; not even one Secretariat department could be thoroughly studied in that time. If budgetary reasons precluded an extension of the programme, it would be preferable to merge the three projects and provide, within the sum of \$83,000, for interneships of nine months' duration, to be held by a smaller number of persons.
- 66. A suggestion was also put forward that, as regards the two interne programmes (students and civil servants), travel expenses should be borne by the United Nations so that persons of modest means would not be debarred.
- 67. The representative of the Secretary-General assured the Committee that, in selecting candidates and assigning priorities to the three programmes, OPI had followed closely the recommendations of the Committee of Experts. The fellowship programme had accordingly been enlarged, with increases both in the duration of the programme (increased from four to six weeks) and in the number of participants (increased from seven in 1958 to thirty-one in 1959).
- 68. Nominations for fellowships were made by a committee which, in addition to consulting the interested Governments, received recommendations from information centres of the United Nations and Resident Representatives of the Technical Assistance Board. A lower priority had of necessity to be given to the remaining programmes, both of which had been reduced in length (from six to four weeks) and in the number of participants. Preference was given in the three programmes to the under-developed countries.

Annual report on public information

69. Some speakers voiced their disappointment that the Secretary-General had not submitted, in accordance with a recommendation of the Committee of Experts (A/3928, para. 280) a "brief statement embodying an assessment of the previous year's work together with a plan of work for the following year". It was to be hoped that future reports would be more detailed and provide concrete information on the practical measures that might be taken and the savings, if any, to be anticipated. The suggestion was also made that the reports should include a detailed analysis of expenditure under various heads, such as radio, television, films and publications, the analysis to show all

staff costs, local costs, and direct expenditure on services and supplies. For comparison, the analyses of preceding years should also be given. Other representatives, however, pointed out that the Secretary-General had in 1958 entered an express reservation (A/394: para. 17) to the proposal of the Committee of Experta Care should therefore be taken, when specifying the desired form of report, not to encroach upon his acministrative authority. The Secretary-General has tated his willingness to explain at any time the choice which for budgetary reasons he would inevitably have to make. But he had also rightly appealed to the Fift Committee to permit those in charge of OPI to detheir best for the purposes established by the General Assembly.

Action on the draft resolutions

- 70. At the 728th meeting the Committee began it consideration of the USSR draft resolution (A/C.5 L.573) and the four-Power draft resolution (A/C.5 L.576/Rev.1).
- 71. The representative of Indonesia proposed, as a amendment to the four-Power draft resolution the addition in operative paragraph 2 of the words "and b giving priority to those regions where the media c mass information are less developed".
- 72. The representative of Peru introduced, on be half of the sponsors, a revised version of the four Power draft resolution (A/C.5/L.576/Rev.2) embody ing suggestions made, in the course of the general discussion, by various delegations. It read as follows:
 - "The General Assembly,
 - "Noting with appreciation the Secretary-General' report on public information activities of the United Nations (A/4122), dated 16 June 1959,
 - "Recalling General Assembly resolutions 13 (I dated 13 February 1946 and 595 (VI) dated 4 February 1952, setting forth the basic policy of the United Nations in its public information activities, as well as resolution 1335 (XIII) dated 13 December 1958 relating to the implementation of that policy,
 - "Recalling General Assembly resolution 1086 (XI dated 21 December 1956 relating to the establish ment of information centres,
 - "1. Approves the policy of budgetary stabilization set forth by the Secretary-General in paragraph 15 of his report (A/4122);
 - "2. Requests the Secretary-General to give con tinuing and special consideration to the importanc of adequate regional representation in the Office o Public Information, particularly at the policy-making and programme planning levels, in the structurand staffing of the External Relations Division and in the distribution of information centres;
 - "3. Requests the Secretary-General within the afore-mentioned policy of stabilization to establish new information centres as appear necessary and practicable, particularly in those sections where mass information media are less developed, prefer ably by a further decentralization of Headquarters staff and services;
 - "4. Requests the Secretary-General to enlist the co-operation of the Member States concerned in giving all possible facilities for the establishment o such new centres and in assisting actively in efforts

to promote wider public understanding of the aims and activities of the United Nations;

- "5. Expresses the hope that media of information and publicity, non-governmental organizations and educational institutions in all Member States will continue their efforts to expand their commendable activities on behalf of a greater understanding of the United Nations by fuller dissemination of accurate and objective information;
- "6. Recalls General Assembly resolution 13 (I) of 13 February 1946 which envisaged the need for an advisory body in the field of public information, and paragraph 17 of the report (A/3945) dated 16 October 1958, in which the Secretary-General refers to such a body, and invites the Secretary-General to appoint a United Nations Advisory Board on Public Information composed of ten Member States representing the main cultural and geographic areas to meet periodically at United Nations Head-quarters with the Secretary-General to discuss and consider information policies and programmes in order to ensure maximum effectiveness at minimum cost:
- "7. Requests the Secretary-General to submit a report to the fifteenth session of the General Assembly on the implementation of the above recommendations and on the measures taken and planned for thefurtherimplementation of resolution 1335 (XIII)."
- 73. The representative of Indonesia proposed the eletion of the words "within the afore-mentioned plicy of stabilization" in operative paragraph 3 of the second revision.
- 74. At the 730th meeting the following amendents were proposed to the second revision of the sur-Power draft resolution (A/C.5/L.576/Rev.2):
- (a) Romania: (A/C.5/L.581): insert, after the cond preambular paragraph, the following two aragraphs:
- "Recalling the resolution approved by the Fifth Committee in its report to the eleventh session of the General Assembly (A/3550) concerning the stabilization of the total expenditure for United Nations information activities,
- "Considering the recommendations and observations contained in the report of the Committee of Experts on United Nations Public Information (A/3928), of 28 August 1958, and the observations made by members of delegations in the general debate at the present session on the public information activities of the United Nations".
- (b) United Kingdom of Great Britain and Northern Ireland (A/C.5/L.579):
- (1) After the third preambular paragraph insert ie following new preambular paragraph:
- "Noting the policy of budgetary stabilization set forth by the Secretary-General in his report (A/4122)."
- (2) Omit operative paragraph 1 and renumber aragraphs 2 to 6.
- (3) After new paragraph 5 insert a new paragraph as follows:
- "Requests the Secretary-General, having regard to the afore-mentioned policy of budgetary stabilization and to all other means designed to ensure maximum effectiveness at the lowest possible cost,

- to plan the Public Information programmes in 1960 on the assumption that total net expenditure for the year shall be about \$5 million.¹²"
- (c) Ethiopia, Indonesia, the Sudan: oral amendment to delete the words "within the afore-mentioned policy of stabilization" in paragraph 3 (amendment previously offered at the 729th meeting by India).
 - (d) Pakistan:
- (i) Oral amendment to omit from paragraph 2 the words "particularly at the policy-making and programme-planning levels, in the structure and staffing of the External Relations Division;"
- (ii) Oral amendment to insert in paragraph 3 the words "to the extent he finds possible" after the words "Headquarters staff and services."

The sponsors of the four-Power draft resolution accepted the amendments proposed by Pakistan.

- 75. The Committee considered at the 731st meeting the third revision of the four-Power draft resolution (A/C.5/L.576/Rev.3), the wording of which was identical with the second revised version (see para. 72 above), with the exception of operative paragraphs 2 and 3 which, as the result of the amendments submitted by the delegation of Pakistan, were redrafted as follows:
 - "2. Requests the Secretary-General to give continuing and special consideration to the importance of adequate regional representation in the Office of Public Information and in the distribution of information centres;
 - "3. Requests the Secretary-General within the afore-mentioned policy of stabilization to establish new information centres as appear necessary and practicable, particularly in those regions where mass information media are less developed, preferably by a further decentralization of Headquarters staff and services to the extent he finds possible;
- 76. The Union of Soviet Socialist Republics withdrew its draft resolution (A/C.5/L.573) in favour of the proposal contained in paragraph 3 of the United Kingdom amendment.
- 77. The following oral amendments were proposed to the third revision of the four-Power draft resolution (A/C.5/L.576/Rev.3):
- (a) Guatemala: to insert in operative paragraph 2 the words "the policy-making level of" before the words "the Office of Public Information".
- (b) Japan: to omit the words "distribution of" in operative paragraph 2 (amendment accepted by the sponsors).
- (c) Belgium: to insert in operative paragraph 3 the words "with the agreement of the Government concerned" after the word "Secretary-General" (amendment accepted by the sponsors).
- (d) Afghanistan: in operative paragraph 3 to delete the clause "preferably... to the extent he finds possible" and to substitute the following words: "and to continue at the same time the Headquarters services required by the under-developed countries".

¹² As initially submitted at the 730th meeting the text ended with the words "shall not exceed \$5 million." The representative of the United Kingdom accepted a sub-amendment of the United Arab Republic proposing the variant shown above.

(e) United Arab Republic: to insert after operative paragraph 5 a new paragraph to read as follows:

"Requests the Secretary-General to include in his report on OPI to the General Assembly in every session outlines of the policy and programmes planned to be executed by OPI during the coming year with comments thereon;".

DECISIONS OF THE COMMITTEE

78. At the 731st meeting the Committee voted on the revised four-Power draft resolution (A/C.5/L.576/Rev.3) and the amendments thereto with the following result:

The Romanian amendment (A/C.5/L.581) was rejected by 16 votes to 15, with 35 abstentions.

Paragraph 1 of the United Kingdom amendment (A/C.5/L.579) was adopted by 34 votes to 8, with 23 abstentions.

Paragraph 2 of the United Kingdom amendment (A/C.5/L.579) was adopted by 34 votes to 15, with 17 abstentions.

The Guatemalan oral amendment to operative paragraph 1 (former operative paragraph 2) was adopted by 36 votes to 8, with 18 abstentions.

The Indonesian oral amendment to operative para-

graph 2 (former operative paragraph 3) was adopte by 25 votes to 18, with 22 abstentions.

The Afghanistan oral amendment to operative paragraph 2 (former operative paragraph 3) we rejected by 42 votes to 4, with 20 abstentions.

The amendment of the United Arab Republic f the insertion of a new paragraph after operative par graph 4 (formerly operative paragraph 5) was adopte by 43 votes to none, with 23 abstentions.

The United States revised amendment (A/C.: L.578/Rev.1) to former operative paragraph 6 w adopted by 32 votes to 15, with 19 abstentions.

Paragraph 3 of the United Kingdom amendme (A/C.5/L.579) was adopted by 42 votes to 7, with abstentions.

The revised four-Power draft resolution (A/C.. L.576/Rev.3), as a whole, as amended, was adopte by 64 votes to none, with 3 abstentions.

Recommendation of the Committee

79. The Fifth Committee therefore recommends the General Assembly the adoption of the followind raft resolution:

[Text adopted by the General Assembly without chang See "Action by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 845th plenary meeting, on 1 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4301, para.79). For the final text, see resolution 1405 (XIV) below.

Resolution adopted by the General Assembly

1405 (XIV). Public information activities of the United Nations

The General Assembly,

Noting with appreciation the Secretary-General's report on public information activities of the United Nations of 16 June 1959 (A/4122),

Recalling its resolutions 13 (I) of 13 February 1946 and 595 (VI) of 4 February 1952, setting forth the basic policy of the United Nations in its public information activities, as well as resolution 1335 (XIII) of 13 December 1958, relating to the implementation of that policy,

Recalling its resolution 1086 (XI) of 21 December 1956, relating to the establishment of information centres,

Noting the policy of budgetary stabilization set forth by the Secretary-General in his report,

- 1. Requests the Secretary-General to give continuing and special consideration to the importance of adequate regional representation at the policy-making level of the Office of Public Information and in the information centres:
- 2. Requests the Secretary-General, with the agreement of the Governments concerned, to establish such

- new information centres as appear necessary ar practicable, particularly in those regions where ma information media are less developed, preferably by further decentralization of Headquarters staff ar services to the extent he finds possible;
- 3. Requests the Secretary-General to enlist the coperation of the Member States concerned in providing all possible facilities for the establishment of such new centres and in assisting actively in efforts a promote wider public understanding of the aims are activities of the United Nations;
- 4. Expresses the hope that media of information ar publicity, non-governmental organizations and eductional institutions in all Member States will continutheir efforts to expand their commendable activition behalf of a greater understanding of the Unite Nations by a fuller dissemination of accurate ar objective information;
- 5. Requests the Secretary-General to include in h report on the Office of Public Information to the General Assembly at every session outlines of the policy and programmes planned to be executed by the Office during the coming year, with commen thereon;
- 6. Requests the Secretary-General to appoint, consultation with the Governments of Member State a panel of qualified persons representative of the various geographical areas and main cultures of the constant of the constan

orld, and to consult with members of that panel om time to time on United Nations information plicies and programmes in order to ensure maximum fectiveness at minimum cost;

7. Requests the Secretary-General, having regard the afore-mentioned policy of budgetary stabilizan and to all other means designed to ensure maxium effectiveness at the lowest possible cost, to plan e public information programmes in 1960 on the

assumption that the total net expenditure for the year shall be about \$5 million;

8. Requests the Secretary-General to submit a report to the General Assembly at its fifteenth session on the implementation of the above recommendations and on the measures taken and planned for the further implementation of resolution 1335 (XIII).

845th plenary meeting, 1 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 52 which are not reproduced in the present fascicle.

cument No.	Title	Observations and references
/3928	Report of the Committee of Experts on United Nations Public Information	Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 55
/4110	Budget estimates for the financial year 1960 and information annexes	Ibid., Fourteenth Session, Supplement No. 5
/4170	Tenth report of the Advisory Committee on Administrative and Budgetary Questions	Ibid., Supplement No. 7
/C.5/793	Statement by the Acting Head of the Office of Public Information at the 727th meeting of the Fifth Committee	Mimeographed. See also Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 727th meeting, paras. 30-39
/C.5/L.573	Union of Soviet Socialist Republics: draft resolution	Incorporated in A/4301, para. 6
/C.5/L.576	Colombia, Cuba, Peru and Venezuela: draft resolution	Incorporated in A/4301, para. 14
/C.5/L.576/Rev. 1	Colombia, Cuba, Peru and Venezuela: revised draft resolution	Mimeographed
/C.5/L.576/Rev. 2	Colombia, Cuba, Peru and Venezuela: revised draft resolution	Incorporated in A/4301, para. 72
/C.5/L.576/Rev. 3	Colombia, Cuba, Peru and Venezuela: revised draft resolution	See A/4301, para. 75
/C.5/L.578	United States of America: amendment to document A/C.5/L.576/Rev. 2	Incorporated in A/4301, para. 55
/C.5/L.578/Rev. 1	United States of America: revised amendment to document A/C.5/L.576/Rev. 3	Incorporated in A/4301, para. 62
/C.5/L.579	United Kingdom of Great Britain and Northern Ireland: amendment to document A/C.5/L.576/Rev. 2	Incorporated in A/4301, para. 74
/C.5/L.581	Romania: amendment to document A/C.5/L.576/Rev. 2	Incorporated in A/4301, para. 74
/C.5/L.586	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 749th meeting, see A/4301

GENERAL ASSEMBLY

ANNEXES
FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 53: United Nations Joint Staff	ension	Fund:
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- (a) Annual report on the United Nations Joint Staff Pension Fund;
- (b) Report on the fifth actuarial valuation of the United Nations Joint Staff Pension Fund*

CONTENTS

Document No.	Title	Page
A/4298	Report of the Fifth Committee	1
Action taken by the General Assembl	y	1
Check list of documents		2

DOCUMENT A /4298

Report of the Fifth Committee

[Original text: English] [24 November 1959]

- 1. At its 747th meeting, held on 19 November 1959, the Fifth Committee considered, under agenda item 53:
- (a) The annual report of the United Nations Joint Staff Pension Fund (A/4158);
- (b) The report on the fifth actuarial valuation of the Fund (A/4266).
- 2. The Committee noted that no action was called for by the two reports. Further, the Committee was informed that copies of the actuarial report had been forwarded to the Advisory Committee on Administrative and Budgetary Questions in accordance with article XXXI of the regulations of the United Nations Joint Staff Pension Fund, but that, since there were no proposals arising from the report and as it was primarily intended to be of assistance to the Expert Group on the Comprehensive Review of the Pension
- Fund, $\frac{1}{2}$ the Advisory Committee had no observations to make at this stage.
- 3. In the Fifth Committee, comments were made on the amount of the contributions of the organizations to the Fund in respect of associate participants, on the general investment policy, and on the eventual possibility of introducing such schemes as the variable annuity into the Pension Fund. It was assumed that the Expert Group, in its comprehensive review, would have regard to these points of the Fund's operation.

Recommendation of the Fifth Committee

4. The Fifth Committee decided, without objection, to recommend to the General Assembly that it take note of the reports; and accordingly recommends the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 845th plenary meeting, on 1 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4298, para. 4). For the final text see resolution 1406 (XIV) below.

 $[\]frac{1}{2}$ Established under General Assembly resolution 1310 (XIII) of 10 December 1958.

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 747th and 750th meetings; and ibid., Plenary Meetings, 845th meeting.

Resolution adopted by the General Assembly

1406 (XIV). UNITED NATIONS JOINT STAFF PENSION FUND

The General Assembly

Takes note of the annual report on the United Nations Joint Staff Pension Fund (A/4158) and of the report on the fifth actuarial valuation of the Fund (A/4266).

845th plenary meeting, 1 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 53 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4158	Annual report on the United Nations Joint Staff Pension Fund	Official Records of the General Assembly, Fourteenth Session, Supplement No. 8
A/4266	Note by the Secretary of the Joint Staff Pension Board	Ibid., Supplement No. 8A
A/C.5/L.590	Draft report of the Fifth Committee	Same text as A/4298

GENERAL ASSEMBLY



ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

official Records

genda item 54: Personnel questions:*

- (a) Geographical distribution of the staff of the Secretariat: report of the Secretary-General;
- (b) Proportion of fixed-term staff;
- (c) Other personnel questions

CONTENTS

cument No.	Tttle	Page
) Geographical d	listribution of the staff of the Secretariat; report of the Secretary-General	
A/C.5/784	Report of the Secretary-General	1
) Proportion of f	ixed-term staff	
A/C.5/785	Report of the Secretary-General	11
) Other personne	el questions	
A/C.5/780	Definitions of dependency: report of the Secretary-General	13
A/4329	Report of the Fifth Committee	13
ction taken by th	ne General Assembly	16
heck list of document	ments	16

*For the discussion of this item, see Official Records of the neral Assembly, Fourteenth Session, Fifth Committee, 738th

to 743rd and 758th meetings; and ibid., Plenary Meetings, 846th meeting.

(a) Geographical distribution of the staff: report of the Secretary-General

DOCUMENT A/C.5/784

Report of the Secretary-General

[Original text: English] [1 October 1959]

- 1. The Secretary-General presents the following formation concerning the geographical distribution the staff of the United Nations Secretariat in accordace with resolution 1294 (XIII) and the discussions the Fifth Committee at the thirteenth session of the General Assembly.
- 2. The current geographical distribution of the staff shown in annex I (in tables 1 to 7) on the same basis in previous reports. The composition of the staff is town in relation to a "desirable range" of posts for ch Member State. Information is provided on pointments and other changes which took place in the period 1 September 1958 to 31 August 1959.
- 3. It will be recalled that Article 101, paragraph 3 the Charter of the United Nations provides that

"The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

The Secretary-General's recruitment programme continues to be dedicated to seeking available individuals, citizens of Member States, who meet the qualifications of the Charter, and who have the particular training and experience required for the various functions assigned to the Secretariat.

4. The present report shows a continuing extension and balancing of geographical distribution, which the Secretary-General hopes may be carried even further in the future. Considered in relation to the recruitment possibilities which the budget affords, the geographical distribution which has been achieved constitutes, in

the Secretary-General's opinion, substantial implementation of the intent of the Charter. In subsequent paragraphs, the geographical distribution of the staff is analysed in various ways in comparison with the "desirable ranges", in the hope that such comparisons will help the General Assembly in appraising the present situation. The Secretary-General offers these analyses as possibly useful tools for this purpose, but he recognizes that the questions involved cannot be

dealt with solely in mathematical terms, nor wit mathematical precision.

5. The progressive development of geographical distribution in recent years may be seen in the followin table, which shows the position of Member States i relation to the desirable ranges in 1955 (just prior to the admission of a large number of new Members and in 1958 and 1959:

	Number of Me	mber States as at	31 August 1959
	1955	1958	1959
Above the desirable range	24*	26	25
Within the desirable range		37	38
With staff members, but below the desirable range	2	7	8
		-	
Total with staff members	53	70	71
With no staff members	6	11	11
		_	
Total, Member States	59*	81	82

^{*} Including Egypt and Syria as one.

- 6. During the last year, the number of Member State nationalities included in the staff increased from 70 to 71. Staff were recruited for the first time from two Members, the Federation of Malaya and the Ukrainian SSR. On the other hand, El Salvador, which previously had one staff member, fell into the group with none, which, with the addition of Guinea, again included 11 countries. Offers of employment have been made to the nationals of two countries in this group, Bulgaria and Romania, but replies had not been received by 31 August 1959.
- 7. The number of countries with some staff members, but below the desirable range, increased from 7 to 8. Spain, which had been in this group, was moved up to its desirable range, and two countries were raised from the "no-staff" group. Of the other 6 countries, staff members were increased for 3 (Italy, Japan, USSR), but not enough to bring them within the "desirable range". The other 3 (Hungary, Indonesia, Venezuela) were unchanged.
- 8. Countries within the "desirable range" increased from 37 to 38. Spain was added, but El Salvador dropped from this group. Belgium, Ireland and the United Kingdom, which had been above their desirable ranges, were brought within these limits, but Haiti and New Zealand moved above the top of their ranges.
- 9. The number of countries above the desirable ranges decreased from 26 to 25.
- 10. Over the four-year period, 1955 to 1959, during which 23 Members were admitted to the United Nations, the broadening of geographical distribution can be seen more clearly. In this period, the number of Member States with nationals on the staff increased by 18. The number of Members with staff members within or above the desirable ranges increased from 51 to 63.
- 11. In the recruitment of staff, the Secretary-General has continued to give the utmost attention to the improvement of geographic distribution, at all levels. In addition to frequent conferences with officials of the Governments which have disproportionately few or no nationals on the staff, several specific measures have been taken. In August 1958 and again in the spring of 1959, a list of current vacan-

- cies was distributed to the Governments concerned with a request for their co-operation in the propose of candidates who were suited to these particula posts. It is intended that this practice will be cor tinued at regular intervals. As a further step, it wa arranged that a senior member of the Office of Persor nel should visit several of the new Member States i the Far East, to discuss recruitment needs an methods of locating candidates in these countries Secretariat officials also visited capitals in Easter Europe with the purpose of furthering the recruitmen programme in this area. It is hoped that next year similar visits can be made to other parts of the world It should be noted that the recruitment efforts of th Office of Personnel are augmented substantially b the Executive Secretaries of the Regional Economi Commissions and their staffs, and by other officials c the Secretariat in the course of their travel on officia business and home leave.
- 12. The Secretary-General understands that, de spite the very co-operative attitude of Member State and their genuine interest in having their nationa participate in the work of the Secretariat, it is no always possible for a Member State, especially one c the newly independent countries, to make availabl trained and experienced personnel who are often i short supply in the country itself. This is undoubtedl a major factor in the small response to the Secretary General's requests for the nomination of candidates In certain cases, Governments have stated specificall that for the time being they are unable to spare peopl of the type and calibre required. While it is to b hoped and expected that this situation will change it is not the Secretary-General's intention to press for actions which would be considered detrimental b the countries concerned.
- 13. The Secretary-General believes that the statistics as they have been presented in the past, and a they are presented in annex I of the present pape may not portray the real situation as clearly an accurately as would be desirable. Because of thobvious need for considerable flexibility when relating geographic considerations to the staffing requirement of the Secretariat, specific "targets" or "quotas" for Member States have been avoided, and ranges have been used instead. Attention may, however, have

becased on the maximum of each range, and thus give he impression that there are greater possibilities of ecruiting staff than the budget and manning table ctually permit. (To bring all Members to the maxinum, even if Members now above were reduced to hat figure, would require 300 additional posts.)

- 14. Moreover, in calculating desirable ranges, a umber of posts have been included which are not in act available for international recruitment of staff om Member States. The most important group umerically comprises the 138 posts at Headquarters t the principal level (G-5) of the General Service ategory, which is staffed almost entirely by persons romoted from lower levels of this locally recruited ategory, or occasionally by local recruitment in Iew York. It should be noted that all General Service taff at all other locations have always been omitted om the statistics, and the Headquarters staff in this ategory should logically be excluded also.
- 15. In order to present the actual situation with pmewhat greater precision, annex II indicates the umber of staff in relation to a range of posts comuted on the same basis as heretofore, but including nly posts at level P-1 and above. Countries are rouped, in this annex, by major geographical region. The groupings follow the classification used in the expanded Programme of Technical Assistance, except hat the countries of Europe are presented in two roups—Eastern and Western.
- 16. The distribution of the staff in the Professional ategory and above by major geographical regions is hown in the following table (derived from the infornation shown in annex II):

Region	Median of desirable ranges	Number of staff (P-1 and above)	Ratio of staff to median percentage
frica	27	36	133
sia and Far East	177	204	115
urope, Eastern	216	68	31
urope, Western	299	364	122
atin America	77	101	131
Iiddle East	24	41	171
forth America	388	295	76
Тотац	1,208	1,109	92

- 17. Staff members from each of these regions exceed he mid-point or median of the desirable ranges, xcept in the case of Eastern Europe and North merica, the deficiency being particularly notable in he case of Eastern Europe.
- 18. In view of the special interest in posts at higher evels the number of staff at the level of principal fficer (D-1) and above, and at the senior officer level P-5) is shown below for the same geographic regions:

Region D-	Staff at 1 and above	Staff at P-5 level
Africa	4	2
Asia and Far East	16	23
Europe, Eastern	10	11
Europe, Western	40	52
Latin America	4	10
Middle East	1	1
North America	30	40
_		
Total	105	139

19. The number of staff from the more recent United Nations Members (16 Members admitted in 1955, 4 in 1956, 2 in 1957 and 1 in 1958) has been increasing steadily, as follows:

1956	1955		 	
1957	1956	٠.	 	
1958	1957		 	
	1958		 	

- By 31 August 1959, the number of staff from the new Members had reached 91, compared with a cumulative desirable range for these countries of 84 to 155. Recruitment in process should increase the number of staff from this group significantly before the end of the year.
- 20. Countries below the *minimum* of their desirable range of staff in the Professional category and above (annex II), as at 31 August 1959 were:

Deficiency of one post: Albania, Cambodia, El Salvador, Federation of Malaya, Guinea, Honduras, Hungary, Indonesia, Laos, Libya, Tunisia.

Deficiency of two to four posts: Bulgaria (2), Italy (3), Romania (3), Venezuela (3), Byelorussian SSR (4). Deficiency of more than five posts: Ukrainian SSR (16), USSR (92), USA (37).

Apart from the two largest contributors, the United States of America and the Union of Soviet Socialist Republics, and the Byelorussian SSR and the Ukrainian SSR, the aggregate deficiency for the other 15 countries below the minimum of their desirable range amounts to 22 posts. Although each case is important to the country concerned, and is so regarded by the Secretary-General, this part of the problem is well within manageable proportions and it should be possible to expect satisfactory results to be achieved in most instances in the reasonably near future.

21. In the case of the USSR, the Byelorussian SSR and the Ukrainian SSR, the Secretariat has been striving for a considerable period to recruit additional staff. Although sustained efforts have been made, with the assistance of the Governments and their delegations, the results have so far been rather limited. It appears that earlier joint efforts are now beginning to produce results, and it is hoped and expected that the steady progress will continue to gain momentum, and that the rate of recruitment of qualified nationals of these countries will accelerate substantially over the coming months.

Annex I $Table \ 1$ Staff in posts subject to geographical distribution as at 31 August 1959 (by nationality and level)

Natsonality	No. of staff 31/8/58	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	G-5	No. of staff 31/8/59	Desirable range of posts
fghanistan	3				_	_		3			3	1-3
lbania	**							_	_		_	1-3
rgentina	19	1		Manager 1	2	3	9	1		1	17	11-19

Table 1 (continued)

1	No. of staff 31/8/58	77. ~	D 4	D 4	.	T. 4		T. 4	T. 1	<i>C</i> -	No. of staff 31/8/59	Desirabl range of
Nationality		U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	G-5		posts
Australia	19 4		2 1		2 1	4	8 2	5 1	1 2		22 7	18-31 4-7
Belgium	22	_		2	3	4	$\tilde{7}$	3	1	1	21	13-22
Bolivia	5			_	1	1	2	2	_		6	1-3
Brazil	14				1	4	4	1	1	1	12	10-17
Bulgaria	<u> </u>	1			_	1				_	6	2-3
Burma										_		1-3 5-8
Cambodia			_									1-3
Canada	43	2	2	2	4	9	7	6		8	40	32-53
Ceylon	6	_				3		1	1	_	5	1-3
China	17 51	1	1	3	2 8	3 12	1 16	8 7	1 2	1 2	16 52	3-5 51-86
Colombia	10		_	1		1	4	3	1		10	35
Costa Rica	2						1		1		2	1-3
Cuba	7				1		3	1			5	2-4
Czechoslovakia	13		*******	2	1	5 5	1	1		1	11 12	9–15
Denmark Dominican Republic	12 1				2		1 1	4 1			2	6-10 1-3
Ecuador	6					2	î	3		1	7	1-3
El Salvador	1				_					_		1-3
Ethiopia	1							1			1	1-3
Federation of Malaya	 5	_				1			1		1	2-3
Finland	87	1 1	3	7	1 11	1 26	19	1 16	2 2	5	6 90	4-6 66-11(
Germany, Federal Republic of	0,	-	3	•		20		10	4	Ü	70	00 110
(non-member)	2	-					1	1			2	
Ghana	1	******		1	_	_	_	2		_	3	1-3
Greece	10	1		<u> </u>	3	2	2	1	1		9 2	2-4 1-3
GuatemalaGuinea	1					_		_				1-3*
Haiti	3			_				2		2	4	1-3
Honduras			_						-			1-3
Hungary	3						2	1	-		3	4-7
Iceland	2 64	1	2		7	1 16	12	16	1	1 2	2 59	1-3 25-42
India	3							3			3	25–42 5–8
Iran	ğ	1	_			2	4	1			8	2-4
Iraq	2				1		_	1	_		2	1-3
Ireland	4			_	1	3	2				3 5	2-3 1-3
IsraelItaly	6 15	1	_	1	1	2	6	3	4		18	23-39
Japan	20	_	_		1		6	ğ	5		21	22-37
Jordan	5			_		1	4	1			6	1-3
Korea, Republic of (non-member)	1						1				1	
Labanan	<u>_</u>		_			_	3	3	_		6	1-3 1-3
Lebanon	1						_	-	1		1	1-3
Libya	_								_	_	_	1-3
Luxembourg	2			_				2			2	1-3
Mexico	11				3	3	2	1 1			9 1	7-12 1-3
Morocco Nepal	1 1	_			_			1	1	_	2	1-3
Netherlands	$2\overline{2}$	1		2	4	10	5	2	1	1	26	10-17
New Zealand	7	1			3	3	2		_		9	4-7
Nicaragua	1			****	_			1	_		1	1-3
Norway	21 12			2	3 2	3	8	4 2	1	1	20 12	5–8 4–7
Pakistan	12	1				1			_		2	1-3
Paraguay	1		_					1			1	1-3
Peru	6			_	-	3	1	2		_	6	1-3
Philippines	9	_	-	_	_	2	3	4		1	10	4-7
Poland	20 2		_	2	5	6	5	1 1	1 1		20 2	14-23 2-3
Portugal	<u></u>											2-3 3-6
Saudi Arabia	2	_					1		1		2	1-3
Spain	8				1	1	_	5	5		12	10-16
Sudan	1	1				 5				2	1 18	1-3
Sweden	17 22	1		1 1	$\frac{4}{2}$	5 3	3 6	2 6	3		18 21	14-24
Switzerland (non-member) Thailand	7		_	_			_	7	_	_	7	2-3
Tunisia						:					_	1-3

Table 1 (continued)

Nationality	No. of staff 31/8/58	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	G-5	No. of staff 31/8/59	Desirable range of posts
Turkey	7	_				1	2	3	2	1	9	6-10
Jkrainian SSR		_					1		_		1	18-31
Jnion of South Africa	13	1		1	1	5	2	3	1		14	6-10
Jnion of Soviet Socialist Republics	30	1	1	4	5	6	9	6	2		34	140187
Jnited Arab Republic	14	_	_		1	2	6	6			15	3–5
Jnited Kingdom of Great Britain												
and Northern Ireland	136	1	3	11	17	32	23	29	3	13	132	80-133
Jnited States of America	336	4	9	11	36	52	68	79	4	93	356	334-445
Jruguay	3					2		1			3	1-3
Venezuela	2					1	1				2	5–9
Viet-Nam (non-member)	1	_		_			_		1	_	1	_
Yemen	1							1			1	1-3
Yugoslavia	8	1		1	_	2	3	1			8	4-6
Total	1,236	24	24	 58	141	257	286	289	55	138	1,272	

Not included in the above totals:

Staff members who have permanent residence status in the United States and wh would otherwise be counted for purposes of geographical distribution	
Staff in posts with special language requirements (shown in table 7)	506
Staff on leave-without-pay	. 21
United Nations bodies	
General Service Staff except those at the principal level (G-5) at Headquarters	
Manual workersField Service personnel	
Grand total of staff as at 31 August 195	9 4.745

^{*} The "desirable range of posts" for Guinea has been calculated on the basis of the assessment recommended by the Committee in Contributions in its report to the General Assembly (A/4112, para. 8).

Table 2 $\begin{tabular}{llll} Appointments to posts subject to geographical distribution (by nationality and level) \\ (1 September 1958—31 August 1959) \end{tabular}$

This table shows, in descending order of the number of appointments of each nationality, the 84 appointments made during the year.)

Nationality	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	G-5	Total
Jnited States of America					1	5	4	1	1	12
Jnion of Soviet Socialist Republics		1		3	_	2	2	-		8
apan		_				2	1	2	_	5
Australia						2	2			4
taly				1		2		1		4
Vetherlands	1		_		1	1	_	1		4
Spain				_		-	1	3	_	4
Austria		1	_	_		1	_	1	_	3
Sweden	_	_	_	1	2				-	3
Jnited Arab Republic	_	_	_	1			2	_		3
Jnited Kingdom of Great Britain and Northern Ireland	1			_			1	1	_	3
inland			_	-	_		1	1		2
rance			1	i		1	_		_	-
ShanaVew Zealand			1	_		_	1			2
			_	1		1				2
						_	1			1
Burma				_		_	1			1
Colombia	_	_			_	1		_	_	1
Dominican Republic.					_		1			1
rederation of Malaya								1		1
Greece								1		1
Guatemala	_		1	_	_			_	_	1
faiti							1		_	1
ndia				_	1		_	_		ī
ran	1		_	_						1
Mexico	_		_	-		1			-	1
Vepal							1			1
Norway				1	_					1
Pakistan		_	1	_				_		1
Panama	1					—			_	1
Philippines							1			1

Table 2 (continued)

U- S	D-2	D-1	P-5	P-4	P-3	P- 2	P-1	G-5	Tota
		_	1						1
			_	_			1		1
		_			Mariana.	1			1
		_			1		_	_	1
			_	_	1	******		_	1
	_				1	_	_	_	1
4	2	3	10	5	22	23	14	1	84
	U-S . — . — . — . — . — . — . — . — . —	·							

Table 3

Career appointments to posts subject to geographical distribution (by nationality and level) (1 September 1958—31 August 1959)

(This table shows the distribution of the 26 appointments out of the total of 84 which were career appointments.)

Nationality	U- S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	G-5	Tota
United States of America					_	2	2		1	5
Spain			_			_	1	3	_	4
Australia	-			_		1	1			2
Finland		_					1	1		2
Italy	*****					1		1		2
Japan				-		_		2		2
Austria								1	_	1
Dominican Republic				_			1		_	1
Federation of Malaya		_		-	_	_		1		1
Haiti				-		_	1			1
Mexico	_				-	1				1
Netherlands								1		1
Portugal				******				1		1
Thailand	*****		_				1		***	1
United Arab Republic			_			_	1			1
•										
Total						5	9	11	1	26

Table 4

Non-career appointments to posts subject to geographical distribution (by nationality and level) (1 September 1958--31 August 1959)

(This table shows the distribution of the 58 appointments, out of the total of 84, which were non-career.)

Nationality	U- S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Tota
Union of Soviet Socialist Republics		1		3	_	2	2		8
United States of America		*****			1	3	2	1	7
Japan	_				_	2	1		3
Netherlands	1			_	1	1		_	3
Sweden	_		_	1	2				3
United Kingdom	1		-		-		1	1	3
Australia				_		1	1		2
Austria		1				1			2
France	_			1	_	1			2
Ghana			1				1		2
Italy ,			_	1	_	1			2
New Zealand				1		1		_	2
United Arab Republic				1			1		2
Bolivia				-			1		1
Burma							1		1
Canada					_	-	1		1
Colombia						1			1
Greece							_	1	1
Guatemala		-	1						1
India			_		1				1
Iran	1			*****		~~		_	1
Nepal			_				1		1
Norway				1					1
Pakistan			1						1
Panama	1			_		_			1
Philippines							1		1
Poland			_	1				_	1
Turkey						1		_	1
Ukrainian SSR				***************************************		1		_	1
Venezuela				-		1			1
			3	10	5	17	14	3	58

 ${\it Table \ 5}$ Staff in the Principal Officer, Director and Under-Secretary Categories

(This table shows the number of staff in the Principal Officer, Director and Under-Secretary categories as at 31 August 1958 and 31 August 1959.)

Nationality	31/8/58	31/8/59	Change since last year
United States of America	23	24	One return from leave-without-pay
United Kingdom of Great Britain and Northern Ireland	13	15	One appointment; one resignation; one completion of second- ment; one promotion
France	12	11	One completion of fixed-term appointment
Canada	7		One secondment from the Secretariat
Union of Soviet Socialist Republics	6	6	One completion of fixed-term appointment; one appointment
China	5		No change
India	5	5	No change
Netherlands	1	3	One secondment from a specialized agency to the Secretariat; one appointment
Australia	3	2	One retirement
Belgium	2	2	No change
Czechoslovakia	2	2	No change
[taly	2	2	No change
Pakistan	2	2	One separation; one appointment
Poland	2	2	No change
Sweden	3	2	One completion of fixed-term appointment
Union of South Africa	2	2	No change
Yugoslavia	2	2	No change
Argentina	1	1	No change
Austria		1	One appointment
Brazil	1		One retirement
Burma	1	1	No change
Chile	1		One transfer to the Technical Assistance Board
Colombia	1	1	No change
Finland	1	1	No change
Ghana	-	1	One appointment
Greece	1	1	No change
Guatemala		1	One appointment
Iran	1		One appointment; one resignation
Mexico	1		One resignation
New Zealand	1		No change
Panama		1	One appointment
Sudan	1	1	No change
Switzerland	1	1	No change
Venezuela	1		One leave-without-pay
Total	105	106	

 $Table\ 6$ Number and nationality of staff in posts subject to geographical distribution

(This table shows for each nationality the number of staff as at 31 August 1958 and 31 August 1959. It also explains the changes which have occurred during the period 1 September 1958 to 31 August 1959.)

	Number of	1/9	ntments 0/58 /8/59	Adjustments other than appointments 1/9/58	Number of		Desirable
Nationality	staff 31/8/58	Career	Non- Career	to 31/8/59a	staff 31/8/59	Special category ^b	range of posts
Afghanistan	3		_		3	_	1-3
Albania	_			_	_		1-3
Argentina	19		-	-2	17	1	11-19
Australia	19	2	2	-1	22		18-31
Austria	4	1	2	_	7		4-7
Belgium	22			-1	21		13-22
Bolivia	5		1		6	_	1-3
Brazil	14			-2	12		10-17
Bulgaria	*******		_				2-3
Burma	5		1		6		1-3
Byelorussian SSR	-						5–8

Table 6 (continued)

	Number of	1/9	ntments 9/58 1/8/59	Adjustments other than appointments 1/9/58	Number of		Desirable
Nationality	of staff 31/8/58	Career	Non- Career	to 31/8/59a	of staff 31/8/59	Special categoryb	range of posts
Cambodia				_			1-3
Canada	43	***	1	-4	40	1	32-53
Ceylon	6		_	-1	5		1–3
Chile	17			-1	16		3-5
China	51			+1	52		51-86
Colombia	10	_	1	-1	10	1	3–5
Costa Rica	2	_			2		1-3
Cuba	7	-		-2	5	1	2-4
Czechoslovakia	13			-2 	11	3	9-15
Denmark Dominican Republic	12 1	1		_	12 2	_	6-10 1-3
Dominican Republic Ecuador	6	1	_	+1	7	_	1-3
El Salvador	1		_	-1	******		1-3
Ethiopia	1				1		1-3
Federation of Malaya		1			1		2-3
Finland	5	$\tilde{2}$		-1	6		4-6
France	87		2	+1	90	3	66-110
Germany, Federal Republic of (non-member)	2	****	_		2	-	
Ghana	1		2		3		1-3
Greece	10		1	-2	9		2-4
Guatemala	1		1		2	_	1-3
Guinea	_						1-3*
Haiti	3	1			4		1-3
Honduras						_	1-3
Hungary	3				3		4-7
Iceland	2				2	_	1-3
India	64		1	-6	59		25-42
Indonesia	3				3		5–8
Iran	9	-	1	<u>-2</u>	8		2-4
Iraq	2			<u>-1</u>	2 3		1-3
Ireland	4 6			1 1	5 5		2-3 1-3
Israel	15	2	2	-1 -1	18		23-39
Italy	20	2	3	-1 -4	21		22-37
Japan Iordan	5			- ∓ +1	6		1-3
Jordan	1				í	_	_
Laos							1-3
Lebanon	6				6		1-3
Liberia	1				1		1-3
Libya							1-3
Luxembourg	2				2	1	1-3
Mexico	11	1	and the same of th	-3	9		7-12
Morocco	1				1		1-3
Nepal	1		1		2		1-3
Netherlands	22	1	3		26		10-17
New Zealand	7		2		9		4-7
Nicaragua	1		1	-2	1		1-3
Norway	21 12		1	-2 -1	20 12		5-8 4-7
Pakistan	1		1	1	2		1-3
Panama Paraguay	1				1		1-3
Peru	6				6		1-3
Philippines	ğ		1		10	-	4-7
Poland	20		1	-1	20	3	14-23
Portugal	2	1		-1	2	********	2-3
Romania							36
Saudi Arabia	2				2		1-3
Spain	8	4			12		10–16
Sudan	1		_		1		1-3
Sweden	17		3	-2	18		14-24
Switzerland (non-member)	22			-1	21		
Thailand	7	1		-1	7		2-3
Tunisia		→	_	. 1			1-3
Turkey	7		1	+1	9		6-10
Ukrainian SSR	13		1	+1	1 14		18-31 6-10
Union of South Africa	30		8	$^{+1}$ -4	34	_	140–187
Union of Soviet Socialist Republics	30 14	1	2	-4 -2	15		3-5
United Arab Republic	1.1		2	2	10		5 5

Table 6 (continued)

	Number of	Appointments 1/9/58 to 31/8/59		Adjustments other than appointments 1/9/58	Number of		Desirable
Nationality	staff 31/8/58	Career	Non- Career	1/9/38 10 31/8/59*	staff 31/8/59	Special calegory ^b	range of posts
Jnited Kingdom	136		3	-7	132°	3	80-133
Jnited States of America	336	5	7	+8	356ª	_	334-445
Jruguay	3	_			3		1-3
Venezuela	2	_	1	-1	2		5–9
Viet-Nam (non-member)	1	_			1	_	
Yemen	1	_			1		1-3
Yugoslavia	8			_	8		46
Total	1,236	26	58	-48	1,272	17	

^{*}The "desirable range of posts" for Guinea has been calculated in the basis of the assessment recommended by the Committee in Contributions in its report to the General Assembly (A/4112, para. 18).

- a This column takes note of such adjustments as:
- (i) Resignations, retirements, completion of fixed-term appointments or separations for any other cause.
- Staff transferred between language posts and posts subject to geographical distribution.
- (iii) Staff who have been placed on leave-without-pay or have returned from such leave.
- (iv) Secondments and completion of secondments to the Techni-

- cal Assistance Board, Special Fund and other United Nations bodies.
- (v) Promotion of General Service staff (at Headquarters, below G-5) to posts subject to geographical distribution.
- (vi) Changes in nationality status.
- ^b Staff members who have permanent residence status in the United States of America and who would otherwise be counted
- of the distribution.

 of Includes four staff members appointed within the terms of General Assembly resolution 746 (VIII).

 d Includes one staff member appointed within the terms of General Assembly resolution 746 (VIII).

Table 7 Staff in posts with special language requirements (excluded from consideration for purposes of geographical distribution) as at 31 August 1959

(By nationality and level)

Nationality	P-5	P-4	P-3	P-2	P-1	G-5	Total
Argentina	1	6	14	6		_	27
Australia				1	1		2
Belgium		2	7	_			9
Canada	_	1	3	1	1	1	7
Chile			5	4			9
China	1	14	34	2	4		55
Colombia		1	2				3
Costa Rica			1				1
Cuba		_	1				1
Dominican Republic			2				2
Ecuador		1	1	_			2
Finland			1				1
France	2	34	66	26	6	2	136
Greece			1				1
Guatemala			1				1
Iraq			1				1
Ireland			1				1
Israel	_	1			1		2
Italy				2	1		3
Lebanon		1	1		1		3
Mexico		2	2	1			5
Netherlands		1					1
Paraguay	_		1				1
Peru					1		1
Spain		5	6	7			18
Switzerland (non-member)		1	2				3
Union of Soviet Socialist Republics	1	5	9	12			27
United Arab Republic	_		2	1	_		3
United Kingdom of Great Britain and Northern Ireland	2	20	27	15	1	6	71
United States of America		25	45	8	5	10	93
Uruguay		2	_				2
Stateless		7	6	_		1	14
Total	7	129	242	86	22	20	506

Annex II Geographical distribution of the staff (level P-1 and above) by major regions As at 31 August 1959

	Desirable range	Total number	Number of staff		
Region/Nationality	(Posts P-1 and above)	of staff P-1 to U-S	$D\!-\!1$ and $above$	P-5	
Af r ica					
Ethiopia	1-3	1	_		
Ghana	1-3	3	1		
Guinea	1-3		_		
Liberia	1-3	1			
Libya	1-3				
Morocco	1-3	1			
Sudan	1-3	1	1		
Tunisia	1-3	1.4			
United Arab Republic	5-9 3-5	14 15	2	1	
Cinted Man Republic					
Total	16–38	36	4	2	
1sia and the Far East	45.00				
Australia	17-28	22	2	2	
Burma	1-3	6	1		
Cambodia	1-3 1-3	5			
Ceylon	46–76	50	5	8	
Federation of Malaya	2-3	1		_	
India	23-38	$5\overline{7}$	5	7	
Indonesia	4-7	3			
Japan	20-34	21	-	1	
Laos	1-3	 -			
Nepal	1-3	2			
New Zealand	4–6	9	1	3 2	
Pakistan	4–6 4–7	12 9	2		
Thailand	2-3	7			
Total	131-223	204	 16	23	
	131-223	204	10	23	
Europe, Eastern					
Albania	1-3 2-3	F			
BulgariaByelorussian SSR	2-3 4-7				
Czechoslovakia	8–13	10	2	1	
Hungary	4–6	3		_	
Poland	13-21	20	2	5	
Romania	3-5			_	
Ukrainian SSR	17-28	1			
Union of Soviet Socialist Republics .	126–168	34	6	5	
Total	178-254	68	10	11	
Europe, Western					
Austria	4-7	7	1	1	
Belgium	12-20	20	2	3	
Denmark	6–9	12		2	
Finland	3-6	6	1	1	
France	59–97	85 9	11 1	11 3	
Greece	2-4 1-3	1	1	3	
IcelandIreland	2-3	3	_	1	
Italy	21-35	18	2	1	
Luxembourg	1-3	2			
Netherlands	9-16	25	3	4	
Norway	5-8	19	-	3	
Portugal	2-3	2			
Spain	9–14	12	_	1	
Sweden	13–21	16	2	4	
United Kingdom of Great Britain	70 400	119ª	15	17	
	77-170				
and Northern Ireland	72-120 3-5				
	72–120 3–5	8	2		

Annex II (continued)

	Desirable	Total number	Number of staff		
Region/Nationality	range (Posts P-1 and above)	of staff P-1 to U-S	D-1 and above	P-5	
Latin America					
Argentina	10-17	16	1	2	
Bolivia	1-3	6		1	
Brazil	9–16	11	-	1	
Chile	2-4	15		2	
Colombia	3-5	10	1		
Costa Rica	1-3	2	_		
Cuba	2-4	5		1	
Dominican Republic	1-3	2			
Ecuador	1-3	6			
El Salvador	1-3	_			
Guatemala	1-3	2	1	_	
Haiti	1-3	2		_	
Honduras	1-3	_		_	
Mexico	6–11	9		3	
Nicaragua	1-3	1		_	
Panama	1-3	2	1		
Paraguay	1-3	1			
Peru	1-3	6			
Uruguay	1-3	3			
Venezuela	5–8	2			
Тота	50-104	101	4	10	
Middle East					
Afghanistan	1-3	3			
Iran	2-3	8	1		
Iraq	1-3	2	_	1	
Israel	1-3	5		_	
Iordan	1-3	6	_	_	
Lebanon	1-3	6			
Saudi Arabia	1-3	2			
Turkey	5–9	8			
Yemen	1-3	1			
T.	44.22				
Total	14–33	41	1	1	
North America					
Canada	29-48	32	6	4	
United States of America	300-400	263ь	24	36	
Total	329-448	295	30	40	

a Includes four appointments under General Assembly resolution 746 (VIII) from the West Indies (2) Sierra Leone and Nigeria

Indies (2), Sierra Leone and Nigeria.

^b Includes one appointment under General Assembly resolution 746 (VIII) from the Virgin Islands.

(b) Proportion of fixed-term staff

DOCUMENT A/C.5/785

Report of the Secretary-General

[Original text: English] [29 September 1959]

- 1. At the eleventh session of the General Assembly, the Fifth Committee decided that it would review annually the matter of the proportion of fixed-term staff to career staff.
- 2. Two documents already issued bear on this subject:
 - (a) "Staff of the United Nations Secretariat" (A/C.5/L.564), which indicates by asterisk the staff members who have permanent appointments;
- ¹ See Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 51, document A/3558, para. 129.
- (b) The Secretary-General's report on "Geographical distribution of the staff of the Secretariat of the United Nations" (A/C.5/784), which, inter alia, gives the appointments made during the twelve months ending 31 August 1959, divided between those on a career basis and those for a fixed term.
- 3. In submitting the following information, the Secretary-General points out that it relates to staff in the Professional category and above, excluding staff in posts with special language requirements.

		Number	Appointments made during the twelve months ending:				
	31/8/1956	31/8/1957	31/8/1958	31/8/1959	31/8/1957	31/8/1958	31/8/195
Career staff	953	960	946	958	38	30	26
Fixed-term staff	124	153	178	191	63	72	58
Тотлі	1,077	1,113	1,124	1,149	101	102	84

4. The following table showing the distribution, by nationality and level, of the 191 fixed-term staff en ployed as at 31 August 1959, is submitted in the light of the discussions in the Fifth Committee at the thirteent session of the General Assembly.

	U-S	D-2	`D-1	P-5	P-4	P-3	P-2	P-1	Tota
Argentina	1		_			2			3
Australia		1	_	_		2	1	1	5
Austria		1			_	2			3
Bolivia					-		1		1
Brazil	_		****			1	1	1	3
Burma				-	1		1		3
Canada	2	1		—	-		1		4
Ceylon		_	-		1	_			1
Chile					1				1
China	1	_					_		1
Colombia						1			1
Czechoslovakia					1	_			1
Denmark				1		1			2
Finland	1	_	_	1		_			2
France	1	2	2	1	2	3	_		11
Germany, Federal Republic of (non-member)	_					1	1		2
Ghana			1				1		2
Greece	1							_	1
Guatemala			1				1	_	1
Hungary		1	2	3	5	2	1		14
India		1		3			1		14
Indonesia	1						1	_	1
Iran	1			1				_	1
Ireland	1		1	1	1	2	_		6
Italy Japan	1			1		6	5	2	14
Jordan							1		1
Korea, Republic of (non-member)					_	1			i
Morocco				_			1		1
Nepal		*****					ī		î
Netherlands	1		1	_	1	1	_		4
New Zealand		Minimum.		1		1			3
Norway			_	1		1			2
Pakistan			1		1	1			3
Panama	1		-		-		_		1
Philippines	-						1		1
Poland				2	1				3
Spain		_	_	_	1			1	2
Sudan	1				-				1
Sweden	1		_	2	2				5
Switzerland (non-member)	_			1		_	_	-	1
United Arab Republic	_			1		-	2		3
Thailand			_				3		3
Turkey						1			1
Ukrainian SSR		_				1			1
Union of South Africa	1		-		_	1		1	3
Union of Soviet Socialist Republics	1	1	4	5	5	8	3	2	29
United Kingdom of Great Britain and				•	2	2			
Northern Ireland	1			2	3	3	1	1	11
United States of America	4	1	***************************************	3	1	7	3	1	20
Venezuela	_				4	1			1
Yugoslavia	1	_			1	1			3
Tome	<u></u> 24	8	13	27	28	51	30	10	191
Total	4	0	13	41	40	31	30	10	131

(c) Other personnel questions **DOCUMENT A/C.5/780**

Definitions of dependency: report of the Secretary-General

[Original text: English] [23 September 1959]

- 1. At its twelfth session the Fifth Committee condered a pattern of definitions of dependency for etermining entitlement to dependency allowances hich the Secretary-General had submitted as the sult of consultations at the administrative level mong the interested international secretariats.2
- ^{*}2. The development of new definitions of dependncy stemmed from a recommendation of the Salary eview Committee that a more restrictive definition f dependency, where cases of both husband and wife re in receipt of earned income, should come into force ot later than the date of introduction of the scheme f post adjustments and revised dependency allownces.3
- 3. It proved not to be practicable to apply the new efinitions of dependency by the date envisaged by ne Salary Review Committee and the Fifth Comnittee accordingly invited the Secretary-General after onsultation with the executive heads of the specialred agencies and taking full account of the proposals f the Salary Review Committee and of the views xpressed in the Fifth Committee, to formulate the efinitions of dependency and apply them to the staff, eporting the results through the Advisory Committee n Administrative and Budgetary Questions to the Feneral Assembly at its twelfth session.4
- 4. At the twelfth session the Fifth Committee ecorded its conclusions as follows:
- 'Subject to review in the light of a full year's working experience, the Fifth Committee approves the tentative definitions of dependency as set out in the report of the Secretary-General (A/3656), and requests the Secretary-General to introduce these definitions at an early date."
- 5. Under resolution 1095 (XI), in which the General Assembly recorded its conclusions on many aspects of he report of the Salary Review Committee, the
- ² Ibid., Twelfth Session, Annexes, agenda item 51, document
- 1/3656, para. 19.

 * Ibid., Eleventh Session, agenda item 51, separate fascicle,

ocument A/3209, para. 203.

4 Ibid., Annexes, document A/3558, para. 96.

5 Ibid., Twelfth Session, Annexes, agenda item 51, document ./3797, para. 18.

Secretary-General was authorized "to pay, as a transitional measure, personal allowances to present staff members who would otherwise suffer a reduction in emoluments through the initial application of new rates of dependency allowances, such personal allowances to be decreased and eventually eliminated according to a procedure to be prescribed by the Secretary-General."

- 6. The new definitions of dependency were applied to the staff of the Secretariat in all offices with effect from 1 October 1958 and have been in operation since that time. Transitional personal allowances were applied as of 1 October 1958 to staff who would otherwise have suffered a reduction in emoluments because of the effect of the new definitions.
- 7. The first reduction (25 per cent) of the transitional personal allowance was made, in the case of staff in the professional and higher salary levels, coincidentally with the reclassification of the Headquarters area as class 6 in the post-adjustment system. A first reduction amounting to 20 per cent of the transitional personal allowance was made in the case of staff in the General Service and Manual Workers category as of 1 July 1959.
- 8. The Secretary-General, with the administrative heads of the specialized agencies that have applied these definitions (ILO, FAO, WHO and UNESCO) has found that the new definitions of dependency are satisfactory and can be readily administered. Administrative difficulties have proved to be less onerous than might have been expected and indeed the Secretary-General is of the opinion that the new definitions are both more equitable and somewhat easier to administer than the arrangements that were previously in force. In this connexion it will be recalled that the General Assembly, at its thirteenth session, approved the deletion from staff regulation 3.4 of a reference to benefits which might be derived under the dependency provisions of national income tax laws (resolution 1295 (XIII)).
- 9. The Secretary-General accordingly recommends that the present definitions of dependency be continued, subject to whatever minor adjustments experience may show to be warranted.

DOCUMENT A/4329

Report of the Fifth Committee

[Original text: English] [3 December 1959]

- 1. The Fifth Committee considered agenda item 54, Personnel questions", at its 738th to 743rd meetings ield from 5 to 12 November 1959.
 - (a) Geographical distribution of the staff of the Secretariat
 - (b) Proportion of fixed-term staff
 - 2. The progress that had been made during the

past year (1 September 1958–31 August 1959) towards achieving a numerical balance of Secretariat posts among nationalities formed the central topic of discussion but, as at previous sessions, attention was also given to the related question of geographical distri-bution by level of posts. These two questions, together with the proportion of fixed-term appointments, were viewed as parts of a single problem.

- 3. In measuring what had been accomplished in the year under review, some delegations acknowledged the many difficulties with which the Secretary-General had to contend. Article 101, paragraph 3 of the Charter imposed specific obligations and, while it had rightly been argued in the past that no single Member State or group of States had a monopoly of talent, it was not the fact that talent was, by that token, made available to the United Nations on request. The Secretary-General could do nothing if Member States, including a number whose nationals formed a disproportionately small part of the Secretariat, found it impossible to spare qualified nationals for service in the Secretariat. In some cases, Governments were unable to nominate any candidates. It was also to be noted that, apart from the historical reasons that had led in the early days of the Organization to a serious imbalance among nationalities in the Secretariat, the increase between 1955 and 1959 in the number of authorized posts had not kept pace with the enlarged membership of the United Nations, and, further, that the Professional establishment had been stabilized for the past two years. However desirable on other grounds, those were retarding factors as regards improvement in geographical distribution. The balance could have been redressed only if the services of qualified staff members had been terminated for reasons of geographical distribution, a measure which the Secretary-General had very properly declined to adopt. In the light of all those considerations, the Secretary-General could reasonably claim that, with a Secretariat comprising, in November 1959, seventythree different nationalities, he had substantially implemented the intent of the Charter.
- 4. Other delegations considered that little improvement had been recorded in the past year since there still remained nineteen Member States which had no nationals in the Secretariat or were below the mini-mum of the "desirable range". There was no justification for regarding efficiency and geographical distribution as conflicting requirements. Article 101, paragraph 3 of the Charter provided, in their view, a harmonious combination of two elements and, if strictly observed, would remove the present undue emphasis on competence and efficiency and afford to all Member States an opportunity of nominating candidates of the requisite quality. Only if all peoples, cultures and systems of government were "represented" could the work of the Secretariat become truly objective and reflect, not sectional interests but the interests of all Member States. To that end, the General Assembly had recommended in 1957 (resolutions 1097 (XI) of 27 February 1957 and 1226 (XII) of 14 December 1957) that, in future appointments at all levels, appropriate preference should be given to nationalities which formed a disproportionately small part of the Secretariat. The latest statistics (A/C.5/784) showed that too little had been done to comply with that directive. In the past year, only 20 out of 84 appointments had gone to nationalities coming within that definition, whereas the nationals of 14 countries which had already exceeded the "desirable range" of posts had received nineteen appointments, including three to posts at high levels. Yet the General Assembly at the previous session had specifically requested the Secretary-General, in striving towards a better geographical distribution of the Secretariat, to give "particular regard to posts at the top level" (resolution 1294 (XIII)). Remedial action was clearly necessary; it should be so designed as to

- promote without delay an equilibrium between the various regions and nationalities. In particular, i would be advisable: (a) to limit recruitment to the nationals of Member States which had not yet reached the "desirable range of posts", and (b) to suspend the existing system of career appointments and gran only fixed-term appointments. Apart from restoring the geographical balance, such measures would enable Member States, under a system of rotation, to send some of their nationals to the Secretariat in order to acquire, during a limited period of service, the necessary experience and knowledge of the work of the United Nations.
- 5. Some representatives, while opposing the cours outlined in the previous paragraph, were in favour of a moderate increase in the proportion of fixed-term to career appointments (now standing at 16.6 per cent). It was, however, pointed out that some staff should continue to be recruited on a career basis in order to maintain a satisfactory ratio between the two cate gories of staff. There might also be a case for instituting a stricter review of career appointments, no limited to a single review upon completion of five years' service but continuing at intervals throughou the career.
- 6. Special attention was drawn by some delegations to what they regarded as an unsatisfactory situation that prevailed at the higher policy-making levels of the Secretariat, and to which the Committee has already referred, in a narrower context, in the report on the public information activities of the United Nations (A/4301, paras. 28 and 29). The posts in question were distributed as follows:

N	Nationals of orth America ind Western Europe	All othe regions
Principal officer and higher levels	. 70	35
Senior officer level		47

- 7. The point was also made that, while there was an evident need to improve the distribution for certair regions, the problem should not be viewed solely from the regional standpoint. For the continent of Africa for example, two countries had exceeded the "desirable range" while four countries had no nationals in the Secretariat. In that case the imbalance was both regional and national. In other cases, national in equalities might persist in a region that reflected an adequate over-all distribution.
- 8. Some speakers suggested that, in establishing the "desirable range" of posts, account should be taken of additional factors beyond the purely mathematical. It would also make for a more valid comparison between Member States if the difference between the minimum and maximum limits were reduced. In addition, a separate range applying to posts at the Senior Officer and higher levels might be introduced or alternatively a points system, similar to the one in force in UNESCO, for determining the relative importance of posts.
- 9. Some delegations were of the opinion that the principle of geographical distribution should be applied not only at the stage of recruitment but also in regard to promotion, as a means of achieving a better balance at the higher levels. Other representatives, however, while agreeing with the purpose in view, felt that it would be inequitable to admit the element of nationality into the promotion system. That was an extraneous factor which should not be considered when the work of a staff member and the

uality of his performance came under review. It ould be unjust to the individual and harmful to the reganization if a well merited promotion was withheld ecause of the nationality of the person concerned.

10. At the 742nd meeting, the Committee condered the following draft resolution (A/C.5/L.584), thich was submitted jointly by Japan, Saudi Arabia nd the United Arab Republic:

"The General Assembly,

"Having considered the report of the Secretary-General regarding the geographical distribution of the staff of the Secretariat of the United Nations (A/C.5/784),

"Noting with appreciation that, during the year 1959, some progress has been made towards the implementation of its resolutions 1097 (XI) of 27 February 1957, 1226 (XII) of 14 December 1957 and 1294 (XIII) of 5 December 1958,

"Noting further that the Secretary-General's efforts are going to continue to accelerate the achievement of an equitable geographical distribution of the staff of the United Nations Secretariat,

"Recognizing that without an adequate regional and cultural representation at the policy-making level of the Secretariat of the United Nations, the purposes of the Charter could not be duly served,

"1. Recommends that:

- "(a) In the recruitment of the staff of the Secretariat, priority should be given to candidates from Member States which either do not have nationals on the staff or which have a disproportionately small number of their nationals on the staff;
- "(b) Vacancies in posts at higher levels of the United Nations Secretariat should be filled, as far as possible, by qualified candidates representative of geographical areas and main cultures which are not represented, or not adequately represented, in these key posts;
- "(c) More interchange of personnel between Headquarters and the field offices of the United Nations should be carried out whenever possible;
- "(d) The Secretary-General's endeavours to increase the number of the Secretariat staff appointed on a fixed-term contract should be continued and encouraged;
- "2. Requests the Secretary-General to report to the General Assembly at its fifteenth session on the progress made in this regard."
- 11. The representative of the United Arab Republic explained that, in the hope of achieving unanimous acceptance of the proposed text, the sponsors of the oint draft resolution had refrained from including a paragraph concerning the factor of geographical disribution in relation to promotion, although several lelegations had referred to that question. The representative of Japan stated that his sponsorship had been conditional on the omission of any such reference in the draft test.
- 12. The Netherlands representative proposed the ollowing amendments: (a) To insert, at the end of the third preambular paragraph, the words "within the provisions of Article 101 of the Charter"; and (b) To insert the word "qualified" before the word "candidates" in operative paragraph 1 (a). The

sponsors accepted the latter amendment; as regards the former, they agreed to embody the tenor of it in an opening paragraph reading: "Recalling the provisions of Article 101 of the Charter".

- 13. The Ethiopian representative proposed the insertion after operative paragraph 1 (b) of a new subparagraph reading: "(c) Constructive action should be taken in the application of the principle of adequate geographical representation to the appointment as well as to the promotion of the staff of the Secretariat".
- 14. The representative of the Secretary-General reminded the Committee that at the twelfth session the Committee had been in general agreement that the principle of geographical distribution could not in equity be invoked as a barrier to promotion and that merit alone should be the decisive factor in the advancement of the staff member. Matters relating to the promotion of staff were within the prerogative of the Secretary-General. The system in force was based exclusively on merit and seniority, and if other considerations were admitted, they would not only cause injustice by thwarting merited promotions but make the promotion system virtually unworkable.
- 15. In withdrawing his amendment the representative of Ethiopia said that he did so in deference to the declared wish of the Secretary-General's representative. His insistence on the importance of geographical distribution implied no disregard of the paramount consideration set forth in Article 101, paragraph 3 of the Charter. He reiterated his delegation's sincere appreciation of the present efforts of the Secretary-General to remedy the disparity in the geographical distribution of the staff at all levels.
- 16. The result of the voting on the draft resolution (A/C.5/L.584), as amended, was as follows: operative paragraph 1 (a) was adopted by 53 votes to none, with 5 abstentions; operative paragraph 1 (b) was adopted by 57 votes to none, with 3 abstentions; operative paragraph 1 (c) was adopted by 46 votes to none, with 14 abstentions. The draft resolution as a whole, as amended by the sponsors, was adopted by 59 votes to none, with 2 abstentions (see paragraph 19).
- 18. At its 743rd meeting, the Committee took note of the report of the Secretary-General (A/C.5/785) on the proportion of fixed-term staff.

(c) Other personnel questions

19. At its 743rd meeting, the Committee took note of the report on definitions of dependency (A/C.5/780), in which the Secretary-General recommended that the existing definitions should be continued, subject to whatever minor adjustments experience might show to be warranted.

Recommendation of the Fifth Committee

20. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT OF THE UNITED NATIONS

[Test adopted by the General Assembly without change. See "Action by the General Assembly" below.]

⁶ Ibid., para. 36.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 846th plenary meeting, on 5 December 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4329, para. 19). For the final text, see resolution 1436 (XIV) below.

Resolution adopted by the General Assembly

1436 (XIV). GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT OF THE UNITED NATIONS

The General Assembly,

Recalling the provisions of Article 101 of the Charter of the United Nations,

Having considered the report of the Secretary-General regarding the geographical distribution of the staff of the Secretariat of the United Nations (A/C.5/784),

Noting with appreciation that, during the year 1959, some progress has been made towards the implementation of its resolutions 1097 (XI) of 27 February 1957, 1226 (XII) of 14 December 1957 and 1294 (XIII) of 5 December 1958,

Noting further that the Secretary-General will continue his efforts to accelerate the achievement of an equitable geographical distribution of the staff of the Secretariat,

Recognizing that, without an adequate regional and cultural representation at the policy-making level of the Secretariat, the purposes of the Charter cannot be duly served,

1. Recommends that:

- (a) In the recruitment of the staff of the Secretariat of the United Nations, priority should be given to qualified candidates from Member States which either have no nationals on the staff or which have a disproportionately small number of their nationals on the staff:
- (b) Vacancies in posts at higher levels of the Secretariat should be filled, as far as possible, by qualified candidates representative of geographical areas and main cultures which are not represented, or not adequately represented, in these key posts;
- (c) An increased interchange of personnel between Headquarters and the field offices of the United Nations should be carried out whenever possible;
- (d) The Secretary-General's endeavours to increase the number of the Secretariat staff appointed on fixed-term contracts should be continued and encouraged;
- 2. Requests the Secretary-General to report to the General Assembly, at its fifteenth session, on the progress made in this regard.

846th plenary meeting, 5 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 54 which are not reproduced in the present fascicle.

Document No.	Tsile	Observations and references
A/4112	Report of the Committee on Contributions	Official Records of the General Assembly, Fourteenth Session, Supplement No. 10
A/4301	Report of the Fifth Committee	Ibid., Annexes, agenda item 52
A/C.5/L.564	Staff of the United Nations Secretariat: Report of the Secretary-General	Mimeographed
A/C.5/L.584	Japan, Saudi Arabia, United Arab Republic: draft resolution	Incorporated in A/4329, para. 10
A/C.5/L.595	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 758th meeting, see A/4329

GENERAL ASSEMBLY



Agenda item 55

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 55: Report of the International Law Commission on the work of its eleventh session*

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DOCUMENT A/C.6/L.445

Bolivia: draft resolution

[Original text: Spanish] [5 October 1959]

The General Assembly,

Considering the desirability of introducing uniformity and order into the rules applied in practice by States in connexion with the utilization and exploitation of international or inter-State waterways and navigation thereon,

- 1. Requests the International Law Commission to include the codification of current laws on the utilization and exploitation of international or inter-State waterways and navigation thereon as the next subject in its programme of work;
- 2. Requests the United Nations Secretariat, in collaboration with the International Law Commission, to undertake the task of compiling, classifying and analysing existing information on practices having the force of law which govern the use of international or inter-State rivers.

DOCUMENT A/C.6/L.445/REV.1

Bolivia: revised draft resolution

[Original text: Spanish] [7 October 1959]

The General Assembly,

Considering the desirability of introducing uniformity and order into the rules applied in practice by States in connexion with the utilization and exploitation of international rivers and navigation thereon,

- 1. Requests the International Law Commission to study, when it deems opportune to do so, the possibility of codifying current laws on the utilization and exploitation of international rivers;
- 2. Requests the Secretary-General of the United Nations to undertake, in collaboration with the International Law Commission, the task of compiling, classifying and analysing the available information on this question.

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Sixth Committee,

DOCUMENT A/C.6/L.445/REV.2

Bolivia: revised draft resolution

[Original text: English]
[13 October 1959]

The General Assembly,

Considering that it is desirable to initiate preliminary studies relating to the legal problems in connexion with the utilization and use of international rivers with a view to determining whether the subject is appropriate for codification,

- 1. Requests the Secretary-General:
- (a) To prepare a report containing:
- (i) Information provided by Member States regarding their legislation and practice in the matter;
- (ii) An analysis of existing bilateral and multilateral treaties;

- (iii) An analysis of decisions of international tribunals:
- (iv) A survey of studies made or being made by nongovernmental organizations concerned with international law;
- (b) To include this question in the provisional agenda of the regular session of the General Assembly following circulation of the report to the Member States;
- 2. Invites Member States to furnish the Secretary-General with the necessary information regarding their relevant treaties, legislation and practice.

DOCUMENT A/4253

Report of the Sixth Committee

[Original text: English/Russian] [2 November 1959]

- 1. The General Assembly, at its 803rd plenary meeting on 22 September 1959, placed on the agenda of its fourteenth session the item entitled "Report of the International Law Commission on the work of its eleventh session" and referred it to the Sixth Committee.
- 2. The Committee considered the item from its 601st to 614th meetings held between 24 September and 19 October 1959.
- 3. At the 601st meeting, the Chairman welcomed, on behalf of the Sixth Committee, Sir Gerald Fitzmaurice, Chairman of the International Law Commission, and invited him to introduce the Commission's report (A/4169). Sir Gerald Fitzmaurice made a statement in the course of the debate and replied to questions put to him by representatives.
- 4. The report of the Commission was divided into four chapters devoted respectively to the organization of the session, the law of treaties, consular intercourse and immunities, and other decisions of the Commission.
- 5. In addition, the Sixth Committee considered a request made by the representative of El Salvador that the International Law Commission, as soon as it considers it advisable, undertake the codification of the principles and rules of international law relating to the right of asylum.
- → 6. The Committee also considered a request made by the representative of Bolivia that the International Law Commission include in its programme of work the codification of current laws on the utilization and exploitation of international rivers and that the Secretariat, in collaboration with the Commission, undertake the task of compiling, classifying and analysing the available information on the question.

I. REPORT OF THE INTERNATIONAL LAW COMMISSION

Proposal

7. A draft resolution (A/C.6/L.444 and Add.1 and 2) was submitted by Afghanistan, Bolivia, Ceylon, Cuba, Hungary, Iraq, Japan, Mexico, Pakistan, Panama and Poland whereby the General Assembly would take note of the report of the International Law Commission and express its appreciation of the work done by the Commission.

Debate

- 8. As the International Law Commission had been unable to complete at its eleventh session the draft on consular intercourse and immunities and that on the law of treaties, its report was this year in the nature of a progress report.
- 9. Therefore, the representatives who took part in the debate were of the opinion that it would be sufficient to take note of the report without discussing in detail the substantive questions.
- 10. There were, however, some comments concerning the law of treaties. Some representatives agreed with paragraph 13 of the report, which stated that, since the topic of the law of treaties was subdivided into a number of well-defined branches to a large extent self-contained, there was no reason why the Commission's work on each of them should not be submitted to Governments and to the Assembly, without awaiting the completion of the work on the remaining branches or on the subject as a whole.
- 11. Others held the view that the law of treaties could only be codified as a whole and that, while various branches of the subject might be dealt with by

the Commission in parts, it would still not be possible for the General Assembly to take final action until the whole text was available.

- 12. Several representatives expressed their agreement with paragraph 18 of the report, which stated that the Commission had not "at present envisaged its work on the law of treaties as taking the form of one or more international conventions or as taking the form of a treaty, but rather as a code of a general character".
- 13. Other representatives disagreed with that statement and held the view that the best way for the Commission to present its recommendations was in the form of draft international conventions to be considered in United Nations organs or at international conferences.
- 14. It was felt, however, that it was too early to recommend a specific method of action because there was not enough information to justify a decision at the present stage.
- 15. In connexion with that section of the Commission's report devoted to co-operation with other bodies (A/4169, chap. IV, sect. II), some representatives, while expressing their satisfaction that the Commission was represented at the meetings of the Inter-American Council of Jurists, at the same time regretted the Commission's inability to have an observer attend the meetings of the Asian-African Legal Consultative Committee; they expressed the hope that arrangements could be made in the future which would facilitate closer consultation between the two organs.
- 16. During the debate remarks were made by some representatives concerning the methods of work of the Commission. It was held, inter alia, that in order to expedite its work the Commission might appoint assistant rapporteurs to help the rapporteurs in their research, or provide interim associate rapporteurs whenever other duties made it impossible for the regular rapporteurs to complete their assignments. It was also stated that the Commission could be divided into groups which would examine two or more drafts at the same time.

Voting

- 17. At its 611th meeting, on 13 October 1959, the Sixth Committee unanimously adopted the joint draft resolution (A/C.6/L.444 and Add.1 and 2).
- 18. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolution I contained in paragraph 55 of the present report.

II. RIGHT OF ASYLUM

Proposal and amendment

- 19. A draft resolution was submitted by El Salvador (A/C.6/L.443) whereby the General Assembly would request the International Law Commission, as soon as it considers it advisable, to undertake the codification of the principles and rules of international law relating to the right of asylum.
- 20. Cuba submitted an amendment (A/C.6/L.447) to the draft resolution of El Salvador in order to replace, in the operative part, the words "as soon as it considers it advisable, to undertake the codification" by the phrase "to give priority to the codification". This amendment was later withdrawn.

Debate

- 21. In introducing his request to the International Law Commission to codify the principles and rules relating to the right of asylum, the representative of El Salvador pointed out that the importance of the matter had been acknowledged by the Commission, which at its first session had included the right of asylum in its list of topics selected for codification (A/925, para. 16). For lack of time the Commission had not yet had an opportunity to study it. The question had not been ignored by the General Assembly where, at its seventh session, in connexion with the debate on the request to give priority to the codification of diplomatic intercourse and immunities, the representative of Colombia had submitted an amendment asking that priority also be given to the right of asylum. 1/This proposal had been defeated on the ground that this constituted a separate topic. In addition, the representative of El Salvador stressed that although the right of asylum, with its twin aspects of territorial asylum and diplomatic asylum, was an ancient institution, accepted and applied in many parts of the world, it had not yet reached adequate uniformity, and that the work of the Commission would have to consist of both codification and progressive development of international law.
- 22. Most of the representatives who expressed themselves on this subject were in favour of the proposal of El Salvador.
- 23. However, some representatives were of the opinion that the request lay beyond the scope of the report of the Commission and therefore could not be discussed by the Sixth Committee, because to do so would in fact be equivalent to including a new item in the agenda of the General Assembly.
- 24. In addition, it was held that the General Assembly should normally avoid disrupting the Commission's programme of work or overburdening it with the study of new questions. A long list might well be made of the subjects which the Commission could profitably discuss; but no new subjects should be proposed for the Commission's consideration, unless they were really of exceptional importance.
- 25. Other representatives felt that if no priority was requested, the proposal was superfluous, since the right of asylum was already on the list of the topics selected by the International Law Commission for codification.
- 26. Several representatives, who were in favour of the Salvadorian proposal, pointed out that the question of the right of asylum, especially territorial asylum, had been studied by various United Nations organs, inter alia, by the Commission on Human Rights which, on 25 March 1959, adopted a resolution whereby it decided to undertake at its 1960 session the drafting of a declaration on the right of asylum. 2/ Therefore they were of the opinion that some clarification was needed regarding the respective functions of the Commission on Human Rights and the Economic and Social Council, on the one hand, and the International Law Commission on the other hand. It was even stated that

½ See Official Records of the General Assembly, Seventh Session, Annexes, agenda item 58, document A/C.6/L.251.

^{2/} See Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 8, chap. III, para. 74.

the International Law Commission could not undertake a codification of the subject before the results of the study by the Commission on Human Rights were available.

- 27. Other representatives thought that the matter might be dealt with in relation to the question of diplomatic intercourse and immunities, of which the right of diplomatic asylum was a part. It was pointed out, however, that this would leave out the problem of territorial asylum.
- 28. In the view of some representatives it was important to consider whether the subject of the right of asylum could be codified and to what extent such codification could endanger the very existence of the institution.
- 29. Some representatives insisted that diplomatic asylum was an institution developed almost exclusively in Latin American countries; they felt that it would be inadvisable to codify in universal terms rules which were of a purely regional character.
- 30. Others rejected that argument and pointed out that diplomatic asylum was a recognized institution outside the Latin American region.

Voting

31. At its 612th meeting on 14 October 1959, the Sixth Committee adopted the draft resolution submitted by El Salvador (A/C.6/L.443) by a roll-call vote of 63 votes to 1, with 12 abstentions, as follows:

In favour: Afghanistan, Argentina, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Dominican Republic.

Abstaining: Albania, Australia, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Czechoslovakia, Hungary, Mexico, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

32. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolution II contained in paragraph 55 of the present report.

III. INTERNATIONAL RIVERS

Proposals and amendments

33. Bolivia submitted a draft resolution (A/C.6/L.445) whereby the Assembly would: (1) request the International Law Commission to include the codification of current laws on the utilization and exploitation of international waterways and navigation thereon, as the next subject in its programme of work; and (2) instruct the Secretariat, in collaboration with the Commission, to compile, classify and analyse existing

information on practices having the force of law which govern the use of international rivers.

- 34. A revised text (A/C.6/L.445/Rev.1) was later submitted by Bolivia. In this revised text, operative paragraph 1, inter alia, was reworded so that the International Law Commission would be requested to study, when it deemed it opportune to do so, the possibility of codifying current laws on the utilization and exploitation of international rivers.
- 35. Bolivia later submitted another revised text (A/C.6/L.445/Rev.2), operative paragraph 1 of which requested the Secretary-General:
- (a) To prepare a report on the legal problems relating to the utilization and use of international rivers and containing:
- (i) Information provided by Member States regarding their legislation and practice in the matter;
- (ii) An analysis of existing bilateral and multilateral treaties;
- (iii) An analysis of decisions of international tribunals:
- (iv) A survey of studies made or being made by nongovernmental organizations concerned with international law;
- (b) To include the question of the legal problems relating to the utilization of international rivers in the provisional agenda of the regular session of the General Assembly following the circulation of the report to the Member States.
- 36. Operative paragraph 2 asked Member States to furnish the Secretary-General with the necessary information regarding their relevant treaties, legislation and practice.
- 37. A third revised text (A/C.6/L.445/Rev.3) was finally submitted by Bolivia. In the operative paragraph of this text the word "analysis" was replaced by the word "summary" and the words "including arbitral awards" were added after "decisions of international tribunals". Sub-paragraph (b) of operative paragraph 1 and operative paragraph 2 were deleted.
- 38. Belgium submitted amendments (A/C.6/L.446) to the original Bolivian draft resolution (A/C.6/L.445) in order to introduce some drafting changes in the preamble and to replace the operative part by the following:
 - "Requests the International Law Commission to include in its programme of work, at such time as it considers it suitable, a study of the possible codification of those rules;

"Requests the Secretary-General of the United Nations, in collaboration with the International Law Commission, to undertake the task of compiling, classifying and analysing existing information on this matter."

39. These amendments were later withdrawn.

Dehate

40. In submitting his proposal relating to the legal problems raised by the utilization of international rivers, the representative of Bolivia recalled that half the world's arable land remained unworked for

lack of water, and that, with the population increasing daily, the problem demanded urgent solution. The importance of that question had been emphasized on several occasions by the Economic and Social Council and non-governmental organizations. However, the utilization of inland waters was not governed by any international statute and the law applied was purely customary, ill-defined and lacking in uniformity.

- 41. There was accordingly a pressing need to request the International Law Commission to include the codification of current laws on the utilization and exploitation of international waterways as the next subject in its programme of work and to instruct the Secretariat to compile and analyse the existing information on the subject.
- 42. Some representatives were of the opinion that the Bolivian proposal had no connexion with the item under discussion, since it appeared neither in the Commission's programme of work nor in the report itself. Even if the Committee was competent to discuss the question, they felt that Governments had had no opportunity to study the proposal in advance and that therefore the discussion should be postponed to a later session.
- 43. But most representatives limited their criticisms to specific points raised by the draft resolution (A/C.6/L.445).
- 44. Several representatives emphasized the complexity of the problem raised by the proposal and doubted that the International Law Commission was the appropriate body to undertake such a task, which would necessarily require a profound technological knowledge.
- 45. Other representatives were of the opinion that an attempt to codify the matter would be premature and could do more harm than good; it would be better, anyhow, to leave it to the International Law Commission to decide whether the utilization of international rivers was an appropriate subject for codification, than to take the initiative of requesting the Commission to include that question in its programme of work.
- 46. The Bolivian representative then submitted a somewhat more limited proposal (A/C.6/L.445/Rev.1) whereby the International Law Commission was only requested to study, when it deemed it opportune to do so, the possibility of codifying the current laws on the utilization and exploitation of international rivers. The Secretariat was still asked to compile and analyse the available information on the question.
- 47. This proposal still met with opposition and many representatives were of the opinion that all that could be done, for the time being, was to study the available materials in order to understand the actual problems presented by international river systems, and to analyse the tendencies of international practice.
- 48. Consequently, the representative of Bolivia submitted a new text (A/C.6/L.445/Rev.2) which omitted any request to the International Law Commission and merely asked the Secretary-General to prepare a report on the matter and to include the question in the agenda of a future session of the General Assembly. Member States were invited to furnish the Secretary-General with the necessary information.
- 49. In connexion with this new text, several representatives were of the opinion that the General As-

sembly should not bind itself at present by a decision to include the question in the agenda of a future session. They were also opposed to operative paragraph 2 calling on Member States to furnish the Secretary-General with the necessary information.

- 50. In the opinion of some representatives, the authority competent to initiate the studies concerned was not the Secretary-General but the International Law Commission.
- 51. It was also pointed out that the term "international rivers" was unduly vague and it was agreed that the study to be made should also include the connecting lakes. The use of the word "analysis" in operative paragraph 1 was also criticized.
- 52. For these reasons, and after consulting with an informal working group and taking into consideration suggestions made, inter alia, by the representatives of Poland and Uruguay, the representative of Bolivia submitted a new revised text (A/C.6/L.445/Rev.3). This new text, which only requested the Secretary-General to prepare a report on the question and circulate it to Member States, was found acceptable by most of the representatives.

Voting

53. At its 614th meeting on 19 October 1959, the Sixth Committee adopted the Bolivian revised draft resolution (A/C.6/L.445/Rev.3) by a roll-call vote of 66 to none, with 5 abstentions, as follows:

In favour: Albania, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Afghanistan, Brazil, Israel, Peru, Turkey.

54. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolution III contained in paragraph 55 of the present report.

Recommendations of the Sixth Committee

55. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

REPORT OF THE INTERNATIONAL LAW COMMISSION COVERING THE WORK OF ITS ELEVENTH SESSION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution II

CODIFICATION OF THE PRINCIPLES AND RULES OF INTERNATIONAL LAW RELATING TO THE RIGHT OF ASYLUM

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

Draft resolution III

PRELIMINARY STUDIES ON THE LEGAL PROBLEMS RELATING TO THE UTILIZATION AND USE OF INTERNATIONAL RIVERS

[Text adopted by the General Assembly without change, See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 842nd plenary meeting, on 21 November 1959, the General Assembly adopted draft resolutions I, II and III submitted by the Sixth Committee (A/4253, para. 55). For the final texts, see resolutions 1399 (XIV), 1400 (XIV), and 1401 (XIV) respectively, below.

Resolutions adopted by the General Assembly

1399 (XIV). REPORT OF THE INTERNATIONAL LAW COMMISSION COVERING THE WORK OF ITS ELEVENTH SESSION

The General Assembly,

Having considered the report of the International Law Commission covering the work of its eleventh session (A/4169),

- 1. Takes note of the report of the International Law Commission;
- 2. Expresses its appreciation of the work done by the Commission.

842nd plenary meeting, 21 November 1959.

1400 (XIV). CODIFICATION OF THE PRINCIPLES AND RULES OF INTERNATIONAL LAW RELAT-ING TO THE RIGHT OF ASYLUM

The General Assembly,

Considering that it is desirable to standardize the application of the principles and rules relating to the right of asylum,

Recalling that the International Law Commission at its first session included the right of asylum in the provisional list of topics of international law selected for codification (A/925, para. 16),

Requests the International Law Commission, as soon as it considers it advisable, to undertake the codifi-

cation of the principles and rules of international law relating to the right of asylum.

842nd plenary meeting, 21 November 1959.

1401 (XIV). PRELIMINARY STUDIES ON THE LEGAL PROBLEMS RELATING TO THE UTILIZATION AND USE OF INTERNATIONAL RIVERS

The General Assembly,

Considering that it is desirable to initiate preliminary studies on the legal problems relating to the utilization and use of international rivers with a view to determine whether the subject is appropriate for codification,

Requests the Secretary-General to prepare and circulate to Member States a report containing:

- (a) Information provided by Member States regarding their laws and legislation in force in the matter and, when necessary, a summary of such information;
- (b) A summary of existing bilateral and multilateral treaties;
- (c) A summary of decisions of international tribunals, including arbitral awards;
- (d) A survey of studies made or being made by nongovernmental organizations concerned with international law.

842nd plenary meeting, 21 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 55 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/925	Report of the International Law Commission covering the work of its first session (12 April - 9 June 1949)	Official Records of the General Assembly, Fourth Session, Supplement No. 10
A/1316	Report of the International Law Commission covering the work of its second session (5 June - 29 July 1950)	Ibid., Fifth Session, Supplement No. 12
A/3859 and Corr.1	Report of the International Law Commission covering the work of its tenth session (28 April - 4 July 1958)	Ibid., Thirteenth Session, Supplement No. 9

Document No.	Title	Observations and references
A/4007	Report of the Sixth Committee	Ibid., Annexes, agenda item 56
A/4169	Report of the International Law Commission covering the work of its eleventh session (20 April - 26 June 1959)	Ibid., Fourteenth Session, Supplement No. 9
A/C.6/L.443	El Salvador: draft resolution	Same text as A/4253, para. 55, draft resolution II.
A/C.6/L.444 and Add.1 and 2	Afghanistan, Bolivia, Ceylon, Cuba, Hungary, Iraq, Japan, Mexico, Pakistan, Panama and Poland: draft resolution	Idem, draft resolution I
A/C.6/L.445/ Rev.3	Bolivia: revised draft resolution	Idem, draft resolution III
A/C.6/L.446	Belgium: amendments to document A/C.6/L.445	Incorporated in substance in A/4253, para. 38
A/C.6/L.447	Cuba: amendment to document A/C.6/L.443	Incorporated in A/4253, para. 20

GENERAL ASSEMBLY



Agenda item 56

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

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^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Sixth Committee, 631st to 639th meetings; ibid., Fifth Committee, 754th meeting; and ibid., Plenary Meetings, 847th meeting.

DOCUMENT A/4164 AND ADD.1 to 7

Note by the Secretary-General and comments by Governments concerning the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session in 1958

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Document A/4164

[Original text: English/French/ Russian/Spanish] [28 July 1959]

NOTE BY THE SECRETARY-GENERAL

- 1. In the course of its first session, in 1949, the International Law Commission selected "Diplomatic intercourse and immunities" as one of the topics the codification of which it considered necessary or desirable. It did not, however, include this subject among those to which priority was accorded. 1
- 2. At its fifth session in 1953, the Commission was apprised of General Assembly resolution 685 (VII) of 5 December 1952, by which the Assembly requested the Commission to undertake, as soon as it considered it possible, the codification of "Diplomatic intercourse and immunities" and to treat it as a priority topic.²/
- 3. At its sixth session in 1954, the Commission decided to initiate work on the subject, and appointed Mr. A. E. F. Sandström Special Rapporteur. 3/
- 4. Owing to lack of time, the Commission was unable to take up the subject until its ninth session in 1957. At that session, the Commission considered the topic on the basis of the report prepared by the Special Rapporteur. 4/It adopted a provisional set of draft articles with a commentary. 5/
- 5. At its tenth session in 1958, the Commission examined the text of the provisional draft in the light of the observations submitted by Governments $\frac{6}{}$ and those made during the discussion of the draft in the Sixth Committee at the twelfth session of the General
- 1/ Official Records of the General Assembly, Fourth Session, Supplement No. 10 (A/925), paras. 16 and 20.
- 2/ <u>Ibid.</u>, <u>Eighth Session</u>, <u>Supplement No. 9</u> (A/2456), para. 170.
- 3/ Ibid., Ninth Session, Supplement No. 9 (A/2693), para. 73.
- 4/ See Yearbook of the International Law Commission, 1955, Vol. II, (United Nations publication, Sales No.: 60.V.3, Vol. II), document A/CN.4/91.
- 5/ Official Records of the General Assembly, Twelfth Session, Supplement No. 9 (A/3623), para. 16.
- 6/ Ibid., Thirteenth Session, Supplement No. 9 (A/3859), pp. 33-61.

Assembly. 11 Having considered these observations, the Commission made a number of changes in the provisional draft articles.

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- 6. The International Law Commission submitted its final draft articles on diplomatic intercourse and immunities, together with a commentary, to the General Assembly in chapter III of its report covering the work of its tenth session. §/ The Commission proposed that the draft articles should be recommended to Member States with a view to the conclusion of a convention. §/
- 7. Chapter III was discussed at the thirteenth session of the General Assembly by the Sixth Committee at its 568th to 581st meetings, held from 27 October to 13 November 1958. On 5 December 1958, the General Assembly, on the recommendation of the Committee, adopted resolution 1288 (XIII) on diplomatic intercourse and immunities, the full text of which is as follows:

"The General Assembly,

"<u>Having considered</u> chapter III of the report of the International Law Commission covering the work of its tenth session which contains draft articles and commentaries on diplomatic intercourse and immunities,

"Recalling that the General Assembly, in its resolution 685 (VII) of 5 December 1952, requested the International Law Commission to undertake the codification of the topic 'Diplomatic intercourse and immunities', and to treat it as a priority topic,

"Taking into account paragraph 25 of the report of the International Law Commission covering the work of its ninth session wherein it is stated that the Commission decided to present a final report on the subject of diplomatic intercourse and immunities to the General Assembly at its thirteenth session, after reviewing the subject in the light of the comments of Governments,

Ibid., Twelfth Session, Sixth Committee, 509th to 513th meetings.

^{8/} Ibid., Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1).

^{9/ &}lt;u>Ibid</u>., para. 50.

¹⁰ lbid., Thirteenth Session, Annexes, agenda item 56, document A/4007, para. 78.

"Taking into account also paragraph 50 of the report of the International Law Commission covering the work of its tenth session wherein it is stated that the Commission decided to recommend to the General Assembly that the draft articles on diplomatic intercourse and immunities should be recommended to Member States with a view to the conclusion of a convention,

- "1. Expresses its appreciation to the International Law Commission for its work on diplomatic intercourse and immunities;
- "2. <u>Invites</u> Member States to submit their comments on the draft articles concerning diplomatic intercourse and immunities not later than 1 June 1959;
- "3. Requests the Secretary-General to circulate such comments so as to facilitate the discussion of the subject at the fourteenth session of the General Assembly;
- "4. <u>Decides</u> to include the item entitled 'Diplomatic intercourse and immunities' in the provisional agenda of its fourteenth session with a view to the early conclusion of a convention on diplomatic intercourse and immunities:
- "5. <u>Decides</u> to consider at its fourteenth session the question to what body the formulation of the convention should be entrusted."
- 8. By 15 July 1959, the Secretary-General had received comments on the draft articles from nineteen Governments, namely, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Denmark, Finland, Ghana, Netherlands, Norway, Philippines, Sweden, Switzerland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America.
- 9. The comments received by 15 July 1959 are reproduced below in an annex to the present note. Any comments received after this date will be reproduced as addenda to this document.

ANNEX

Comments by Governments concerning the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session in 1958**

1. AUSTRIA

Transmitted by a <u>note verbale</u> of 30 June 1959 from the Permanent Representative of Austria to the United Nations

[Original: English]

Austria considers the draft articles on diplomatic intercourse and immunities as a valuable contribution to the codification of international law. Such a codification is considered to be useful as, in spite of commonly developed basic principles of diplomatic intercourse and the diplomatic immunities, the praxis of States still differs in many details.

The Austrian Government is of the opinion that also a codification "step-by-step", beginning with the establishment of rules for diplomatic intercourse and the diplomatic immuni-

** Official Records of the General Assembly, Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1), para. 53.

ties, and continuing with an agreement on consular intercourse and consular immunities and finally rounding up with rules on the intercourse between States and international organizations and the <u>ad hoc</u> diplomacy are to be considered useful. Such a step-by-step codification, however, should not overlook a uniform terminology.

As far as specific articles of the draft are concerned, the Austrian Government is submitting the following comments:

Article 17

The present text does not seem to provide for the absence of the head of the mission during his vacation; the conduct of affairs of the mission by a chargé d'affaires ad interim should be provided for such a case too, even if the head of mission remains in the territory of the receiving State.

Article 18

The wording of article 22 of the draft articles on consular intercourse and immunities, "The State of residence is bound to permit...", 2/ is considered more precise than the wording of this article 18. The wording of article 22 expresses more clearly that by the obligation of the receiving State to permit the use of the flag and emblem of the sending State, the relations in the field of private law between the sending State and the owner of the premises of the mission or residence, in so far as the latter is not identical with the sending State, are not involved.

Article 28

For systematic reasons it would be preferable to refer in article 28, paragraph 2, directly to article 29, paragraph 1 (a) to (c), and not to make reference via article 29, paragraph 3, because this last-quoted paragraph contains a positive rule of immunity, while the phrase "except as provided..." refers to the negative immunity rules, therefore to article 29, paragraph 1 (a) to (c).

Article 29

It would seem preferable to clarify, in paragraph 1, that the issuance and the withdrawal of drivers' licences and the recording of facts after traffic accidents cannot be considered as an "administrative jurisdiction".

Article 31

It would seem advisable if the text of this provision could be harmonized with article 31 of the draft articles on consular intercourse and immunities, whereby the text of this last-mentioned draft should serve as a basis. The terminology of article 1 should be used in wording this article.

Article 36

Following the common praxis that stateless persons are treated in the State of residence the same way as the nationals of this State are treated, it would seem advisable to add in paragraphs 1, 2 and 3, after the words: "if they are not nationals of the receiving State", the words "or stateless persons resident in the receiving State".

2. BELGIUM

Transmitted by a letter of 20 May 1959 from the Minister for Foreign Affairs of Belgium

[Original: French]

Under article 36 of the new draft, immunity from jurisdiction is accorded to administrative and technical staff and their families. Thus, the scope of immunity from jurisdiction and of diplomatic privileges is broader under this article than in existing Belgian practice, where such privileges are only granted to the wives and minor children of diplomatic and administrative staff and are not extended to children who have come of age.

2/ Yearbook of the International Law Commission, 1957, Vol. II (United Nations publication, Sales No.: 1957.V.5, Vol. II), document A/CN.4/108, p. 97.

As regards paragraph 5 of General Assembly resolution 1288 (XIII) (dealing with the question to what body the formulation of the convention is to be entrusted), the Belgian Government considers that the question should be submitted to a conference of plenipotentiaries. This would appear to be the most appropriate procedure for introducing any amendments to the draft (including, perhaps, article 36) which might be thought desirable.

3. BRAZIL

Transmitted by a letter of 16 June 1959 from the Permanent Representative of Brazil to the United Nations

[Original: English]

Article 12

Delete the following words "either when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or".

Article 15

In paragraph 1, delete the following words "either of the official notification of their arrival or".

4. BULGARIA

Transmitted by a <u>note verbale</u> of 15 May 1959 from the Ministry of Foreign Affairs of Bulgaria

[Original: French]

. . .

The Ministry of Foreign Affairs of the People's Republic of Bulgaria considers that the draft articles on diplomatic intercourse and immunities prepared by the International Law Commission at its tenth session are constructive and constitute a satisfactory basis for the formulation of a multilateral convention.

Most of the proposed articles on diplomatic intercourse and immunities are truly representative of the principles of international law and of the practice followed in this connexion. The provisions of certain articles, such as articles 3, 20, 22, 25, 27, 29 and 40, are of particular importance. There are, however, other provisions which are unacceptable as at present drafted and should be altered.

The Ministry considers it desirable that article 2 should state the principle of the right of legation enjoyed by every State.

Article 7 should simply be deleted.

In article 13, it would seem desirable to omit the class "envoys, ministers and internuncios" and to retain only the classes mentioned in sub-paragraphs (a) and (c).

The Ministry is of the opinion that in article 30, paragraph 3, where provision is made for the possibility of immunity from jurisdiction being waived, the words "may be express or implied" should be replaced by the words "must be express".

Article 36 should stipulate that the grant of privileges and immunities to the administrative and technical staff of a mission will be based on the principle of reciprocity.

Article 45 might be worded as follows:

"Any dispute between States concerning the interpretation and application of this Convention that cannot be settled through diplomatic channels shall be submitted to a conciliation procedure or to the International Court of Justice, in accordance with the Statute of the Court, or referred to arbitration in accordance with the conventions in force."

The Ministry of Foreign Affairs of the People's Republic of Bulgaria considers that the requirements for the codification of international law will be fully met by convening an international conference of plenipotentiaries which would formulate a convention, taking the International Law Commission's draft as a basis for its discussions.

5. BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Transmitted by a letter of 10 June 1959 from the Minister of Foreign Affairs of the Byelorussian Soviet Socialist Republic

[Original: Russian]

The Government of the Byelorussian Soviet Socialist Republic regards the conclusion of an international convention on diplomatic intercourse and immunities as desirable.

It is the view of the Government of the Byelorussian SSR that the draft articles on diplomatic intercourse and immunities, prepared by the International Law Commission at its tenth session in 1958, might serve as a basis for an international convention on that subject.

The Government of the Byelorussian SSR believes that the conclusion of such a convention, based on the afore-mentioned draft, which is essentially a codification of the generally accepted rules of law governing diplomatic missions, would help to ensure proper conditions for the work of such missions and thereby strengthen normal, friendly relations between States.

The Government of the Byelorussian SSR naturally reserves the right to submit additions and amendments to the aforementioned draft when it is discussed article by article.

6. CHILE

Letter of 1 June 1959 from the Permanent Mission of Chile to the United Nations

[Original: Spanish]

• • •

In this connexion, I have to inform you that, for the time being, the Government of Chile has nothing to add to the comments in its note of 10 March $1958\frac{b}{}$ or to those made by its representative in the Sixth Committee at the thirteenth regular session of the General Assembly.

At the same time, the Government of Chile expressly reserves its right to make further reference to this question at the fourteenth session of the General Assembly or at any meeting in which the draft articles on diplomatic intercourse and immunities may be considered.

7. CZECHOSLOVAKIA

Transmitted by a <u>note verbale</u> of 12 June 1959 from the Permanent Mission of Czechoslovakia to the United Nations

[Original: English]

The Czechoslovak Government is of the opinion that the draft prepared by the International Law Commission is a good basis for drafting a multilateral convention on diplomatic intercourse and immunities, the early conclusion of which was recommended by the General Assembly at its thirteenth session. In this connexion, the Czechoslovak Government wishes to draw attention to its position with regard to the draft articles, as expressed by the Czechoslovak delegation in the Sixth Committee at the thirteenth session of the General Assembly.

Without expressing here all the comments and suggestions which Czechoslovakia may wish to put forward during the consideration of the draft on diplomatic intercourse and immunities in the General Assembly, or at a separate diplomatic conference, the Czechoslovak Government submits the following comments on the draft:

b/Official Records of the General Assembly, Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1), p. 36.

Article 2

It is suggested to add to this article a provision expressing the principle that any State enjoys the right of legation. This provision should be put as paragraph 1 of the said article, and the article in its present wording as paragraph 2.

Article 3

It is suggested to supplement this article by the following provision:

"The functions of a diplomatic mission comprise also the consular functions in those cases where official consular relations between the sending State and the receiving State do not exist."

Article 12

In view of the fact that it is desirable to unify the practice of States with respect to the commencement of functions of the head of the mission, it is suggested that only the second alternative mentioned in the article which reflects the practice prevailing in most States be retained.

Article 36

The range of persons who are to be entitled to diplomatic privileges and immunities, as mentioned in this article, is much wider than that provided by international law. The Czechoslovak Government maintains the view that the explicit accordance of immunities ex lege in this article should be confined only to the diplomatic personnel and that the extension of immunities, on the basis of reciprocity to cover other categories of employees of diplomatic missions, should be a matter of agreement of the parties involved.

Article 45

. . .

The Czechoslovak Government does not agree to the present wording of this article, which provides for obligatory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the convention if one party only submits the dispute to the Court. It is suggested to reword this article so that its provisions be in accordance with the Statute of the International Court of Justice, according to which the jurisdiction of the Court is based upon the consent of both parties to the dispute.

8. DENMARK

Transmitted by a letter of 3 June 1959 from the Permanent Representative of Denmark to the United Nations

[Original: English]

By and large, the draft convention reflects the general tenor of the law in force in this field. Most of the rules embodied in this codification are recognized by Denmark, whose legislation and existing practice take account thereof to such an extent that the Danish authorities have no material objections to raise.

In regard to the articles mentioned below, however, the following observations should be noted:

Article 9

A clause should be inserted in this article to the effect that notification to the Ministry of Foreign Affairs of a person's assumption of functions in a diplomatic mission shall be a condition for the receiving country extending to him the privileges and immunities to which he is entitled.

Article 17

Attention is drawn to the fact that in cases where no diplomatic member of a mission is present in the receiving State, a non-diplomatic member of the staff might be officially in charge of the affairs of the mission in the capacity of charge d'affaires. It is suggested that the existence of such arrangements should be mentioned in the convention.

Article 29

The rule in paragraph 1 (c) should be omitted because it appears to recognize, by inference, that a diplomat may en-

gage in professional or commercial activities in the receiving State. According to the existing practice in Denmark, a foreign diplomat is not permitted to exercise professional or commercial activity in the country.

Article 32

Comments on this article will be submitted later, pending the conclusion of discussions with the Danish Ministry of Finance.

9. FINLAND

Transmitted by a letter of 21 May 1959 from the Permanent Representative of Finland to the United Nations

[Original: English]

The Government of Finland consider that the new draft articles prepared by the International Law Commission constitute, as a whole, a substantial improvement on the earlier draft articles. \(\mathcal{Q} \)

In view of the detailed analysis submitted a year ago on the previous draft articles, the Government of Finland do not find, however, that the new articles call for an amplification of their earlier comments on the contemplated codification of the law and practice concerning diplomatic intercourse and immunities as set forth in the draft articles prepared by the International Law Commission.

The comments of the Government of Finland on the previous draft articles were transmitted to Your Excellency by note No. 1046 of 18 April 1958. d/

10. GHANA

Letter of 11 April 1959 from the Ministry of External Affairs of Ghana

[Original: English]

I have the honour ... and to state that, in general, the Government of Ghana is in agreement with the draft articles.

11. NETHERLANDS

Transmitted by a letter of 10 July 1959 from the Permanent Representative of the Netherlands to the United Nations

[Original: English]

In resolution 1288 (XIII) of 5 December 1958, the General Assembly of the United Nations invited Member States to submit their comments on the draft articles on diplomatic intercourse and immunities formulated by the International Law Commission in 1958. In broad outline the articles are similar to the articles drafted by the Commission in 1957, so that as far as the general observations are concerned the Netherlands Government wishes to refer to the comments submitted on 26 March 1958. The amendments made to the 1957 articles would seem to be, for the greater part, improvements.

The Netherlands Government considers it useful to give the following comments on individual articles. The final wording of the articles had best be laid down at a special diplomatic conference to be convened for this purpose.

Article 1

The Netherlands Government is of the opinion that the definition of "head of the mission" as persons charged with the duty of acting in that capacity is too restrictive. It would be better to include in the definition all persons that are authorized to act in that capacity. Therefore the Netherlands Government would prefer the following definition:

c/ <u>Ibid.</u>, <u>Twelfth Session</u>, <u>Supplement No. 9</u> (A/3623), para. 16.

d/<u>Ibid., Thirteenth Session, Supplement No. 9</u> (A/3859 and Corr.1), p. 40.

e/ <u>Ibid.</u>, p. 45.

"The 'head of the mission' is a person authorized by the sending State to act in that capacity."

Sub-paragraph (<u>d</u>) contains the definition of "diplomatic staff". This definition is based on $\underline{\operatorname{rank}}$ whereas elsewhere in the article $\underline{\operatorname{task}}$ is the criterion. The Netherlands Government appreciates that in this case a description based on the task of the persons concerned may give rise to difficulties and disputes, but it should be realized that the definition as contained in the present article 1 is not quite clear either.

In addition to the well-known diplomatic grades, there are at present such officials as information officer, director of the chancery, etc. of which it is not clear whether they are diplomatic or not.

Article 10

The Netherlands Government objects to the expression "reasonable and normal" in paragraph 1, since it suggests a contrast which does not actually exist. The Netherlands Government considers that it is a question of what is reasonable. Of course, what is normal is one of the factors on the basis of which it is decided whether reasonableness exists. But it does not constitute a factor separate from reasonableness. Therefore the words "and normal" should be deleted.

Since a separate article (article 44) has been included dealing with non-discrimination, the words "and on a non-discriminatory basis" in paragraph 2 should be deleted. They create the impression that the exceptions to the principle of non-discrimination contained in paragraph 2 of article 44 do not apply to article 10, which is by no means desirable and probably is unintentional.

Article 20

The Netherlands Government is of the opinion that it is incorrect to say that the premises of the mission shall be immune from requisition, since the substantive law of the receiving State (which includes its laws governing matters of expropriation) also applies to foreign missions. They are obliged to co-operate in the implementation of these acts. There is only immunity from coercive measures. The present wording of paragraph 3 suggests that expropriation is completely forbidden. Even the preparation of a town-planning scheme providing for the demolition of a mission building would thus be unlawful. This is a misrepresentation of the facts. The preparation of such schemes is permitted and the foreign mission is even morally obliged to co-operate towards their implementation. It is only the coercive measures aimed at compelling the mission to fulfil this moral obligation that must be forbidden. It is not the requisition of the buildings of foreign diplomatic missions that must be forbidden but their actual seizure. Therefore the Netherlands Government would prefer to substitute "seizure" for "requisition".

Article 24

The Netherlands Government is of the opinion that too much emphasis is laid on the possibility of restricting freedom of movement. Therefore the following text is preferred:

"The receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

"Nevertheless, the receiving State may, for reasons of national security, issue laws and regulations, prohibiting or regulating the entry into specifically indicated places, provided that this indication be not so extensive as to render freedom of movement and travel illusory."

Article 25

The Netherlands Government does not suggest any amendment to this article, but wishes to point to the special attention given in the Commission's commentary to a diplomatic courier who is the pilot of an aircraft. A diplomatic courier may perform all kinds of additional functions. In principle his immunity will be restricted to his function of courier, so that he will not be in a position to claim immunity after he has performed his function of courier. Sometimes, however, it is difficult to separate the various functions. If a courier performs additional functions during his journey he will not, as

a rule, on that account lose his immunity. In paragraph 6 of the Commission's commentary to article 25 it is stated that a courier who is at the same time the captain of a commercial aircraft does not enjoy immunity. The justification of this special position of the pilot/courier would seem to be the fact that it would be impracticable to accord immunity to a pilot since it must remain possible to institute proceedings against him on account of infringements of the airtraffic regulations.

It will be advisable to include in the convention provisions regulating the matter of additional functions.

New article 26A

The Netherlands Government is of the opinion that an article should be added to the end of sub-section B providing that a receiving State which maintains different rates of exchange should accord the most favourable rate of exchange to diplomatic missions.

Article 27

In the introduction to sub-section C it is explicitly stated that articles 27 to 36 apply exclusively to diplomats who are not nationals of the receiving State, since the position of diplomats who are nationals of the receiving State has been regulated in a separate article (article 37). The Netherlands Government considers this introduction to be of so much importance that it should be incorporated in the text of the articles. If this should not be done, the wording of articles 27 ff. would imply that these articles apply to all diplomatic agents.

Article 29

Particularly since the Second World War a growing opposition to the principle of immunity has been noticeable. It is felt that immunities serve to accordpreferential treatment to the persons concerned and it is felt to be an injustice that a certain group of persons should not be subject to normal jurisdiction. The Netherlands Government is of the opinion that such feelings-though not correct in principle-are understandable, in particular since the number of persons enjoying immunity is constantly increasing. Immunity, however, only serves to guarantee the unhampered performance of an official assignment in a foreign country. The rules of immunity are by no means intended to exempt diplomats from legal process. For the performance of their duties it is only necessary that the State where they are stationed shall not be able to institute proceedings against them. If such proceedings are deemed necessary they should be instituted in the sending State. According to some authors it is a general principle of law that diplomats have a legal forum in the capital of the sending State, but many national systems of law do not contain any provision in this respect. This also applies to the Netherlands. Therefore the Netherlands Government thinks it desirable that the convention should contain a provision putting beyond doubt the competence of the appropriate court in the capital of the sending State. It would therefore suggest that the final sentence of paragraph 4 of article 24 of the Commission's previous draft be adopted.

Article 31

In many bilateral and multilateral regulations a different system is adopted from that suggested in this article. In this respect reference is made, for instance, to the provisions of articles 12 and 14 of Regulation No. 3 of the European Economic Community (<u>Journal officiel des communautés européennes</u>, lère année, No. 30). It would therefore seem advisable that it be made quite clear that the system suggested in article 31 shall apply only in so far as the States concerned do not deviate from it.

Article 34

In the Netherlands Government's view it would be better to word the beginning of paragraph 2 as follows:

"The personal baggage of a diplomatic agent shall only be inspected if there are very serious grounds for presuming...".

f/ See footnote C/.

Article 36

If an introductory article should show explicitly that articles 27 to 34 apply to diplomatic agents who are not nationals of the receiving State, the first words of article 36, "Apart from diplomatic agents", might be deleted.

Article 43

The principle that provisions of the draft articles shall apply only in time of peace and regulate at most the transition from time of peace to time of war, is not adhered to in this article. The article might be interpreted as being applicable throughout the duration of an armed conflict. If the abovementioned principle is to be enforced consistently, the reference to armed conflict in article 43 will have to be deleted and a new article 43A will have to be inserted, laying down transitional measures applicable in case diplomatic relations should be broken off. On the analogy of paragraph 2 of article 38, protection would have to continue for a reasonable period. In the commentary to the article it should be clearly stated that the receiving State will continue to be obliged to grant protection, though no longer under the peacetime law codified by the International Law Commission, but under the law of war, which will then apply.

In view of the above, the Netherlands Government suggests that the following article and commentary be inserted in the draft articles:

"Article 43 A

"In case of the outbreak of an armed conflict, the receiving State shall respect and protect the premises of the mission, together with its property and archives during a reasonable period as mentioned in paragraph 2 of article 38.

"Commentary

"(1) As the rules proposed by the International Law Commission are only intended to apply in time of peace, the provisions of article 43 are not applicable if diplomatic relations are broken off as the result of the outbreak of an armed conflict. In such a case, as in the cases provided for in paragraph 2 of article 38 and in article 42, it appears necessary to establish transitional rules in order to regulate the transition from the law of peace to the law of war. Article 43 A constitutes such a rule.

"(2) After the expiry of the period mentioned in paragraph 2 of article 38, the receiving State shall accord the premises, property and archives of the mission such respect and protection as is required by the relevant rules of the law of war."

12. NORWAY

Transmitted by a letter of 8 June 1959 from the Permanent Representative of Norway to the United Nations

[Original: English]

In the opinion of the Norwegian Government the draft articles submitted by the International Law Commission constitute on the whole a good basis for the elaboration of a convention on diplomatic intercourse and immunities.

Article 13

The Norwegian Government would prefer to see abolished the obsolescent diplomatic rank of minister.

Article 25

It should be specified in paragraph 1 what conditions the receiving State may fix for granting a mission authorization to use its own wireless transmitter. Such conditions should include a right for the authorities of the receiving State to impose the necessary technical requirements and to undertake a technical control of the transmitter from time to time.

Article 29

In order to avoid any possible confusion, it should be stated expressly that the provisions of article 29 in regard to civil and administrative jurisdiction have no bearing on the immunity of the sending State.

It would be useful to add, at an appropriate place in subsection A of Section II, a provision making clear whether or not the <u>sending State</u> enjoys immunity from suit in the receiving State in respect of the premises of the mission and the private residence of the head of the mission.

Article 29, paragraph 1 (a)

The phrase "unless he holds it on behalf of his Government for the purposes of the mission" should be clarified.

Article 29, paragraph Ì (<u>b</u>)

It should be made clear that this exception does not apply if the diplomatic agent is involved in the succession in his capacity as official representative of his Government.

Article 32

The exceptions enumerated in this article ought to include capital tax upon property, in the form of investments in commercial enterprises, in the receiving State. Sub-paragraphs (b) and (d) might therefore be reworded on the lines of article 28, paragraph 2, of the draft articles on consular intercourse and immunities.

Article 36

In the opinion of the Norwegian Government, the administrative and technical staff ought to be bracketed with the service staff rather than with the diplomatic agents. There does not seem to be any valid reason why the administrative and technical staff should be granted the same privileges and immunities as the diplomatic agents.

Article 39

This article is of considerable practical importance. Its importance is all the greater in view of the fact that the conventions on the privileges and immunities of international organizations in several respects refer to the privileges and immunities accorded to diplomatic envoys in States other than the receiving State (see e.g. sections 19 and 22 (f) of the Convention on the Privileges and Immunities of the United Nations [General Assembly resolution 22 A (I)]). The Norwegian Government consequently believes that article 39 should define in greater detail the privileges and immunities to which the members of a diplomatic mission are entitled in the territory of a third State.

13. PHILIPPINES

Transmitted by a letter of 8 June 1959 from the Deputy Permanent Representative of the Philippines to the United Nations

[Original: English]

The Philippine Government wishes to take this opportunity of expressing its high appreciation of the work of the International Law Commission and of stating that it is, in general, in agreement with the views and principles embodied in the draft articles prepared by the said Commission during its tenth session from 28 April to 4 July 1958, subject however to the following observations and proposals:

Article 3

It is proposed that in sub-paragraph (d) the word "lawful" should be omitted and replaced by the phrase "not contrary to existing local laws and regulations". As thus modified, sub-paragraph (d) will read as follows:

"Ascertaining by all means not contrary to existing local laws and regulations conditions and developments in the receiving State, and reporting thereon to the Government of the sending State."

The word "lawful" is believed susceptible to a variety of interpretations and consequently does not have the same precision as the phrase to be substituted in lieu thereof.

Article 12

The following alternative given in the draft is considered preferable: "when he has presented his letters of credence".

g/ See footnote a/.

Article 15

With respect to paragraph 1, it is proposed that this paragraph be amended to read as follows:

"Heads of mission shall take precedence in their respective classes in the order of date of the presentation of their letters of credence."

Article 17

With reference to paragraph (2) of the commentary to this article, the Philippine Government wishes to point out that the practice of the receiving State with respect to the question when the head of a mission is to be regarded as unable to perform his functions, should not be considered as overriding the right of the sending State under this article to designate a charge d'affaires ad interim, whenever its interests so require, provided that due notification is given of such designation to the Ministry for Foreign Affairs of the receiving State.

Article 21

In the commentary to this article attention should be drawn to the fact that in certain countries, like the Philippines, real property under lease by a diplomatic mission is not exempted from payment of real estate tax, on the ground that the obligation to pay such tax devolves upon the owner of the property and not on the lessee. Hence in the case of leased premises, it should be understood that the exemption granted to the sending State and the head of the mission from all national, regional or municipal dues or taxes in respect to the premises of the mission does not cover real estate taxes levied on the owner of the property leased by the sending State or the head of its mission.

Article 25

It is proposed that paragraph 5 of this article should be amended to read:

"Subject to the provisions of article 8, the diplomatic courier shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention."

Article 29

It is the understanding of the Philippine Government, with respect to paragraph 2, that it applies only to a diplomatic agent who is not concurrently accredited as a consular officer and recognized as such by the receiving State. It is therefore suggested that a clarification of this point be included in the commentary of the International Law Commission on this article.

14. SWEDEN

Transmitted by a letter of 30 May 1959 from the Minister of Foreign Affairs of Sweden

[Original: French]

The Swedish Government took the liberty of making certain comments on the draft articles as adopted by the International Law Commission at its ninth session in 1957. Those comments were transmitted to the Secretary-General of the United Nations on 11 January 1958 and are reproduced in the report of the International Law Commission covering the work of its tenth session. h

In re-examining the draft article adopted in 1957, the International Law Commission took into consideration some of the comments made by the Swedish Government in 1958. Other comments made by the Swedish Government were not, however, endorsed by the International Law Commission. Among these was its comment on the classification of heads of mission. With regard to this important matter, the Swedish Government wishes to state that it continues to favour the division of heads of mission into two classes only, as, moreover, was suggested by the Commission's Special Rapporteur, Mr. A. E. F. Sandström. As to its arguments in favour of such

h/ Official Records of the General Assembly, Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1), p. 49. a course, the Swedish Government would merely invite attention to the observations which it made in 1958. In the other cases where comments made by Sweden have not been reflected in the revised text, I am authorized to state that my Government still considers them to be valid but does not wish to press them further.

The International Law Commission's 1958 draft includes certain provisions which did not appear in the 1957 draft; these do not appear to call for any comment by Sweden.

Nevertheless, the Swedish Government invites attention to articles 36 and 37 of the new draft, corresponding to articles 28 and 30 of the 1957 draft. These articles, in which some alterations have been made, deal with the various categories of staff to be entitled to privileges and immunities. According to these provisions, those members of the administrative and technical staff who are not nationals of the receiving State are to enjoy the privileges and immunities specified in articles 27 to 35. The Swedish Government has no difficulty in accepting this rule, in so far as it applies to acts performed by such staff in the course of their duties. Where, however, acts which have no connexion with the official duties of administrative and technical staff are concerned, the Swedish Government is reluctant, at any rate at the present stage, to endorse the principle of full entitlement to privileges and immunities.

On the other hand, with regard to those members of the administrative and technical staff who are nationals of the receiving State, the Swedish Government wonders whether they too should not to some extent enjoy immunity from jurisdiction, e.g., in connexion with the obligation to give evidence as a witness in matters arising out of their official duties. Under article 37 of the new draft, such persons will enjoy privileges and immunities only to the extent admitted by the receiving State.

At this stage, the Swedish Government does not feel itself to be in a position to express any definite views on this subject; it merely wished to raise these questions in order to be able to revert to them, if necessary, at the appropriate time.

15. SWITZERLAND

Transmitted by a letter of 12 June 1959 from the Permanent Observer of Switzerland to the United Nations

[Original: French]

General remarks

The competent authorities of the Swiss Confederation have given careful consideration to the second version of the draft articles on diplomatic intercourse and immunities drawn up by the International Law Commission of the United Nations at its tenth session, from 28 April to 4 July 1958. The competent Swiss authorities have also studied with care the commentary which accompanies the new draft and the observations made by various Governments on the earlier (1957) draft. They are of the opinion that the changes made in the draft have apppreciably improved it, and they desire to congratulate the Commission on the results which it has achieved.

The Swiss authorities are pleased to see that a number of the amendments to the original text are in harmony with suggestions put forward by several Governments, including that of Switzerland. They warmly appreciate the opportunity already afforded to express their views and would be glad to continue to take part in work leading up to a multilateral convention. They are accordingly in favour of a diplomatic conference in which Switzerland would be a participant.

The Swiss authorities are in general agreement with the new draft articles on the clear understanding that these articles are to be taken in the sense attributed to them in the commentary. The Swiss authorities nevertheless adhere to the suggestions which they made regarding the structure of the draft at the time when the original text was under consideration. Moreover, they still feel that there should be an article at the head of section II of the draft stating the principle that the privileges and immunities of diplomatic missions and

i/ <u>Ibid.</u>, p. 50.

agents should be interpreted in the light of "functional necessity" or, better still, "the purpose of the mission".

Having made these comments of a general nature, the Swiss authorities now propose to refer in the following paragraphs only to those particular points on which they feel further changes are called for.

Comments on individual articles

Article 1

A definition of the expression "members of the family", on the lines of what is stated below in connexion with article 36, should be added to this article.

Article 8

An explicit provision should be included in this article to the effect that when the receiving State refuses to accept a diplomatic agent, it is not obliged to state the reasons for its decision.

Article 11

Although the Swiss authorities approve of including a provision dealing with the seat of the diplomatic mission, they are of the opinion that this new article is incomplete, since the choice of a place of residence by members of a mission, as well as the establishment of the mission's offices elsewhere than in the town where the mission itself is established, is subject to the consent of the receiving State. Accordingly, this additional rule should also be incorporated in the draft but should be so worded as to make clear that it is not contrary to the freedom of movement provided for in article 24.

Article 12

The Swiss authorities adhere to the view which they have already expressed in connexion with this article. They consider it to be juridically preferable that the functions of the head of mission should be deemed to begin when he has presented his letters of credence. Nevertheless, in view of the divergent view on the question held by other States, the Swiss authorities are prepared to agree to the alternative procedure proposed in this article, on the understanding—already provided for in the article—that the receiving State applies the practice adopted by it in a uniform manner to all missions.

Article 13

The Swiss authorities regret that the distinction between the first two classes of heads of mission has not been abolished. They are glad to note, however, that the new draft specifically states which persons are included in the second class.

Article 17

It is unfortunate that there is no clause in this article stating that the name of the chargé d'affaires <u>ad interim</u> should be notified either by the accredited head of the mission or, if he is unable to do so, by the Ministry of Foreign Affairs of the sending State. This is the only way to remove any uncertainty which may arise as to whether the appointment of the chargé d'affaires <u>ad interim</u> is in conformity with the intentions of the sending State.

Article 19

The present wording of this article, which obliges the receiving State to "ensure adequate accommodation" for the mission, fails to take into account the practical difficulties which that State might encounter in case of a housing shortage. The following wording is suggested:

"The receiving State must either permit the sending State to acquire on its territory the premises necessary for its mission, or <u>facilitate the accommodation of the mission as far as possible in some other way."</u>

Article 25

In connexion with paragraph 1, the Swiss authorities are still of the opinion that there is no need to abandon the hitherto generally accepted principle that full freedom of communication, including the right to use the diplomatic bag, is limited to direct communication between the diplomatic mis-

sion and the Ministry of Foreign Affairs of the sending State. An extension of this freedom of communication can only be justified in exceptional cases when consulates, owing to the fact that there is no diplomatic mission in the State of residence, are obliged to correspond directly with the Ministry of Foreign Affairs of their country or possibly with a diplomatic mission in a third country, under whose superintendence they may be. Even in these special cases, freedom of communication and the right to use the diplomatic bag should only be granted under a bilateral agreement or by tacit agreement.

Furthermore, the Swiss authorities suggest that a clause should be added to paragraph 1 whereby the mission would be expressly granted the right to use its own wireless transmitter for its communications with the Government of the sending State. This right would not relieve the mission of the obligation of complying with the relevant international conventions and rules but would protect it from arbitrary refusal by the receiving State. It is suggested that there should be a new paragraph worded as follows:

"For its communications with the Government of the sending State, the mission shall be entitled to use its own wireless transmitter. The exercise of this right shall be subject to the condition that the mission must comply with the international conventions and rules governing telecommunications and must apply to the receiving State for permission to establish and operate such a transmitter."

With regard to paragraph 4, the Swiss authorities maintain their objection to the definition of the contents of the diplomatic bag. The vague expression "articles intended for official use", which could give rise to abuses, should be replaced by a restrictive definition in which the "functional necessity" of diplomatic missions would be genuinely reflected. Following up their previous suggestion, the Swiss authorities would propose the following wording:

"The diplomatic bag, which must bear visible external marks of its character, may only contain diplomatic documents or articles of a confidential nature essential for the performance of the mission's functions."

As was previously pointed out by the Swiss authorities in connexion with the 1957 draft articles, paragraph 5 fails to mention that the diplomatic courier, unlike the members of the mission, does not remain permanently in the receiving State, his stay being limited to the periods of travel during which he exercises his functions. In order to avoid abuses, the temporary nature of the personal inviolability of the diplomatic courier, as compared with the permanent inviolability accorded to certain members of the mission, should be emphasized. On the other hand, contrary to what was suggested in connexion with the 1957 draft, it seems unnecessary to specify that the diplomatic courier enjoys no other privilege or immunity, since this rule is implicit. Accordingly, the Swiss authorities propose the following wording, which embodies the substance of the suggestion relating to the earlier draft of 1957:

"In the exercise of his functions the diplomatic courier shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention."

Article 30

Paragraph 2 of this article no longer mentions the condition that, in criminal proceedings, waiver of immunity from jurisdiction must always "be effected by the Government of the sending State". This change, which is explained in paragraph (2) of the commentary, is regrettable because, in criminal proceedings, waiver of immunity of jurisdiction is a very serious step. It is therefore important that an absolute safeguard should be provided against the risk that, in extraordinary circumstances, the head of the mission to which the diplomatic agent in question belongs might yield to pressure brought to bear on him by the authorities of the receiving State. In criminal proceedings, it is essential, in order to protect the head of the mission, that waiver should in each case be effected not by the head of the mission himself but directly by the Government of the sending State, even though

transmitted to the authorities of the receiving State by the head of the mission.

Article 32

The revised text of sub-paragraph (a), under which an exception is made in connexion with the levying of indirect taxes, is too restrictive. This provision should cover all indirect taxes, i.e., all sales taxes, whether incorporated in the price of goods and services or not, and all stamp duties. It is therefore suggested that the original text should be restored and that the general concept of "indirect taxes" should be reintroduced.

Article 34

Customs exemption should cover not merely exemption from customs duties but also exemption from prohibitions and restrictions of an economic or financial nature on imports and exports, with the sole exception of prohibitions or restrictions based on the public interest.

The limitations on the extent of this exemption should be set out in full at the beginning of article 34 and not mentioned incidentally in connexion with the examination of personal baggage.

Under paragraph 2, the personal baggage of all diplomatic agents is to be exempt from inspection. Although this provision goes further than the practice followed in Switzerland, it would seem to be acceptable in view of the proviso under which the authorities of the receiving State are allowed to carry out an inspection if they have serious grounds—the word "very" should be deleted—for presuming that the baggage contains articles not covered by the exemption. Heads of mission, however, should be entirely exempt from any inspection of their personal baggage.

Guided by those considerations and making partial use of the Belgian Government's proposals in connexion with the former article 27, the Swiss authorities propose that article 34 should be worded as follows:

"1. The receiving State shall, in accordance with the regulations established by its legislation, grant exemption from customs duties and from all prohibitions and restrictions of an economic or financial nature on imports and exports in connexion with:

"(<u>a</u>) ...

"(<u>b</u>) ...

- "2. Exemption from prohibitions and restrictions on imports and exports shall not apply to articles, traffic in which is specifically prohibited by the laws of the receiving State for reasons of public morality, safety, health or order.
- "3. The personal baggage of the head of mission shall be exempt from inspection. This privilege shall also apply to the personal baggage of the diplomatic staff, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1. Such inspection shall be conducted only in the presence of the diplomatic agent or in the presence of his authorized representative."

Article 35

This article is intended to cover, not only the case of a child born on the territory of the receiving State of parents who are members of a foreign diplomatic mission and who are not nationals of the receiving State, but also, as the commentary points out, the case of a woman member of the mission who marries a local national. With regard to this last-mentioned point, the article is contrary to the Swiss constitutional principle (article 54 of the Federal Constitution) of the unity of the family, according to which a foreign woman who marries a Swiss national acquires her husband's nationality. No departure from this fundamental principle is admissible. The Swiss authorities therefore suggest that article 35 should be supplemented so as to read as follows:

"Members of the mission, not being nationals of the receiving State, and members of their families forming a part of their household, shall not, solely by the operation of the law of the receiving State, acquire the nationality of that State, except in the case of marriage."

Article 36

The words used to define members of the family of a diplomatic agent, i.e., that they must form part of his household, are not sufficiently clear and could lead to misunderstandings and even to abuse. The Swiss authorities suggest that the family circle enjoying privileges and immunities should be limited to the spouse and minor children and, in exceptional cases, to other relatives who form part of the agent's household. A definition on these lines should be inserted in article 1, the other articles using only the broad expression "members of the family".

The reasons given for granting the same privileges and immunities to technical and administrative staff as to diplomatic staff (cf. paragraph (8) of the commentary) appear to be sound. Accordingly, the Swiss authorities, abandoning the misgivings which they previously voiced, are now able to approve the present provision.

Article 39

As was pointed out by other Governments in connexion with the 1957 draft, it should be clearly understood that a third State's obligation to accord inviolability and other immunities to a diplomatic agent and his family when they are passing through in transit applies only to official journeys carried out without delay or interruption, and is not applicable in the case of journeys made for other purposes, or of sojourns. This is also true in the case of diplomatic couriers in transit, as referred to in paragraph 3. However, there seems to be no possibility of adding a clause expressly defining these limitations, which moreover are based on the general principle of the purpose of the mission.

Furthermore, as other Governments have also pointed out, it is naturally understood that no person covered by this article may claim any right unless he is provided with the necessary documents or unless the third State has authorized his transit, or his presence there is inadvertent or unplanned.

The Swiss authorities agree in principle with the new provision embodied in paragraph 3, whereby third States are to accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They would suggest, however, that the last part of the sentence should be made more explicit and thus read "... the same freedom and protection as the receiving State is bound to accord".

The Swiss authorities also feel bound to point out that, as it stands, the article on the duties of third States still appears to be incomplete. It would seem desirable, in particular, to add specific provisions setting out the obligation of the State of transit in a case where diplomatic relations have been broken off between that State and the sending or receiving State.

16. UKRAINIAN SOVIET SOCIALIST REPUBLIC

Transmitted by a <u>note verbale</u> of 30 April 1959 from the Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic

[Original: Russian]

The Government of the Ukrainian Soviet Socialist Republic considers that the draft articles on diplomatic intercourse and immunities prepared by the International Law Commission at its tenth session could be taken as the basis for the conclusion of an international convention since, in the main, they codify the generally-recognized rules of law governing diplomatic missions which have become established as a result of their long-standing application in the practice of States and in the theory of international law.

The conclusion of such a convention could contribute, to a marked degree, to the improvement of relations between States and to the development of international co-operation on the basis of the principles of peaceful coexistence.

As regards amendments to individual provisions of the above draft, the Government of the Ukrainian SSR reserves its right to submit them in the course of the discussion of the text article by article.

17. UNION OF SOVIET SOCIALIST REPUBLICS

Transmitted by a <u>note verbale</u> of 26 May 1959 from the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations

[Original: Russian]

The Government of the Union of Soviet Socialist Republics considers that the draft articles on diplomatic intercourse and immunities prepared by the International Law Commission at its tenth session in 1958, in the main, codify the generally-recognized rules of law governing diplomatic missions and may be used as a basis for the conclusion of an international convention on the subject.

The Government of the Union of Soviet Socialist Republics believes that the conclusion of a convention on the basis of these draft articles would help to secure proper conditions for the work of diplomatic representatives and, at the same time, would contribute to the strengthening of normal, friendly relations among nations.

However, the Government of the Union of Soviet Socialist Republics reserves the right to present amendments and additions to the aforesaid draft articles when they are considered article by article.

18. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Transmitted by a letter of 28 May 1959 from the Secretary of State for Foreign Affairs in the United Kingdom

[Original: English]

I have the honour to refer to my letter ... of 10 March 1958 enclosing a memorandum containing the interim comments j/ of Her Majesty's Government in the United Kingdom on the draft articles concerning diplomatic intercourse and immunities adopted by the International Law Commission at its ninth session ... and to enclose ... copies of revised and supplementary comments on the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session.

Article 11

The drafting might be improved so as to make it clear that the "offices" referred to in this article are not any "offices of the sending State" but only such of its offices as are directly connected with the mission.

Articles 12 and 15

The adoption, in articles 12 and 15, of the same alternatives for determining both the date of the commencement of the functions of the head of the mission and his order of precedence is not, in the opinion of Her Majesty's Government, to be taken to imply that the same alternative is to be adopted in each case.

Article 21

In the opinion of Her Majesty's Government, the exemption of the premises of a foreign diplomatic mission from local dues or taxes (known in the United Kingdom as local rates) is not required by customary international law. However, it is the practice of Her Majesty's Government to enter into arrangements whereby, on a basis of reciprocity, partial relief from local rates may be secured: the principle applicable is that the diplomatic mission concerned pays only that proportion of the local rates which is attributable to services from which the mission is deemed to derive direct benefit. This principle is similar to that adopted in the draft article, and Her Majesty's Government would therefore be prepared to accept the obligation of the article as an obligation arising out of a convention.

If this article is intended to cover exemption from stamp duty, it is suggested that the phraseology adopted may not be particularly apt, since stamp duty is, strictly, charged upon the documents and not on persons, and the form of the concession is that of free stamping of the document and not of its exemption from duty.

Article 24

While recognizing the general principle enunciated in this article, Her Majesty's Government must reserve the right to impose restrictions on the movements of diplomatic agents of a particular country in the United Kingdom in the face of restrictions imposed by the Government of that country upon diplomatic agents of the United Kingdom stationed there.

Article 25

In the practice of Her Majesty's Government, any bag or container properly addressed and bearing the seal of a foreign Ministry for Foreign Affairs or a foreign mission is regarded as a diplomatic bag and is treated accordingly.

Paragraph 1 of this article might imply a right of consuls to communicate by diplomatic bag or courier or by wireless. It would not seem appropriate to mention, in a draft concerning diplomatic intercourse, the rights of communication possessed by consuls. Those rights will no doubt be dealt with by the International Law Commission when it considers consular privileges and immunities.

Paragraph 5 should make it clear that personal immunity is only enjoyed by the diplomatic courier when exercising his official functions.

With regard to diplomatic wireless, Her Majesty's Government do not object to, nor insist upon licences for, wireless receiving and transmitting apparatus used by foreign diplomatic missions for the purpose of communicating with their respective Governments, nor do Her Majesty's Government require that permission should be sought for the operation of such apparatus. This practice has been established in contemplation of the unqualified right to freedom of communication which is internationally recognized, and is now laid down in paragraph 1 of this article. In this connexion it is to be observed that the relevant international conventions do not impose a specific obligation upon a receiving State or upon a sending State to require that a diplomatic mission should conform to the domestic legalization of the receiving State. The general obligation contained in international conventions (e.g. article 22, regulation 488 of the Radio Regulations of the International Telecommunication Union) should not be considered as applying to diplomatic wireless transmitters since such general obligations must be read, according to the principle generalia specialitus non derogent, as subject to the specific rules of international law (as laid down in paragraph 1 of this article) which secure the right of free diplomatic communication. Her Majesty's Government cannot therefore accept the statements in the last two sentences of paragraph (2) of the commentary to this article, as they are in conflict with the accepted right to freedom of communication, which, in the view of Her Majesty's Government, is correctly set out in the text of the article itself.

Article 28

Her Majesty's Government consider it desirable to specify more precisely the circumstances in which "property" (e.g. a motor car) belonging to a diplomatic agent should enjoy inviolability. In their view it would be preferable that inviolability should not be recognized absolutely unless the property is in the possession or under the control of the diplomatic agent.

There is an apparent contradiction between article 28 and article 34, paragraph 2.

Article 29

The term "real action" may not be a term of art in many legal systems: it is no longer such in English law. The precise scope of the exception in article 29, paragraph 1 (a) is thus not entirely clear.

i∕ Ibid., p. 54.

Article 31

This article does not take account of bilateral or multilateral social security agreements. The United Kingdom has entered into over twenty such agreements with European and Commonwealth countries, almost all of which include an article having specific reference to diplomatic officials. Her Majesty's Government would therefore wish to see a specific safeguard for such agreements incorporated into the article.

The term "social security" is differently interpreted in different countries, and in the opinion of Her Majesty's Government it is considered desirable that the term should in this article be regarded as having the meaning assigned to it in International Labour Organisation Convention No. 102 on Minimum Standards of Social Security. **E/*

Her Majesty's Government consider that the drafting of article 31 might be improved if, in place of the last twelve words of the first sentence of this article, there were inserted the words "who are themselves subject to that legislation".

Since not every country interprets the term "social security" in the same way, it would be best to regard it as having the meaning assigned to it in ILO Convention No. 102. At the end of the commentary it should therefore be stated that "Social security has the meaning attributed to it in ILO Convention No. 102 on Minimum Standards of Social Security".

Article 32

As indicated in the comment on article 21, Her Majesty's Government do not consider that the exemption of premises held by a diplomatic agent from local dues or taxes (known in the United Kingdom as local rates) is required by customary international law, although it is the practice of Her Majesty's Government to make arrangements whereby a partial relief from those charges may be given on a basis of reciprocity. However, since the principle on which these arrangements are made is similar to that adopted in the draft, Her Majesty's Government would be prepared to accept the obligation of this article as an obligation arising out of a convention.

Her Majesty's Government would wish it to be made clear that the reference under sub-paragraph (a) to "indirect taxes" applies to taxes such as those which in the United Kingdom are known as excise duties, including the purchase tax, and to customs duties on goods not imported or cleared from bond by the diplomatic agent. In this connexion the words which follow, and qualify, the phrase "indirect taxes" may not be particularly apt, since in particular cases atax which is often incorporated in the price of goods is sometimes payable separately: e.g. in the United Kingdom tax is payable separately where goods which are subject to purchase tax are bought direct from a registered trader, or where goods which are subject to excise duty are purchased in bonded warehouses, although in both cases the tax would normally be incorporated in the price.

Article 34

It is suggested that paragraph 1 of this article should make clear that the exemptions contemplated are applicable only to articles imported directly or withdrawn from bonded warehouses by the diplomatic agent or his mission. In paragraph 1 (a), in place of the phrase "Articles for the use of a diplomatic mission", the phrase "Articles consigned by the sending State for the official use of its diplomatic mission" is suggested. In paragraph 1 (b) the word "establishment" requires some clarification, since Her Majesty's Government could not agree to allowing the diplomat to import free of duty articles intended for the personal use of servants of his household.

The régime contemplated in the article should be without prejudice to the provisions of reciprocal arrangements existing or to be concluded between Her Majesty's Government and the Governments of other States.

In the opinion of Her Majesty's Government, the absolute exemption of a diplomatic agent and his family from customs

k/ United Nations. Treaty Series, Vol. 210 (1955), No. 2838, p. 132.

duties is not required by customary international law. However, Her Majesty's Government would be prepared to accept an obligation to grant customs exemption as an obligation arising out of a convention.

Paragraph 1 of this article does not take account of the position in States (such as the United Kingdom) where customs exemptions for diplomatic agents are granted without the need for any legislation.

In the opinion of Her Majesty's Government it should be made clear that "customs duties" only cover foreign goods. For example, in the United Kingdom, goods subject to excise duty may be exported without payment of that duty, but on reimportation they may be delivered without payment of customs duties provided that there is paid an amount equal to the excise duty in force at the date of their reimportation: it is the opinion of Her Majesty's Government that no such "amount" should be regarded as a customs duty for the purpose of this article.

Article 35

Her Majesty's Government consider that this article is defective in several respects, and in its present form it would be extremely difficult for Her Majesty's Government to accept. The effect of the article as at present drafted would be to prevent the acquisition of the nationality of the receiving State by a child born there to a woman who was herself a member of the mission, even though her husband was not. This raises difficult issues of principle for it entails a departure from the principle upheld by Her Majesty's Government that in matters of nationality paternal descent alone is relevant. Further, such a child could well be stateless. Her Majesty's Government consider, therefore, that this article might, with advantage, be redrafted on the following lines:

"A child of a male member of the mission, not being a national of the receiving State, shall not, by sole reason of the child's birth in the territory of the receiving State, acquire the nationality of that State. Nor shall members of the mission, not being nationals of the receiving State, and members of their families forming part of their household, for any other reason acquire the nationality of the receiving State solely by the operation of its law."

Article 36

In the opinion of Her Majesty's Government the relationship between article 36, paragraph 1, and articles 27 to 35 is not entirely satisfactory. Article 36, paragraph 1, speaking generally, confers upon various categories of persons the privileges and immunities of articles 27 to 35. There would, however, appear to be some inconsistency and ambiguity in the specific reference in some of those articles to only some of the categories of persons covered, in general terms, by article 36, paragraph 1. A more satisfactory arrangement, it is suggested, would be for articles 27 to 35 to refer only to the "diplomatic agent" as the beneficiary of the privileges and immunities there set out, and for the extension of those privileges and immunities to other persons to be regulated solely by article 36. If this were to be done, the present scope of these articles would be retained merely by amending article 36, paragraph 2, in order to cover the application of articles 31 and 35 to the service staff of the mission and their families, these being the only persons to whom articles 27 to 35 are at present not intended to apply and who are not already covered by the general extension in article 36, paragraph 1. The remarks in this paragraph of Her Majesty's Government's comment on the article are only directed to the need for some rearrangement in article 36, and must be read subject to any comments of Her Majesty's Government on the desirability of any specific privilege or immunity being enjoyed by any particular category of persons.

Her Majesty's Government consider it undesirable that customs privileges should be extended to the administrative and technical staff (i.e., non-diplomatic staff) of a mission and to their families, or to the relatives of a privileged diplomat other than his wife and dependent children or, in the case of an unmarried diplomat, a near relative acting as his official hostess.

It is suggested that the following words should be added to paragraph 1: "and shall be subject to the provisions of article 30 in regard to waiver of immunity".

In paragraph 2 of this article it is suggested that the reference to official acts might be expanded to refer to "acts done by them in their official capacity and within the limits of their authority".

Her Majesty's Government consider the drafting of paragraph 3 of this article to be unsatisfactory, and that the object of the proviso that jurisdiction shall only be exercised in such a manner as will avoid undue interference with the conduct of the business of the mission requires further consideration. If the intention is to impose an obligation in this sense on the Government of the receiving State, Her Majesty's Government would regard such an ill-defined obligation as incapable of satisfactory enforcement, due regard being paid to the need to leave to the discretion of the courts of law the decision as what constitutes undue interference.

Her Majesty's Government consider that paragraph 3 of this article may go too far in conferring tax exemption on private servants of "members of the mission", in the light of the very wide definition of the term "members of the mission" in article 1.

Article 37

Her Majesty's Government wish to repeat, in connexion with paragraph 2 of this article, the comment already made in the fifth paragraph of their comment on article 36 in connexion with the possible obligation to avoid undue interference with the conduct of the business of the mission.

Her Majesty's Government note that where the members of the family of an <u>alien</u> diplomat are nationals of the receiving State, their position is not made entirely clear by the convention. Such families are excluded from the provisions of article 36, paragraph 1, which confers the privileges and immunities of articles 27 to 35 upon the family of a diplomatic agent and others only if they are not nationals of the receiving State; nor are they covered by article 37 which, as interpreted in paragraph (7) of the commentary, applies only to the members of the family of a diplomat who is himself a national of the receiving State. In the opinion of Her Majesty's Government, members of the family of an alien diplomat who are nationals of the receiving State should be put in the category of persons who may enjoy only such privileges and immunities (if any) as are granted to them by the receiving State.

Article 38

In the opinion of Her Majesty's Government it would be most undesirable to grant as wide an exemption from estate duty as is contemplated in paragraph 3 of this article. Her Majesty's Government might not be able to accept a convention which would require exemption from estate duty on all movable property situated in this country (e.g. shares in an English company), although Her Majesty's Government could accept, if the deceased member of the mission is domiciled abroad, an exemption for his movable property situated in the premises of the mission (or in such premises held by the member of the mission which are inviolable in virtue of other provisions of the convention) and for his movable property situated abroad.

Article 39

Her Majesty's Government consider that the article should clearly establish that it is only while the diplomatic agent is passing through the territory of a third State on duty—that is to say, while proceeding to or from his post either on official business or on leave—that he is entitled to diplomatic immunity in the third State, and that a diplomatic agent who is merely visiting a third State is not automatically entitled to such immunity, even though he may be travelling with a diplomatic passport.

Article 40

Her Majesty's Government consider that it would be beneficial if it were to be accepted that States should use their utmost endeavours to secure that disputes which involve persons entitled to immunity from suit and legal process, and in which it is decided that that immunity shall not be waived, are settled by agreement between the parties. It may be considered suitable that the doyen of the diplomatic corps should, where appropriate, have some <u>locus standi</u> to promote such settlements.

19. UNITED STATES OF AMERICA

Transmitted by a <u>note verbale</u> of 10 June 1959 from the Permanent Representative of the United States of America to the United Nations

[Original: English]

General observations

The United States Government is of the opinion that the International Law Commission should be highly commended for its work in revising the draft articles on diplomatic intercourse and immunities. The revised draft articles, as they appear in chapter III of the International Law Commission's report on the work of its tenth session (28 April-4 July 1958),1 contain clear and concise statements of those principles of international law and practice which are universally recognized. With respect to matters in which the practice of Governments varies to such an extent that it cannot be said that there is a rule of international law on the subject which Governments must follow, the Commission has formulated a number of proposed rules. These rules are, on the whole, sensible, practical, and realistic. By usage, many of these rules proposed by the Commission will be accepted by Governments as indicative of the standard to be observed, and thus contribute to the progressive development of international law. The Commission is also to be commended for its not having attempted to formulate de novo rules of international law regarding certain questions which as of now are entirely unsettled and on which there is little prospect that Governments would agree.

The United States Government, just as other Governments which expressed reservations in the Sixth Committee of the General Assembly, is unable to agree with all of the Commission's conclusions and recommendations. However, it is pleased to note that most of the provisions to which it had objected were revised by the International Law Commission in a manner generally consonant with the United States concept of what international law and practice requires.

The United States continues to have reservations as to whether or not, after further consideration and revision, the draft articles should be submitted to Governments for signature as a multilateral convention, or as a codification of universally accepted rules on the subject.

Nevertheless, if a majority of Governments favour a convention on the subject, and agree on the text of a convention which is generally consistent with the spirit and intent of the draft articles formulated by the International Law Commission at its tenth session, the United States Government will of course consider the matter further.

There follows a statement of the observations of the United States Government on individual articles, with references, as appropriate, to its previous observations as published in the annex to the Commission's report m/wherein the United States commented on the draft articles prepared by the Commission at its ninth session.

Observations on individual articles

Article 1

The inclusion of a new article defining the diplomatic, administrative, technical and service staff of a mission was recommended by the United States and several other Governments. See the third paragraph of the United States observations on former article 6. The United States notes that

^{1/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1).

<u>m</u>/ <u>Ibid.,</u> p. 55.

Governments will no doubt differ in their interpretation of "(d) The 'diplomatic staff'" and "(g) The 'service staff'". The United States is of the view that the definition of the "service staff" should be deleted. The chauffeur and the cook, for instance, employed by the sending State, are in fact part of the administrative staff of the mission.

SECTION I. DIPLOMATIC INTERCOURSE IN GENERAL

Article 2

Satisfactory. See United States observations on former article 1.

Article 3

Generally satisfactory. See United States observations on former article 2.

Article 4

Satisfactory. See United States observations on former article 3.

Article 5

Satisfactory. See United States observations on former article 1, recommending inclusion of such a provision regarding dual or multiple accreditation.

Article 6

No objection, in view of the commentary which follows after article 8. See United States observations on former article 4 and former article 7, paragraph 2.

Article 7

Generally satisfactory. Problems will continue to arise, however, in cases of dual nationals. See United States observations on paragraph (6) of commentary following former article 6.

Article 8

Satisfactory. See United States observations on paragraph 1 of former article 6.

Article 9

This article, which is new, is satisfactory except with respect to private servants. The United States agrees with the commentary thereon but notes that the article itself is broader in scope. The Ministry of Foreign Affairs should be notified regarding only those private servants who are present in the receiving State solely by virtue of their employment by a member thereof, and of those private servantsengagedlocally who are entitled by virtue of such employment to claim diplomatic privileges and immunities. Neither of these conditions is ordinarily present in the case, for instance, of a day maid who is a national of the receiving State employed by a member of a diplomatic mission, whether on a full-time or part-time basis.

Article 10

The United States continues to hold the view that it is impractical to frame a rule on the size of staff, for the reasons stated in its observations on former article 7. However, if there is to be a rule on the subject, paragraph 1 is probably satisfactory.

Paragraph 2 is objectionable. The United States opposes, in principle, unwarranted discrimination in any form. However, the United States is of the opinion that a receiving State is entitled to vary, on a basis of reciprocity, its treatment of members of diplomatic missions accredited to it in any matters not clearly contrary to established principles of international law. See United States views on article 44 and United States observations on former article 7.

Paragraph (5) of the commentary refers to an "arbitral or judicial decision". The receiving State's objections to the size of a mission or the inclusion in the mission's staff of officers of a particular category are sometimes based on concern for internal security. In such case, it is unlikely that the receiving State will submit the question to arbitration or to a judicial body for decision.

Article 11

This article, which is new, accords with the views of the United States Government.

Article 12

No real objection, but see United States observations on former articles 8 and 13.

Article 13

Satisfactory, but see United States observations on former article 10.

Article 14

Satisfactory. See United States observations on former article 11.

Article 15

Satisfactory. See United States observations on former article 12.

Article 16

Satisfactory. See United States observations on former article 13.

In paragraph (7) of the commentary following article 16, the United States Government suggests that the second sentence thereof should begin "This staff may comprise...".

Paragraph (8) should be revised to delete the reference to "military", "naval" or "air" officers, as it is well established that service attachés would be considered as "members of the mission's diplomatic staff" as defined in paragraph (7) of the commentary.

Article 17

Satisfactory, particularly in light of the commentary. See United States observations on former article 9.

As to paragraph (2) of the commentary, the sending State, rather than the receiving State, would seem to be in the better position to judge whether or not the head of the mission is able to perform his functions.

Article 18

The United States agrees that it should be always permissible to use the flag and emblem of the sending State on the premises of the mission. The statement regarding the right to use these on the residence and the means of transport of the head of the mission may not as yet be generally accepted by Governments as a rule of international law. The United States Government, for its part, has no objection to the principle therein enunciated. However, the United States continues to believe that the International Law Commission should not undertake to lay down new rules.

SECTION II. DIPLOMATIC PRIVILEGES AND IMMUNITIES

The United States agrees generally with the Commission's conclusion as reflected in paragraph (3) of the introductory commentary on section II.

Article 19

Generally satisfactory, but see United States observations on former article 15.

Article 20

Generally satisfactory, but see United States observations on former article 16 and commentary thereon, particularly as regards requisitioning and attachment.

Article 21

The United States agrees that the sending State and the head of the mission, as lessee, should be exempt from all taxes imposed by law by reason of being a lessee or occupant. The United States cannot agree, however, to exempting a lessor from taxes imposed by law on him merely because the premises are leased to a sending State or to the head of the mission, See United States observations on former article 17.

Article 22

Text satisfactory, but commentary thereon unsatisfactory. See United States observations on former article 18.

Article 23

Generally satisfactory, but see United States observations on former article 19.

Article 24

The second sentence of the commentary, which is new, is a good addition. However, see United States observations on former article 20. See also United States views on article 44.

Article 25

The United States observations on former article 21 reflect United States views generally regarding the substance of the article and commentary thereon.

Paragraph 2 of the article, which is new, provides that the official correspondence of a diplomatic mission shall be inviolable. Since freedom of communication and inviolability of diplomatic bags are provided for in paragraphs 1, 3 and 4, paragraph 2 apparently refers to official correspondence transmitted other than by diplomatic pouch, presumably by mail. The United States Customs Regulations provide, as do the customs regulations of many other countries, for the inspection of sealed envelopes and parcels when believed to contain merchandise. Moreover, unless official correspondence transmitted by mail is identified as such by some external means, as are diplomatic bags, the fact of its actually being official correspondence cannot be ascertained with certainty except by examination. Accordingly, it is believed that paragraph 2 should be considered further.

Paragraph (2) of the commentary restates the Commission's position that permission to use wireless transmitters should be granted on a non-discriminatory basis, rather than on a basis of reciprocity. The United States views on the principle of non-discrimination are set forth in the United States observations on former article 7 (Limitation of staff) and former article 20 (Free movement). However, see United States views on article 44.

Article 26

No objection.

Article 27

Satisfactory.

Article 28

The United States agrees generally with the apparent intent of this article. However, see United States observations on paragraph 2 of former article 23 concerning commercial ventures.

With respect to the reference in the last sentence of the commentary to article 20, paragraph 3, the United States notes that a "search" of premises is to be distinguished from a "search" of a bank account. Evidence concerning financial transactions supplied by a bank pursuant to subpoena would often be material to the determination of issues contested in the sort of actions contemplated in sub-paragraphs (a), (b) (c) of paragraph 1 of article 29, post.

Article 29

See United States observations on former article 24 and United States views on article 28, supra.

Paragraph (10) of the commentary on paragraph 2 of article 29 appears based on the premise that the only testimony a diplomatic agent might be called upon to give would be testimony in his own interest. This premise seems unwarranted, and inconsistent with the exemptions from immunity from local jurisdiction provided in the preceding paragraph of the article. The testimony of a diplomatic officer who was the executor of a will, for instance, would often be essential to establishing the facts at issue in an estate case. If he is to be made subject to the jurisdiction of a local court with respect

to certain actions, then he should enjoy no personal immunity with respect to those actions.

The United States is of the opinion that in general a diplomatic agent ought not to be immune from local jurisdiction in the situations outlined in sub-paragraphs (a), (b) and (c) of paragraph 1. However, the United States does not believe that at this time article 29 as drafted may be considered as a rule of international law.

Article 30

As stated in the United States observations on former article 25, the United States does not believe that the reference to implied waivers is consistent with the theory that immunity is for the benefit of the Government and can only be waived by the Government.

Article 31

This provision would exempt from compulsory coverage under social security legislation the members of a diplomatic mission and members of their families, if they are not nationals of the receiving State. However, voluntary participation is not excluded to the extent that it is permitted by the legislation of the receiving State. The exemption does not extend to servants and employees of the members of the mission if compulsory coverage applies to such servants or employees. Although the United States expresses general agreement with the principle of this article, it should be noted that compulsory coverage may be equivalent to a tax, if current social security benefits are not provided or if there is no likelihood that the covered employee will remain in the receiving country long enough to qualify for deferred benefits, such as retirement annuities. Consideration might therefore be given to an exemption in appropriate cases from social security coverage of employees who are not nationals or residents of the receiving country. Also, this article should be considered with respect to article 32 (Exemption from taxation).

Article 32

There is no objection to the list of exemptions to be accorded a diplomatic agent by this article. However, a diplomatic agent may, under articles 1 and 7, be a national of the receiving State. It is noted that the privileges and immunities to be accorded a diplomatic agent who is a national of the receiving State appear to be limited by article 37. However, in view of the specific denial of tax immunities under article 36 in the case of other employees who are nationals of the receiving State, the tax status of diplomatic agents who are not nationals of the sending State should be clarified. The United States is of the view that the listed tax exemptions should not be accorded nationals of the receiving State. The minimum exclusion from the scope of the exemption should comprise: (1) a national of the receiving State; (2) a person who has been resident in the receiving State prior to his employment with the diplomatic mission; and (3) an individual who waives his tax-exempt status, perhaps to qualify for immigrant status.

The preceding observations concerning a diplomatic agent under article 32 are equally applicable to article 36, which extends various privileges and immunities, including tax immunities, to members of the family of a diplomatic agent and members of the service staff of a mission as well as private servants of members of a mission.

Article 33

No objection, except in the case of diplomatic agents who may be nationals or permanent residents of the receiving State.

Article 34

This article is somewhat broader in its scope in extending exemptions from inspection of baggage than is now required by international law or accorded under the practice of international courtesy.

The United States has no objection to paragraph 1 of article 34, which reads: "The receiving State shall, in accordance with the regulations established by its legislation, grant exemption from customs duties on: ...", if these words are intended to cover local laws, rules, or regulations. It is sug-

gested, however, that paragraph 1 might be revised to read: "The receiving State shall, in accordance with such laws or regulations as it may adopt, grant exemptions from customs duties or other taxes or charges imposed by reason of importation on:...".

In addition, it is not clear whether an excise tax imposed on imports is covered by the exemption. If exemption from excise tax on imports is intended, it should be made applicable only to imports consigned directly to a diplomatic agent or mission and not to imports purchased by such diplomatic agencies or missions through ordinary trade channels.

Article 35

This represents existing United States law on the subject and is in conformity with international law as the United States interprets it. See United States observations on former article 29.

Consideration might be given to an expansion of this article to provide that an individual who is present in the receiving State solely by virtue of his employment as a member of a mission should not acquire residence in such State for tax (and possibly other) purposes.

Article 36

The revisions made by the International Law Commission in the text of former article 28 have not overcome the objections the United States has previously noted to that article. The present text is again an effort to prescribe rules of conduct applicable to diplomatic intercourse and immunities, rather than a precise statement of existing rules. It is not to be expected that many Governments will favour the adoption of the policy reflected in article 36 and the commentary thereon, representing as it does such a wide departure from their present practice. Generous as the United States is in granting privileges and immunities to foreign nationals, it could not subscribe to the principle that members of families of employees (as distinct from officers) of the mission enjoy virtually the same privileges and immunities as officers do.

The United States believes that members of the service staff should have immunity for official acts irrespective of nationality.

It is believed that the tax exemptions granted in paragraphs 2 and 3 should not be available to persons admitted to the receiving State for permanent residence. Also, no person should be exempt from taxes on salaries and emoluments not paid by the sending State direct.

Article 37

The United States is of the opinion that a national of the receiving State who is a member of the staff of a diplomatic mission is entitled to full immunity with respect to an official act performed by him while acting within the scope of his functions.

The United States therefore suggests that paragraph 1 of the article be amended by inserting after the words "diplomatic agent", the words "or other member of the staff of the mission". This is consistent with the definition of the staff of the mission, as contained in article 1.

The United States further suggests that paragraph 2 be revised and broken into two paragraphs, to read as follows:

- "2. Private servants who are nationals of the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State.
- "3. The receiving State must exercise its jurisdiction over persons named in paragraphs 1 and 2 of this article in such a manner as not to interfere unduly with the conduct of the business of the mission."

Article 38

Paragraphs 1 and 2 are generally satisfactory, but see United States observations on former article 31.

The reference in paragraph (2) of the commentary regarding import duties due on articles arriving after the addressee

has ceased to enjoy diplomatic immunity, however, presents special problems.

Paragraph 3, which is new, could more appropriately be included as part of article 32, <u>supra</u>. Also, the paragraph as drafted conflicts with the United States view that the receiving State may taxthe estate of its national, located in its territory, as a condition precedent to the right of the heir or beneficiary to receive the proceeds thereof. This is true, even in the case of the estate of a deceased member of the family of a foreign diplomatic officer.

The United States is further of the view that the exemption should not apply if the individual involved is a national of a country other than the sending State. Finally the United States believes that the exemption from death duties, where applicable, should apply not to all movable property of the deceased but to a limited amount of property, either movable or immovable. In general, the United States takes the view that the personnel of a diplomatic mission, temporarily present in a receiving State, should be subject to estate taxes as if they were non-resident aliens, with the exception of movable property belonging to the estate of a deceased member of the staff entitled to tax exemptions under article 32 or article 36, and used by him in the performance of his official duties. The article might be revised to provide that any part of the estate of such deceased person which does not exceed in value two times the amount of all official emoluments, salaries, and allowances received by such person for the year immediately preceding his death, shall be deemed conclusively to constitute property used by him in the performance of his official duties.

Article 39

Generally satisfactory, subject to United States observations on former articles 21 and 32.

Paragraph 2 of article 39 is on the whole a desirable addition to the former text. It should be made clear, however, what obligation with respect to territorial jurisdiction is involved in the phrase, "shall not hinder the passage". The third State should not be expected to accord greater immunity to a member of the administrative staff, for instance, than the receiving State must accord him.

SECTION III. CONDUCT OF THE MISSION AND OF ITS MEMBERS TOWARDS THE RECEIVING STATE

Article 40

Satisfactory.

SECTION IV. END OF THE FUNCTION OF A DIPLOMATIC AGENT

Article 41

Satisfactory. See United States observations on former article 34.

Article 42

Satisfactory. See United States observations on former article 35.

Article 43

Satisfactory. See United States observations on former article 36.

SECTION V. NON-DISCRIMINATION

Article 44

This article, which is new, embodies the principle of reciprocity in relations between States. It thus meets most of the United States objections to the provisions in various articles of the 1957 draft that the receiving State shall not discriminate in the treatment it accords the various diplomatic missions in its territory, and members of such missions. See United States observations on former article 7 and former article 20.

SECTION VI. SETTLEMENT OF DISPUTES

Article 45

As stated in the United States observations on former article 37, this article should be deleted if the draft articles are not submitted to Governments in the form of a convention.

Document A/4164/Add.1

[Original text: English] [31 August 1959]

ANNEX (continued)

20. CANADA

Transmitted by a letter of 25 August 1959 from the Permanent Representative of Canada to the United Nations

Article 15, Precedence

A redraft of paragraph 3 of this article is suggested in the following terms:

"3. The present article is without prejudice to any existing practice in the receiving State regarding the precedence of the representative of the Pope and Commonwealth High Commissioners."

Article 20. Inviolability of the mission premises

In the Canadian view there should be some modification of the general principle of inviolability of the mission premises in case of a fire or other emergency which threatens the lives or property of nationals of the receiving State. In the comments submitted on the 1957 draft, N several Governments pointed out that inviolability should not preclude the taking of steps by the local authorities to extinguish a fire or to prevent the commission of a crime on the premises. In his conclusions on the observations received from Governments on the 1957 draft, Mr. A. E. F. Sandström, Special Rapporteur of the International Law Commission, conceded that in cases of extreme urgency the immunities must give way to the paramount needs of life itself. In his general observations on the draft submitted to the International Law Commission at its tenth session in 1958, the Rapporteur agreed with the opinion expressed by the Government of the Netherlands that privileges and immunities do not preclude the taking of special measures by the receiving State in emergencies. However, no reference has been made to emergencies in article 20 or the commentary. In the view of the Canadian Government, the commentary on this article should specify that the general principle of inviolability of the mission premises does not preclude the taking of appropriate steps by the local authorities in cases of public emergency or danger. The emphasis should be on public emergency or danger.

Article 23. Facilities

This article should not be interpreted as requiring the receiving State to provide special facilities such as parking space (which missions are at liberty to acquire as part of the mission premises, under article 19). Accordingly, while it is an underlying assumption that requests for assistance under article 23 will be kept within reasonable limits, the text might be improved if it were redrafted to read as follows:

"The receiving State shall accord, to the fullest possible extent, facilities necessary for the performance of the mission's functions."

Article 24. Free movement

It is desirable to establish the general principle of free movement laid down in this article. However, the application of travel controls should be conditional upon reciprocity. The Canadian Government considers that the article, as it stands, is generally satisfactory on the understanding that article 44 would permit the receiving State to apply the rule of free movement restrictively in cases where this rule is so applied to its own mission in the sending State. Some clarification seems to be needed of what is meant by the words "freedom of movement". Does this mean that members of the mission should be free to travel to any areas which are not closed to citizens of the foreign country concerned?

Article 25. Freedom of communication

The Canadian Government reserves its position in respect of this article.

n/lbid., annex.

Article 27. Personal inviolability

The Canadian Government considers that the sentence in paragraph (1) of the commentary reading: "This principle does not exclude in respect of the diplomatic agent either measures of self-defence or, in exceptional circumstances, measures to prevent him from committing crimes or offences" could usefully be included in the text of the article itself as a new second paragraph.

Article 28. Inviolability of residence and property

As in the case of article 20 (Inviolability of the mission premises), the Canadian Government is of the view that the commentary to this article should contain a clear statement providing that the inviolability of the diplomatic agent's residence does not preclude the taking of appropriate steps by the local authorities in cases of public urgency or danger.

Article 32. Exemption from taxation

In the Canadian view, article 32 should not provide an exemption from taxes of a minor nature such as amusement, entertainment and restaurant taxes, because of the administrative difficulty of remitting taxes of this kind. Again, while the Commission has sought to explain the meaning of the term "indirect taxes" in sub-paragraph (a) by adding the words "incorporated in the price of goods or services", it would appear that this does not solve the difficulty. Usage has given the terms direct and indirect taxes different meanings in different countries. The words "incorporated in" can be circumvented if diplomatic agents arrange to purchase goods "tax extra" from the manufacturer. Where excise taxes, for example, are applied at the manufacturer's level, as in Canada, and exemption is sought at the retail level, the tax is no longer identifiable in any true sense; moreover, recovery in these circumstances would involve a laborious retracing of the tax back to the original level at which it was imposed.

In an effort to avoid these difficulties it is suggested that sub-paragraph (a) might be redrafted as follows, with the addition of two new sub-paragraphs (b) and (c):

- "(a) Taxes of a minor nature such as amusement, entertainment, restaurant and hotel room taxes and the like;
- "(b) Taxes on goods other than those on automobiles, to-bacco products and spirituous liquors;
 - "(c) Taxes incorporated in the price of services".

This wording would avoid any confusion stemming from the use of the term "indirect taxes" and would make a diplomatic agent liable for taxes of a minor nature such as amusement and entertainment taxes. It would ensure that a diplomatic agent receives exemption from taxes levied by the receiving State on automobiles, tobacco products and spirituous liquors, but not from taxes levied on other goods. The substitution in sub-paragraph (b) of the word "on" for the phrase "incorporated in the price of" is intended to prevent arrangements for purchasing "tax extra" from manufacturers. Alternatively, the words "commodity taxes" could be substituted for "taxes on goods".

It is thought that in the case of services this problem is not likely to arise and the wording of the International Law Commission's draft has therefore been retained. Accordingly, if the tax is incorporated in the price of services the diplomatic agent would be liable; if the tax is identifiable and is not incorporated in the price of the service he would not be liable.

The Canadian Government reserves its position in so far as the imposition of regional or municipal taxes is concerned and, with regard to the present sub-paragraph (c), refers to its comments under article 38.

Article 34. Exemption from customs duties and inspection

In the Canadian view this article should be redrafted to specify that articles for the personal use of members of the family of a diplomatic agent belonging to his household, including articles intended for his establishment, should be exempt from customs duties only if the purchases are made by the diplomatic agent himself and imported in his name. Members of the diplomat's family would thus benefit from the article but

would not be entitled to purchase and import goods free of customs duties in their own names.

Article 36. Persons entitled to privileges and immunities

The Canadian Government reserves its position in respect of this article but has the following preliminary comments to offer. In principle, the grant of immunity to administrative and technical staff who are not nationals of the receiving State would give recognition to a trend in State practice which appears to be fairly general. However, there is much less justification for extending to administrative and technical staff, together with the members of their families forming part of their respective households, the same privileges as are accorded to diplomatic agents. The Canadian Government's preliminary view is that duty-free import privileges for administrative and technical staff, together with members of their families, should be restricted to the first entry of personal and household effects, including automobiles.

Article 38. Duration of privileges and immunities

The Canadian Government reserves its position in respect of the succession duties provisions of this article.

21. POLAND

Transmitted by a <u>note verbale</u> of 6 August 1959 from the Permanent Mission of the Polish People's Republic to the United Nations

The Government of the Polish People's Republic considers that the work done by the International Law Commission on the subject of diplomatic intercourse and immunities constitutes a considerable contribution to the unification and development of diplomatic law. The draft articles adopted in this matter by the International Law Commission at its tenth session present as a whole a proper basis for the codification of diplomatic law because they constitute a compilation of principles concerning diplomatic intercourse which have been settled during long periods of time, and also of principles which are now applied in the actual practice of States.

Some of the detailed provisions as presented in the draft, however, raise objections and require modification and amendment. Among those are articles 7 and 37 of the draft.

Article 7 provides:

"Members of the diplomatic staff of the mission may be appointed from amongst the nationals of the receiving State only with the express consent of that State."

Even though the formulation of article 7 makes the appointment of a member of the diplomatic staff dependent on the express consent of the receiving State, in this way reducing it to an exception, the exception itself, however, raises serious doubts. The practice of appointing subjects of the receiving State was applied in the remote past; it was, however, later abandoned. The Government of the Polish People's Republic does not object to the employment by the foreign mission of administrative and technical staff from amongst the nationals of the receiving State with the express consent of this receiving State; it strongly objects, however, to the adoption of the principle of appointment of the head of the mission and of the diplomatic staff from amongst the nationals of the receiving State. Such a principle is no longer in use at present. This institution is contrary to the very aim of diplomatic representation and may create undesired conflicts between the loyalty of such persons towards the sending State and towards the receiving State.

The situation foreseen in article 7 of the draft, linked with article 37, might in practice create many conflicts. It might lead to the situation in which a diplomatic representative who is a citizen of the receiving country could commit a crime with impunity in his own State so that other citizens might be exposed to the risk of being refused a remedy by the courts of justice in case of his illegal activity.

The next question which arises is the problem of persons entitled to privileges and immunities. As far as the limits of diplomatic privileges and immunities are concerned, as granted to the members of the mission in article 36 and oth-

ers, they raise doubts both subjective and objective. In paragraph 1 of this article, diplomatic privileges and immunities are extended to the administrative and technical staff of the mission and to the members of their families, thus placing them on the same level as the diplomatic agent. This does not correspond fully to the existing practice.

There exists a very essential question linked with the problem of privileges and immunities which was omitted in the Commission's draft, thus creating a loophole with respect to the problem of employment in the diplomatic mission of nationals of a third State residing in the receiving State.

The International Law Commission, in granting diplomatic privileges and immunities to the members of the mission, has adopted the method of negative exclusion. The point is that the privileges and immunities are granted if the members of the mission "are not nationals of the receiving State" (article 36, para. 1, and article 31). Thus a situation is created in which nationals of a third State employed in the mission, residing in the receiving State, enjoy diplomatic privileges and immunities equally with the nationals of the sending State and enjoy greater privileges than the nationals of the receiving State

It is the considered view of the Polish Government that there do not exist any well-founded reasons for granting nationals of a third State a more privileged status than nationals of the receiving State. While the receiving State may require trial and punishment of the member of a mission being a national of the sending State in his own country, the third State, on the other hand, is not bound to recognize and may always object to the exercise of its domestic jurisdiction by the sending State; and the sending State would not have any possibility of exercising its own jurisdiction over nationals of certain States. Thus there might arise a situation where such persons will be subject to no jurisdiction for crimes committed.

Another problem which gives rise to objection is the question of waiver of immunity of diplomatic agents. Article 30, paragraph 2, which provides that "in criminal proceedings, waiver must always be express" is clear and unobjectionable. Paragraph 3 of this article provides, however, that "in civil or administrative proceedings, waiver may be express or implied". As diplomatic immunity is granted to the diplomatic agent only in the interest of the sending State and results from mutual intercourse between both States, the implied waiver of immunity should not be admitted.

The right to waive the immunity is available to the State alone, as the person of the diplomatic agent is not the object of immunity, since its purpose is to enable him to perform his duties in full freedom and without fear. Immunity is enjoyed by the agent because he is the representative of a State, therefore neither the head of the mission nor any other person belonging to the diplomatic staff can properly accept the jurisdiction of the receiving State on his own initiative without the consent of the sending State. For the validity of such waiver of immunity the consent of the appropriate authorities of the sending State is necessary.

Objection may also be made to the formulation of paragraph 4, which separates the waiver of immunity from jurisdiction with respect to civil or administrative proceedings from the waiver of immunity in respect of the execution of the judgement. Such a solution may in practice lead to many misunderstandings. The Polish Government considers that the waiver of the immunity of diplomatic agents from jurisdiction, which may only occur after an express consent of the sending State, should automatically include a waiver of any immunity from the execution of a judgement. According to the principles of logic and the principle of good faith (bona fide), the declaration of the acceptance of the local jurisdiction must be understood in the spirit of what the claimants generally claim in addressing themselves to the courts, i.e., not only the theoretical confirmation of their rights but also the execution of the judgement confirming them.

If the solution of the International Law Commission were accepted, the person enjoying the immunity could safely bring any claim because, in case of a judgement unfavourable to

him, he would not need to fear any execution of the judgement even in so far as it awarded costs against him.

In submitting the above comments the Government of the Polish People's Republic reserves the right to take its definite position on the draft in question in the future.

Document A/4164/Add.2

[Original text: English] [14 September 1959]

ANNEX (continued)

8. DENMARK (continued)

Transmitted by a letter of 2 September 1959 from the Permanent Representative of Denmark to the United Nations

In addition to the observations already submitted, the draft Convention gives rise to the following further comments on the part of Denmark:

Article 32

The said article is not in conformity with current Danish legislation in regard to the points given below:

(1) In cases where a diplomatic agent is a Danish national or was fully liable to payment of taxes to the Danish State at the time of his appointment to the staff of a foreign diplomatic mission, exemption from income tax as provided for under Danish law is only applicable in respect of the remuneration received from that mission. Furthermore, exemption from taxation on property, as provided by Danish law, is not applicable in such cases.

In special cases, however, the Ministry of Finance may grant exemption from taxation to foreign nationals who at the time of their appointment to a diplomatic or consular mission in Denmark were liable to payment of taxes to the Danish State.

(2) In cases where a diplomatic agent becomes the owner of entailed estates and trust settlements controlled by the Danish State, or is the beneficiary of Danish family endowments or family foundations, he will be taxable according to the Danish legislation governing the taxation of inheritances and gifts.

Article 39

There are no Danish objections to the draft, provided that the rule does not imply exemption from visa formalities if the country of transit otherwise requires observance of such formalities by nationals of the sending State.

Document A/4164/Add.3

[Original text: English] [17 September 1959]

ANNEX (continued)

22. PAKISTAN

Transmitted by a letter of 9 September 1959 from the Acting Permanent Representative of Pakistan to the United Nations

Article 3

The Government of Pakistan consider that in view of subparagraph (d) of this article, functions of a mission do not extend to collecting information through secret channels or in contravention of the laws of the receiving State. Attempts by some of the foreign diplomatic missions to secure classified information through clandestine sources, or through undue contacts or through fraternization, are all matters beyond the scope of lawful means and could therefore be objected to.

Article 5

The Government of Pakistan consider that it should not be necessary for the appointing State to obtain prior concurrence of the State to which the diplomatic envoy is already accredited.

Article 22

The Government of Pakistan consider that the provisions of this article are difficult to accept. In view of these provisions several situations may arise which may be difficult to tackle. Therefore, the Government of Pakistan feel that the inviolability should be restricted to documents and archives in a diplomatic bag or within the diplomatic premises, or those in the physical possession of a diplomatic officer or a diplomatic courier.

Article 25

That in the last sentence of paragraph (2) of the commentary under article 25, the words "in force in the receiving State" may be inserted between the words "regulations" and "applicable".

Article 29

The Government of Pakistan are not clear as to how paragraph 3 of this article will operate when measures are taken in respect of the exceptions in sub-paragraphs (\underline{a}) , (\underline{b}) and (\underline{c}) of paragraph 1.

Article 32

The Government of Pakistan feel that sub-paragraph (a) of this article should be reworded: "Indirect taxes incorporated in the price of goods or services whether charged separately or not".

Article 34

The Government of Pakistan feel that the word "official" may be inserted before the word "use" in paragraph 1 (a) of this article.

Article 36

The Government of Pakistan are unable to grant privilege of duty-free imports and other taxes, etc. to home-based non-diplomatic staff of foreign diplomatic missions. The question may be left to be governed by reciprocal arrangements between the sending and receiving States.

Document A/4164/Add.4

[Original text: French] [30 September 1959]

23. ITALY

Comments transmitted by a <u>note verbale</u>, dated 22 September 1959, from the Permanent Mission of Italy to the United Nations

The Italian Government states that it is, in principle, in agreement with the draft articles concerning diplomatic intercourse and immunities drawn up by the International Law Commission at its ninth session, and subsequently amended, and recalling its observations and proposals transmitted by letter on 19 April 1958, 2/it has the honour to submit the following additional proposals:

Article 10

The wording of the article might be improved by the introduction of the principle that the size of the diplomatic mission should be in proportion to the scale of the relations between the sending country and the receiving country.

Article 20

The order of paragraphs 2 and 3 should be reversed. In addition, the principle of the inviolability of furnishings intended for the mission should also be affirmed, even where such furnishings are not on the diplomatic premises but, for example, on the way from one place to another.

Article 24

The principle might be introduced into this article that any limitation on freedom of movement for reasons of national security must be imposed by the receiving State through internal regulations of a legislative and general character, which

<u>Ibid.</u>, p. 41.

would apply to all citizens of the State. This would prevent any possibility of discrimination against members of the diplomatic mission.

Article 29

The second part of sub-paragraph (a) should be deleted. The last words would then be "receiving State".

Immunity from civil and administrative jurisdiction should be excluded in actions relating to succession, but it should be specified that this is valid only in the case of succession proceedings instituted in the territory of the receiving State (sub-paragraph (b)).

In regard to sub-paragraph (c) it would appear to be advisable to lay down the general rule of conduct that diplomatic agents should as far as possible avoid exercising activities outside their official functions.

A reference to provisional measures might be added to paragraph 3, dealing with measures of execution.

Article 31

The last sentence is redundant and should be deleted in its entirety.

Article 34

The "accessory duties" charged by a number of countries should be added to the reference to customs duties.

Article 35

The entire article could be dispensed with and should be deleted.

Article 36

The Italian Government is of the opinion that the extension of privileges and immunities to the administrative and technical staff of a mission and to members of their families might well give rise to strong criticism and to objections. It is therefore proposed that diplomatic privileges and immunities should be granted to the above-mentioned staff only in the case of acts performed in the course of their duties, and should not be extended to members of their families.

The Italian Government considers that the draft convention makes no provision for the insertion in the domestic legislation of the Contracting Parties of a provision adopting the "diplomatic clause" for the purpose of rescinding leases contracted by members of the mission. The introduction of such a clause would be desirable, since it would help diplomatic agents in their assignments and in carrying out their duties.

Document A/4164/Add.5

[Original text: French]
[22 October 1959]

ANNEX (continued)

24. LUXEMBOURG

Comments transmitted by a <u>note verbale</u>, dated 16 October 1959, from the Permanent Representative of Luxembourg to the United Nations

. . .

The Permanent Representative of the Grand Duchy of Luxembourg wishes to take this opportunity to express the appreciation of the Luxembourg Government for the excellent work done by the International Law Commission. On the basis of this work, the Luxembourg Government hopes that these articles can soon be drafted in a final form which will serve as a bond between States.

Article 1

The definitions of sub-paragraphs (a) (head of the mission) and (d) (diplomatic staff) are tautological; these passages could easily be omitted. With respect to the article as a whole, the Luxembourg Government thinks that it properly belongs at the end rather than at the beginning of the text.

Article 5

It might be helpful to make this article more complete by taking into account the reverse situation, namely the case where two or more States accredit a joint mission to one or more third States. It seems increasingly likely that the development of the multiple forms of regional co-operation will induce States to provide jointly for the protection of their foreign interests.

Article 15

The practice referred to in article 5, namely that of accrediting a mission to two or more States at the same time, raises a problem with respect to the precedence of heads of mission, since it seems hardly desirable that heads of mission who are accredited to a capital without residing there should take precedence over those who actually reside in that capital. It would be particularly inappropriate if a head of mission should in that way become the dean of the diplomatic corps in a capital where he had no actual residence. Consideration should therefore be given to the possibility of setting up two sub-groups in each category, precedence being given to that group of heads of mission who actually reside in the city to which they are accredited.

Article 17

It seems desirable to indicate, either in the text of the article or at least in the commentary, that the chargé d'affaires ad interim can also be chosen from among the personnel of some other diplomatic mission. This possibility is of some importance for States whose missions have a rather small staff. In some circumstances, these States may be obliged to have recourse to a friendly mission in order to fill a temporary vacancy.

Article 34

This article should also include exemption from excise taxes or, to use a more general term, consumer taxes. Such an addition might possibly make it necessary to redraft article 32, sub-paragraph (a), in view of the fact that consumer taxes are often incorporated in the price of goods.

Article 37

The Luxembourg Government suggests the deletion of the provisions in paragraphs 1 and 2 expressly allowing for the granting of wider privileges and immunities to diplomatic agents and staff members who are nationals of the receiving State, since these provisions add nothing material to the text and might serve to encourage unjustified claims.

Document A/4164/Add.6

[Original text: English] [9 November 1959]

ANNEX (continued)

22. PAKISTAN (continued)

Transmitted by a letter of 30 October 1959 from the Deputy Permanent Representative of Pakistan to the United Nations

Article 10

The provision for non-discrimination in paragraph 2 of article 10 appears to be accepted by this Government. The provision would be inept in paragraph 1, but its acceptance in paragraph 2 is a matter of policy.

Article 29

The draft commentary of this Government on paragraph 3 of article 29 might be omitted. The measures of execution envisaged could take many forms (e.g. seizing his personal property, prohibiting an activity) none of which would offend the prohibitions in paragraph 3.

Article 32

Sub-paragraph (a) of article 32, would, it is presumed, settle the question which recently arose about the liability of a mission or diplomat serving drinks at a reception at a hotel to excise duties under a provincial statute in Karachi. If the

mission or diplomat had imported the drink free of customs, this sub-paragraph would prevent the charging of excise.

Document A/4164/Add.7

[Original text: English] [13 November 1959]

ANNEX (continued)

25. THAILAND

Comments transmitted by a <u>note verbale</u>, dated 11 November 1959, from the Permanent Mission of Thailand to the United Nations

His Thai Majesty's Government have studied with interest the draft articles formulated by the International Law Commission on the subject of diplomatic intercourse and immunities, and while being of the opinion that these draft articles form a good basis for the conclusion of a convention on this subject, beg to submit the following views and comments for consideration:

Article 7

The Royal Thai Government are of the opinion that the nationality of a person should be determined by the law of the receiving State, and for this reason, propose that this article should read:

"Members of the diplomatic staff of the mission may be appointed from amongst persons who are the nationals of the receiving State under the law of such State, only with the express consent of that State."

Article 9

In order that this article may apply to the heads of the missions as well, the Royal Thai Government submit that the words "of the staff" be deleted.

Article 25

In paragraph 1, put a comma after the words "... diplomatic couriers" and add the word "bag". The sentence will therefore read: "... diplomatic couriers, bag and messages in code or cipher."

Article 36

Paragraph 1 should be the subject of special agreements between States concerned and not be included in the general convention.

Article 45

The Royal Thai Government is of the opinion that this clause should be included in a special protocol.

DOCUMENT A/C.6/L.458

Financial implications of the draft resolution contained in document A/C.6/L.455 and Add.1: note by the Secretary-General

[Original text: English]
[12 November 1959]

- 1. The draft resolution contained in document A/C.6/L.455 and Add.1 requests the Secretary-General to convoke, not later than the spring of 1961, an international conference of plenipotentiaries "to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as may be necessary". It further requests the Secretary-General to arrange for the necessary staff and facilities required for the conference.
- 2. The Secretary-General has considered the possibility of convening this conference for a period of eight weeks both in 1960 and 1961 at the places indicated in paragraph 2 of the draft resolution. It would be possible to hold this conference at Headquarters either beginning in mid-July 1960 or during the period March-April 1961 with minimum additional expenditures, as indicated in paragraphs 5 and 6 below.
- 3. In so far as the European Office is concerned, it would be possible to accommodate this conference following the closing of the summer session of the Economic and Social Council in 1960, beginning on 15 August, or during the period January-February 1961. There is, however, an important point which the Secretary-General wishes to bring to the attention of members of this Committee concerning the holding of conferences in the European Office. The modernization programme of the Palais des Nations will, from 1 July 1960, affect the assembly hall and contiguous area which, as a consequence, would not be available before May 1961. Should the conference be held in Geneva, it could only be accommodated in one of the main conference rooms. The seating facilities in this case would be limited to a maximum of one delegate and two advisers at the table, for each State attending

- the conference, on the assumption that the attendance would consist of some eighty-six Member and non-member States. Further seating in the conference room for members of delegations, specialized agencies and other interested inter-governmental organizations, would be very limited. Subject to these observations, the costs involved are also indicated in paragraphs 5 and 6 below.
- 4. As regards the convening of this conference in Vienna, this would be dependent upon an official invitation being extended by the Government of Austria, and the provisions of General Assembly resolution 1202 (XII) would apply. The Secretary-General understands that such an invitation might be forthcoming, but in so far as 1960 is concerned, the dates of 23 July to 27 August preferred by the Austrian Government would not only overlap with the holding of the summer session of the Economic and Social Council in Geneva but would not provide the full period of eight weeks which is considered necessary. Should it be decided that the conference be held in Vienna in 1961, the Secretary-General would prefer the period March-April, in the light of the conference programme already envisaged for that year.
- 5. The estimates for holding the conference in 1960 would be as follows:

	New York	Geneva
	United States	dollars
Travel and subsistence of staff	-	40,000
Temporary assistance	9,000	80,500
Printing	40,000	40,000
Miscellaneous supplies and services		4,500
TOTAL	49,000	165,000

6. For a conference held in 1961, the estimated costs would be as follows:

	New York	Geneva	Vienna
	Unite	ed States o	lollars
Travel and subsistence of staff	32,000 40,000	16,500 122,000 40,000	24,500 133,000 40,000
services	-	4,500	4,500
TOTAL	72,000	183,000	202,000

7. The estimates for temporary assistance provide for the following:

New York 1960 - \$9,000 to cover salaries of three editors and three editorial assistants for a period of two months. This staff is required to edit in the three languages of the conference (English, French and Spanish) the official records of the proceedings, since this work could not be undertaken by the regular staff which at this period of the year is fully occupied with the preparatory work for the General Assembly session.

Geneva 1960 - \$80,500 to cover salaries and related travel of 89 temporary staff required to provide services in the three languages of the conference, comprising 12 translators, 2 revisors, 9 editorial staff, 9 proof-reading staff, 7 secretaries, 23 typists, 15 documents reproduction and distribution staff and 12 maintenance staff.

New York 1961 - \$32,000. This estimate would provide funds to permit either the recruitment of tempo-

rary translators and editors if available in the New York area, or for the undertaking of translation work on a contractual basis in Europe. The provision of staff for the servicing of this conference in 1961 at Headquarters will result in the displacement of other normal translation work, the completion of which can only be assured either by temporary staff or by contractual services.

Geneva 1961 - \$122,000 to cover salaries and related travel of 115 temporary staff comprising 8 interpreters, 18 translators, 6 revisors, 9 editorial staff, 9 proof-reading staff, 7 secretaries, 31 typists, 15 documents reproduction and distribution staff and 12 maintenance staff. The increase in the number of temporary staff required for 1961 as compared with 1960 is due to the fact that whereas in 1960 it is anticipated that 27 Headquarters staff will be available in Europe, in 1961 no Headquarters contribution can be contemplated.

<u>Vienna 1961</u> - \$133,000 to cover salaries and related travel of 97 temporary staff comprising 8 interpreters, 18 translators, 7 revisors, 9 editorial staff, 9 proof-reading staff, 7 secretaries, 7 clerks and 32 typists. It will be noted that no provision is included in the estimate for the 15 documents reproduction and distribution staff and for the 12 maintenance staff, it being assumed that these services would be provided by the host Government.

8. The above estimates are based on a conference of eight weeks' duration, and on the assumption that there would be a maximum of two meetings a day requiring services and that these meetings would not be held at the same time.

DOCUMENT A/C.5/805

Financial implications of the draft resolution submitted by the Sixth Committee in document A/4305: note by the Secretary-General

[Original text: English] [23 November 1959]

- 1. The draft resolution submitted by the Sixth Committee in its report (A/4305, para. 26) requests the Secretary-General to convoke "... at Vienna not later than the spring of 1961" an international conference of plenipotentiaries "to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as may be necessary". It further requests the Secretary-General "to arrange also for the necessary staff and facilities which would be required for the conference".
- 2. In his note submitted to the Sixth Committee (A/C.6/L.458), the Secretary-General has stated that, should it be decided that the conference be held in Vienna in 1961, he would prefer the period March-April, in the light of the conference programme already envisaged for that year.
- 3. For a conference of eight weeks' duration, and on the assumption that there would be a maximum of two meetings a day requiring services and that these meetings would not be held at the same time, the estimated costs for a conference held at Vienna in March-April 1961 would be as follows:

- 4. In accordance with General Assembly resolution 1202 (XII), paragraph 2 (e), the host Government would assume responsibility for the additional expenditures to the United Nations budget occasioned by the fact that the conference would be held away from Headquarters. In this connexion, the Austrian representative has stated before the Sixth Committee (637th meeting) that his Government would pay the difference between the New York estimate and the Vienna estimate, as shown in the Secretary-General's statement of financial implications. The estimates submitted by the Secretary-General for a conference at New York totalled \$72,000, comprising \$32,000 for temporary assistance and \$40,000 for printing.
- 5. Arrangements would be entered into between the host Government and the United Nations under which expenses in connexion with the provision of the local

facilities and services not included in the above estimates would be met by that Government.

6. The estimates herein submitted are tentative and of necessity cannot at this stage take into consideration the impact of the total workload of 1961. However, they provide a reasonable indication of the magnitude of the additional costs arising from the conference meeting at Vienna rather than at Headquarters.

7. In the event of the adoption by the General Assembly of the draft resolution submitted by the Sixth Committee, the Secretary-General will make suitable provision in the 1961 budget estimates. The 1961 estimates for miscellaneous income will also include an amount corresponding to the estimated contribution to be made by the Austrian Government in accordance with General Assembly resolution 1202 (XII).

DOCUMENT A /4303

Financial implications of the draft resolution submitted by the Sixth Committee in document A/4305: report of the Advisory Committee on Administrative and Budgetary Questions

> [Original text: English] [25 November 1959]

- 1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement of financial implications (A/C.5/805) which the Secretary-General has recommended in respect of the draft resolution (A/4305, para. 26) submitted by the Sixth Committee on the question of diplomatic intercourse and immunities.
- 2. Under the draft resolution, the General Assembly would request the Secretary-General to convoke at Vienna not later than the spring of 1961 an international conference of plenipotentiaries to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as may be necessary.
- 3. The estimate submitted by the Secretary-General for a conference of eight weeks' duration, to be held at Vienna in March-April 1961, amounts to \$202,000,

- of which some \$130,000 would represent extra costs which would fall to be reimbursed by the Austrian Government in accordance with the provisions of General Assembly resolution 1202 (XII) of 13 December 1957. There would be no expenditure in 1960, and the Secretary-General has suggested that, should the draft resolution be adopted, he would make appropriate provision in the budget estimates for 1961.
- 4. The Advisory Committee would, of course, consider the details of the estimates in conjunction with its examination, in the summer of 1960, of the budget estimates for 1961. Meanwhile, the Committee would recommend that the Fifth Committee might advise the General Assembly that the adoption of the draft resolution would entail an expenditure of about \$200,000, of which some \$130,000 would be reimbursed by the host Government in accordance with resolution 1202

DOCUMENT A /4305

Report of the Sixth Committee

[Original text: French/Russian] [27 November 1959]

- 1. At its thirteenth session the General Assembly, having considered chapter III of the report of the International Law Commission covering the work of its tenth session, 11/ which contained draft articles and commentaries on diplomatic intercourse and immunities, adopted on 5 December 1958 resolution 1288 (XIII), a portion of the operative part of which read as follows:
 - "2. Invites Member States to submit their comments on the draft articles concerning diplomatic intercourse and immunities not later than 1 June 1959;
 - "3. Requests the Secretary-General to circulate such comments so as to facilitate the discussion of the subject at the fourteenth session of the General Assembly;
 - "4. Decides to include the item entitled 'Diplomatic
 - intercourse and immunities' in the provisional agenda of its fourteenth session with a view to the early conclusion of a convention on diplomatic intercourse and immunities;

- "5. Decides to consider at its fourteenth session the question to what body the formulation of the convention should be entrusted."
- 2. In accordance with operative paragraph 2 of that resolution, twenty-five Member States submitted their comments on the International Law Commission's draft articles. These comments were reproduced in document A/4164 and Add.1-7.
- 3. At its 803rd plenary meeting on 22 September 1959, the General Assembly placed the item entitled "Diplomatic intercourse and immunities" on the agenda of its fourteenth session and allocated it to the Sixth Committee.
- 4. The Committee considered this item at its 631st to 639th meetings on 11 to 23 November 1959.

PROPOSALS AND AMENDMENTS

5. The Committee had before it a draft resolution submitted by the following twenty Powers: Belgium, Cambodia, Ceylon, Cuba, Czechoslovakia, Federation of Malaya, Ghana, Greece, Iraq, Italy, Japan, Mexico, Nepal, Pakistan, Poland, Portugal, Tunisia, United

^{11/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1).

Arab Republic, United Kingdom of Great Britain and Northern Ireland and Yugoslavia (A/C.6/L.455 and Add.1-3).

- 6. The operative part of this draft resolution read as follows:
 - "1. <u>Decides</u> that an international conference of plenipotentiaries shall be convoked to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as may be necessary;
 - "2. Requests the Secretary-General to convoke the conference at (New York, Geneva, Vienna) not later than the spring of 1961;
 - "3. <u>Invites</u> ...
 - "…
 - "4. <u>Invites</u> the specialized agencies and the interested inter-governmental organizations to send observers to the conference;
 - "5. Requests the Secretary-General to present to the conference all relevant documentation, and recommendations concerning its methods of work and procedures, and other questions of an administrative nature;
 - "6. Requests the Secretary-General to arrange also for the necessary staff and facilities which would be required for the conference;
 - "7. Refers to the conference chapter III of the report of the International Law Commission covering the work of its tenth session, as the basis for its consideration of diplomatic intercourse and immunities;
- "8. Expresses the hope that the conference will be fully attended."
- 7. A proposal, contained in document A/C.6/L.456 and Add.1/Corr.1, was submitted by Belgium, Federation of Malaya, Ghana, Greece, Italy, Japan, Mexico, Pakistan and the United Kingdom of Great Britain and Northern Ireland. It proposed the insertion of the following as operative paragraph 3 of the joint draft resolution:
 - "3. <u>Invites</u> all States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice to participate in the conference and to include among their representatives experts competent in the field to be considered."
- 8. Ceylon, Czechoslovakia, Indonesia, Poland, Romania and Yugoslavia also submitted an amendment (A/C.6/L.457/Rev.1 and Add.1) to the joint draft resolution, proposing the insertion of the following as operative paragraph 3:
 - "3. <u>Invites</u> all States to participate in the conference and to include among their representatives experts competent in the field to be considered."
- 9. Further amendments (A/C.6/L.459 and Add.1 and 2) were submitted by Australia, Canada, Chile, Colombia, Denmark, Ecuador, Finland, Guatemala, Liberia, Norway and the Philippines. These amendments proposed: (1) to add to the preamble of the draft resolution two paragraphs noting that the International Law Commission was to prepare a final draft on

consular intercourse and immunities in 1961 and to take up the subject of <u>ad hoc</u> diplomacy in 1960; (2) to replace operative paragraph 1 by the following:

"Decides that an international conference of plenipotentiaries shall be convoked to consider the questions of diplomatic and consular intercourse and immunities and such other related matters as may be ready at the time, and to embody the results of its work in one or more international conventions together with such ancillary instruments as may be necessary;"

(3) to replace operative paragraph 2 by the following:

"Requests the Secretary-General to convoke a conference in 1963 at a place to be decided by the General Assembly at a future session;"

and (4) to add to operative paragraph 7, after the word "immunities", the words:

"and the relevant reports of the International Law Commission as the basis for its consideration of consular intercourse and immunities and any other related topics ready for consideration."

- 10. Chile submitted an amendment (A/C.6/L.460) to replace the operative part of the joint draft resolution (A/C.6/L.455) and Add.1-3) by the following:
 - "1. <u>Decides</u> that the Sixth Committee shall be entrusted with the drafting of the conventions on diplomatic intercourse and immunities, on consular intercourse and immunities, on <u>ad hoc</u> diplomacy and on immunities of inter-governmental organizations as and when the International Law Commission submits reports on those questions;
 - "2. <u>Decides</u> that the resulting conventions shall be open for signature by all States;
 - "3. Resolves that the first part of the task mentioned in operative paragraph 1 to be undertaken shall be that relating to diplomatic intercourse and immunities, which shall be considered not later than at the sixteenth session, in 1961;
 - "4. <u>Urges</u> the International Law Commission to accelerate its preparatory work on consular intercourse and immunities, <u>ad hoc</u> diplomacy and immunities of inter-governmental organizations so that, if possible, a large number of the present members of the Sixth Committee who have been concerned with the consideration of these questions shall be able to take part in the study of that work."
- 11. The Secretary-General submitted a statement of the financial implications (A/C.6/L.458) of the joint draft resolution.

DISCUSSION

- 12. Under resolution 1288 (XIII) the General Assembly was required merely to decide to what body the formulation of a convention on diplomatic intercourse and immunities should be entrusted.
- 13. Most representatives expressed themselves in favour of convening a conference of plenipotentiaries to draft a convention.
- 14. Some representatives considered that that task could be undertaken by the Sixth Committee; however, several representatives pointed out that, while such a course was financially attractive, it involved many

technical problems and the Sixth Committee might take several sessions to adopt a convention.

- 15. Since it was found that the majority favoured the convening of a conference, discussion centred on four main points: (1) the programme of the conference, (2) the States to be invited, (3) the opening date, and (4) the place of the conference.
- 16. With regard to the programme, several representatives expressed the view that the conference should deal only with the question of diplomatic intercourse and immunities.
- 17. Other representatives held that the questions of consular intercourse and immunities and <u>ad hoc</u> diplomacy should be added to the list in view of their connexion with diplomatic privileges and immunities.
- 18. On the subject of the States to be invited to attend, two views emerged. Some representatives wanted all States to be invited. They argued that discrimination against particular States was inadmissible, gravely detrimental to the interests of the United Nations, and incompatible with the purposes and principles of the Charter. Other representatives, in accordance with a practice followed by the United Nations hitherto, wished to invite only States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice. They held that a decision to invite all States would place the Secretary-General in the awkward position of having to decide to whom invitations should be sent.
- 19. The question of the opening date of the conference was linked with that of the programme, the only text at present in existence being that on diplomatic intercourse and immunities; in principle the International Law Commission was not expected to adopt a final text on consular intercourse and immunities until its 1961 session or to take up the subject of ad hoc diplomacy until its 1960 session.
- 20. Those representatives who favoured limiting the conference to the subject of diplomatic intercourse and immunities wished it to be convened in the spring of 1961.
- 21. Those who wished diplomatic and consular intercourse and immunities and <u>ad hoc</u> diplomacy to be discussed at the same conference expressed a preference for 1963.
- 22. With regard to the meeting-place, some representatives favoured the European Office of the United Nations, others, for reasons both of finance and convenience, preferred Headquarters in New York.
- 23. The representative of Austria, renewing an offer made at the previous session, stated that if the Assembly decided to hold the conference outside New York, his Government would deem it an honour to invite the conference to meet at Vienna in commemoration of the Congress of 1815.
- 24. Generally speaking, the response to this proposal was very favourable, but many representatives expressed concern over its financial implications. In the course of the discussion the Austrian Government announced that it was prepared to meet the additional costs involved in meeting at Vienna, up to a total of \$130,000. Several representatives expressed their satisfaction and their gratitude to the Austrian Govern-

ment, and the Committee decided without opposition to recommend that the conference should be held at Vienna.

VOTING

- 25. At its 638th meeting, on 20 November 1959, the Sixth Committee took a vote on the joint draft resolution (A/C.6/L.455) and Add.1-3 and the amendments thereto. The results of the voting were as follows:
- (a) The paragraph 2 recommended by Chile in its amendment (A/C.6/L.460) was rejected by 41 votes to 24, with 12 abstentions. The vote was taken by roll-call, with the following result:

In favour: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Chile, Czechoslovakia, Guinea, Hungary, India, Indonesia, Iraq, Libya, Morocco, Nepal, Poland, Romania, Saudi Arabia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Philippines, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Burma, Cambodia, Colombia, Cuba, Ethiopia, Jordan, Panama, Peru, Portugal, Tunisia, Turkey, Union of South Africa.

- (b) The remainder of the Chilean amendment (A/C.6/L.460) was rejected by 54 votes to 6, with 18 abstentions.
- (c) Paragraph 2 of the draft amendments (A/C.6/L.459 and Add.1 and 2) was rejected by 39 votes to 25, with 14 abstentions. The vote was taken by roll-call, with the following result:

In favour: Australia, Burma, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Ghana, Guatemala, Haiti, Iceland, Ireland, Israel, Liberia, Nicaragua, Norway, Philippines, Sweden, Turkey, Uruguay.

Against: Afghanistan, Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Federation of Malaya, Greece, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Pakistan, Poland, Portugal, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

Abstaining: Dominican Republic, Ethiopia, Guinea, Honduras, Iran, Italy, Japan, Luxembourg, Panama, Peru, Thailand, Union of South Africa, United States of America, Venezuela.

 (\underline{d}) The Committee then decided, by 49 votes to 1, with 22 abstentions, not to vote on the remainder of the draft amendments.

(e) The proposal contained in document A/C.6/L.456 and Add.1/Corr.1 was adopted by 51 votes to 21, with 7 abstentions. The vote was taken by roll-call, with the following result:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Chile, China, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Luxembourg, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Spain, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Guinea, Hungary, India, Indonesia, Iraq, Morocco, Poland, Romania, Saudi Arabia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Colombia, Cuba, Ethiopia, Jordan, Libya, Peru, Portugal.

(In view of this vote, the amendment contained in document A/C.6/L.457/Rev.1 and Add.1 was not put to the vote.)

(f) The joint draft resolution (A/C.6/L.455) and Add.1-3), except the place of the conference, was adopted by 67 votes to 1, with 11 abstentions. The vote was taken by roll-call with the following result:

<u>In favour:</u> Afghanistan, Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian

Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland. Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Peru.

Abstaining: Australia, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ethiopia, Haiti, Israel, United States of America.

(g) The Committee decided by 70 votes to none, with 8 abstentions, that the conference should be held at Vienna.

Recommendation of the Sixth Committee

26. The Sixth Committee accordingly recommends to the General Assembly the adoption of the following draft resolution:

INTERNATIONAL CONFERENCE OF PLENIPOTEN-TIARIES ON DIPLOMATIC INTERCOURSE AND IMMUNITIES

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

DOCUMENT A /4309

Financial implications of the draft resolution submitted by the Sixth Committee in document A /4305: report of of the Fifth Committee

[Original text: English]
[30 November 1959]

- 1. In accordance with the provisions of rule 154 of the rules of procedure of the General Assembly, the Fifth Committee considered, at its 754th meeting, held on 30 November 1959, the financial implications of the draft resolution recommended by the Sixth Committee (A/4305, para. 26) which would provide for the convening at Vienna, not later than the spring of 1961, of an international conference of plenipotentiaries to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as may be necessary.
- 2. For this purpose, the Fifth Committee had before it a statement (A/C.5/805) of the financial implications
- of the draft resolution, submitted by the Secretary-General, on the basis of an eight-week conference to be held in Vienna in March-April 1961, and a report (A/4303) thereon by the Advisory Committee on Administrative and Budgetary Questions.
- 3. The Committee decided to inform the General Assembly that the adoption of the draft resolution recommended by the Sixth Committee would entail an expenditure of about \$200,000, of which some \$130,000 would be reimbursed by the host Government in accordance with General Assembly resolution 1202 (XII) of 13 December 1957.

DOCUMENT A/L.271

Ceylon, Czechoslovakia, Indonesia, Poland and Romania: amendment to the draft resolution submitted by the Sixth Committee (A /4305, para. 26)*

[Original text: English] [30 November 1959]

Amend operative paragraph 3 to read as follows:

"3. <u>Invites</u> all States to participate in the conference and to include among their representatives experts competent in the field to be considered."

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 847th plenary meeting on 7 December 1959, the General Assembly adopted the draft resolution submitted by the Sixth Committee (A/4305, para. 26). For the final text, see resolution 1450 (XIV) below:

Resolution adopted by the General Assembly

1450 (XIV). INTERNATIONAL CONFERENCE OF PLENIPOTENTIARIES ON DIPLOMATIC INTERCOURSE AND IMMUNITIES

The General Assembly,

Recalling that, by its resolution 1288 (XIII) of 5 December 1958, it decided to include in the provisional agenda of its fourteenth session the question entitled "Diplomatic intercourse and immunities" with a view to the early conclusion of a convention on diplomatic intercourse and immunities,

Believing that the codification of the rules of international law in this field would assist in promoting the purposes and principles of the Charter of the United Nations,

- 1. <u>Decides</u> that an international conference of plenipotentiaries shall be convoked to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as may be necessary;
- 2. Requests the Secretary-General to convoke the conference at Vienna not later than the spring of 1961;
- 3. <u>Invites</u> all States Members of the United Nations, States members of the specialized agencies and States

parties to the Statute of the International Court of Justice to participate in the conference and to include among their representatives experts competent in the field to be considered;

- 4. <u>Invites</u> the specialized agencies and the interested inter-governmental organizations to send observers to the conference;
- 5. <u>Requests</u> the Secretary-General to present to the conference all relevant documentation, and recommendations relating to its methods of work and procedures and to other questions of an administrative nature:
- 6. Requests the Secretary-General to arrange also for the necessary staff and facilities which would be required for the conference;
- 7. <u>Refers</u> to the conference chapter III of the report of the International Law Commission covering the work of its tenth session (A/3859 and Corr.1), as the basis for its consideration of the question of diplomatic intercourse and immunities;
- 8. Expresses the hope that the conference will be fully attended.

847th plenary meeting, 7 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 56 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3859 and Corr.1	Report of the International Law Commission covering the work of its tenth session (28 April - 4 July 1958)	Official Records of the General Assembly, Thirteenth Session, Supplement No. 9
A/C.6/L.455 and Add.1 to 3	Belgium, Cambodia, Ceylon, Cuba, Czechoslovakia, Federation of Malaya, Ghana, Greece, Iraq, Italy, Japan, Mexico, Nepal, Pakistan, Poland, Portugal, Tunisia, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and Yugoslavia: draft resolution	Incorporated in A/4305, para. 6

^{*} This amendment was rejected by the General Assembly at its 847th plenary meeting.

Document No.	Title	Observations and references
A/C.6/L.456 and Add.1/ Corr.1	Belgium, Federation of Malaya, Ghana, Greece, Italy, Japan, Mexico, Pakistan and United Kingdom of Great Britain and Northern Ireland: amendment to document A/C.6/L.455 and Add.1 and 2	Idem, para. 7
A/C.6/L.457/ Rev.1 and Add.1	Ceylon, Czechoslovakia, Indonesia, Poland, Romania and Yugoslavia: amendment to document A/C.6/L.455 and Add.1 and 2	Idem, para. 8
A/C.6/L.459 and Add.1 and 2	Australia, Canada, Chile, Colombia, Denmark, Ecuador, Finland, Guatemala, Liberia, Norway and the Philippines: amendments to document A/C.6/L.455 and Add.1 to 3	Incorporated in substance in A/4305, para. 9
A/C.6/L.460	Chile: amendment to document A/C.6/L.455 and Add.1 to 3	Incorporated in A/4305, para.10
A/C.6/L.461	Text of draft resolution adopted by the Sixth Committee at its 638th meeting on 20 November 1959	Adopted without change. See A/ 4305, para. 26

Litho in U.N.

GENERAL ASSEMBLY



Agenda item 57

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 57: Question of the publication of a United Nations juridical yearbook*

CONTENTS Title Page Document No. Plenary meetings (first phase): 1 A/4151 Report of the Secretary-General Sixth Committee: Financial implications of the draft resolution contained in document A/C.6/L.462: A/C.6/L.465 11 Plenary meetings (final phase): 11 A/4312 $Financial\ implications\ of\ the\ draft\ resolution\ submitted\ by\ the\ Sixth\ Committee\ in$ A/4337 document A/4312: letter dated 4 December 1959 from the Chairman of the Fifth Committee addressed to the President of the General Assembly 13 13 13

DOCUMENT A/4151

Report of the Secretary-General

[Original text: French] [21 July 1959]

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^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Sixth Committee 639th to 643rd meetings; and <u>ibid.</u>, <u>Plenary Meetings</u>, 847th meeting.

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Introduction

1. At its 782nd plenary meeting, on 5 December 1958, the General Assembly adopted resolution 1291 (XIII), the full text of which is as follows:

"The General Assembly,

"Considering that it is a function of the General Assembly to take appropriate measures to encourage the development of international law,

"Considering that the publication of a United Nations juridical yearbook may constitute a useful measure for that purpose,

"Recalling its resolution 176 (II) of 21 November 1947,

- "Having considered the discussion in the Sixth Committee on the question of the publication of a juridical yearbook,
- "1. Requests the Secretary-General to prepare a report on the question of the publication of a United Nations juridical yearbook, covering in addition the technical and financial implications of such a publication, taking into account the suggestions made during the discussion in the Sixth Committee, and to circulate the report to Member States before the fourteenth session of the General Assembly:
- "2. Decides to place this question on the provisional agenda of its fourteenth session."
- 2. In accordance with that resolution, the Secretary-General herewith presents the following report:

Chapter I. Background of the question of the publication of a United Nations juridical yearbook

- 3. The publication of a United Nations juridical year-book was originally proposed in connexion with the question of ways and means for making the evidence of customary international law more readily available.
- 4. In the course of its work on that question, the International Law Commission, at its second session in 1950, recommended that the General Assembly should authorize the Secretariat to prepare and issue, with as wide a distribution as possible, a number of publications, including a juridical yearbook. 1/
- 5. The question was discussed by the Sixth Committee at the fifth session of the General Assembly²/and, by resolution 487 (V) of 12 December 1950, the Assembly invited the Secretary-General to consider

the recommendations of the International Law Commission concerning ways and means for making the evidence of customary international law more readily available.

- 6. In accordance with that resolution, the Secretary-General submitted a report to the General Assembly at its sixth session 3 and the question was again discussed by the Sixth Committee. 4 The Secretary-General's report deals with the question of the publication of a juridical yearbook. 5
- 7. By resolution 602 (VI) of 1 February 1952, the General Assembly requested the Secretary-General to submit to it, at its seventh session, a report containing detailed plans as to the form, contents and budgetary implications of a number of publications which might be issued by the United Nations, including a juridical yearbook.
- 8. In accordance with that resolution, the Secretary-General submitted to the General Assembly at its seventh session a report 6/containing a detailed plan for each of the publications to which the resolution referred. Part II of the report deals with the question of the publication of a juridical yearbook.
- 9. The Sixth Committee considered the question for the third time at the seventh session of the General Assembly I and on its recommendation 8/the Assembly adopted resolution 686 (VII), in which, inter alia, it requested the Secretary-General to prepare a comparative study of the extent to which developments in the field of customary international law and selected legal activities of the United Nations could usefully be covered by an expansion of existing United Nations publications, by the launching of new special publications of limited scope and by a United Nations juridical yearbook.
- 10. At its seventh session, held in 1955, the International Law Commission adopted a resolution 100 in which it requested the Secretary-General, in preparing the above study, to take into consideration the possibility of printing the studies, special reports and summary

 $[\]frac{1}{2}$ Official Records of the General Assembly, Fifth Session, Supplement No. 12 (A/1316), para. 91.

 $[\]frac{2}{\text{Ibid.}}$, Fifth Session, Sixth Committee, 230th and 231st meetings.

^{3/ &}lt;u>Ibid.</u>, <u>Sixth Session</u>, <u>Annexes</u>, agenda item 53, document A/1934.

^{4/} Ibid., Sixth Session, Sixth Committee, 297th to 301st meetings.

bid., Sixth Session, Annexes, agenda item 53, document A/1934, paras. 17-19.

^{6/} Ibid., Seventh Session, Annexes, agenda item 55, document A/2170.

^{1/} Ibid., Seventh Session, Sixth Committee, 317th to 320th meetings.

^{8/} Ibid., Seventh Session, Annexes, agenda item 55, document A/2258, para. 16.

^{9/} Ibid., Tenth Session, Supplement No. 9 (A/2934), para. 35.

records of the Commission, and also recommended to the General Assembly, in connexion with its consideration of the report of the Commission on the work of its seventh session, to examine the possibilities of printing the documents mentioned, including the possibility of publishing them in the United Nations juridical yearbook contemplated in General Assembly resolution 686 (VII).

- 11. In pursuance of General Assembly resolution 686 (VII), the Secretary-General prepared the study in question, 10/ which he made available to the Sixth Committee at the tenth session of the General Assembly, in connexion with the Committee's examination of the report of the International Law Commission covering the work of its seventh session. The major part of the study deals with the question of the publication of the juridical yearbook.
- 12. At its tenth session, the General Assembly took no decision on the subject of a juridical yearbook. In its report, submitted to the General Assembly at that session, the Sixth Committee stated 11/2 that the majority of the representatives taking part in the discussion were agreed that, as the question of a juridical yearbook of the United Nations referred to in the resolution of the International Law Commission mentioned above (see para. 10 above) was not on the agenda, no decision regarding the publication of such a yearbook could be taken at that session. The discussion consequently centred on the question of printing the documents of the Commission as a separate publication.
- 13. The question of the publication of a juridical yearbook was again discussed at the General Assembly's thirteenth session. It was raised during the Sixth Committee's debate on chapter V of the report of the International Law Commission covering the work of its tenth session. At the 553rd meeting of the Sixth Committee, on 1 October 1958, the representative of Ceylon emphasized the value of publishing a United Nations juridical yearbook and placed before the Committee the outlines of a proposal envisaging such a publication. At its 554th meeting, on 2 October, the Sixth Committee decided to set up an informal working group to enable the delegations supporting the Ceylonese proposal to consult together; it also decided that the representative of Ceylon should then submit a memorandum to be used as a basis for debate.
- 14. The representative of Ceylon submitted a working paper $\frac{12}{}$ to the Committee at its 568th meeting, on 27 October 1958, on the question of the publication of a United Nations juridical yearbook, based on the discussion of the informal working group.
- 15. The Sixth Committee discussed the question at its 568th, 581st and 582nd meetings, held on 27 October and 13 and 14 November 1958, and on its recommendation 13/the General Assembly adopted resolution 1291 (XIII) requesting the preparation of this report (see para. 1 above).
- 16. It should be noted that the Minister of Foreign Affairs of Israel, and certain scientific institutions,

have submitted observations on the question of the publication of a United Nations juridical yearbook. In a note dated 27 February 1951, 14/ the Minister of Foreign Affairs of Israel communicated to the Secretary-General his observations on the publications recommended by the International Law Commission in its report on the work of its second session (see para. 4 above). Further, in accordance with the wish of the French delegation, expressed in the report of the Sixth Committee to the General Assembly at its sixth session, 15/ the Secretary-General consulted the American Society of International Law, the Institute of International Law, the International Law Association, the Grotius Society and the Section of Legal Studies of the French National Centre of Scientific Research on the form and contents of a juridical yearbook. The Institute of International Law, on 25 April 1952, adopted a report on this matter and the Chairman of the Committee on Research in International Law of the American Society of International Law transmitted a memorandum on the subject to the Secretary-General, by a letter of 2 July 1952. The text of those two documents is reproduced in annexes to the report of the Secretary-General to the seventh session of the General Assembly. 16/

Chapter II. Role of a United Nations juridical yearbook

- 17. The report prepared by the Secretary-General in pursuance of resolution 686 (VII) of the General Assembly (see para. 11 above) describes the various views expressed in the Sixth Committee at the fifth, sixth and seventh sessions of the Assembly regarding the intrinsic value of a yearbook. $\frac{17}{}$
- 18. At the thirteenth session of the General Assembly, no objection was raised in the Sixth Committee with regard to the principle of the publication of a juridical yearbook. The delegations which participated in the discussion of the question agreed that the publication of a juridical yearbook would be useful and was perhaps even necessary. It was argued that such a publication would contribute to the development of international law and serve to increase the importance of international law in the work of the United Nations. It was pointed out that the United Nations plays an important part in the development of international law because of the number of legal documents and instruments which it prepares. Specialists in international law, and the general public, should be informed of the Organization's many legal activities, which they tend to underestimate. A United Nations juridical yearbook would undoubtedly meet that need. It would serve the purposes of General Assembly resolution 176 (II) of 21 November 1947, concerning the teaching of international law, which states that "one of the most effective means of furthering the development of international law consists in promoting public interest in this subject and using the media of education and publicity to familiarize the peoples with the principles and rules that govern international relations" and that "greater knowledge

^{10/} Ibid., Tenth Session, Annexes, agenda item 50, document A/C.6/348.

^{11/} Ibid., document A/3028, para. 29.

^{12/} Ibid., Thirteenth Session, Annexes, agenda item 56, document A/C.6/L.428.

^{13/} Ibid., document A/4007, para. 77.

^{14/} Ibid., Sixth Session, Annexes, agenda item 53, document A/1934, annex.

 $[\]underline{15}$ / $\underline{\text{Ibid}}$., document A/2089, para. 7.

^{16/} Ibid., Seventh Session, Annexes, agenda item 55, document A/2170, annexes II and III.

 $[\]frac{17}{A/C.6/348}$, paras. 28-29 and 38-39.

of and fuller information on the aims, purposes and structure of the United Nations constitute another positive method of assisting the development of international law, of which the United Nations is the main instrument.

19. Resolution 176 (II) was referred to on more than one occasion in the course of the debate, and its importance was stressed in the working paper (see para. 14 above). The resolution is, therefore, recalled in the preamble to General Assembly resolution 1291 (XIII), on which the present report is based, and which expresses the view that the publication of a United Nations juridical yearbook may constitute a useful measure for the purpose of encouraging the development of international law.

Chapter III. Contents of a United Nations juridical yearbook

20. Views concerning the scope of the proposed yearbook have undergone certain changes since the question was first raised. The International Law Commission recommended the publication of a juridical yearbook as part of a programme for making the evidence of customary international law more readily available. The original intention was to give effect to the provisions of article 24 of the Statute of the Commission by the publication under United Nations auspices of documents relating to customary international law. The original plan was subsequently broadened to cover not only customary international law but also the law of the United Nations and international law in general. 18/

A. SUGGESTIONS MADE CONCERNING THE CONTENTS OF THE YEARBOOK

1. Suggestions made prior to the thirteenth session of the General Assembly

21. In recommending the publication of a United Nations juridical yearbook, the International Law Commission suggested that the yearbook should contain, inter alia, significant legislative developments in various countries, current arbitral awards by ad hoc international tribunals, and significant decisions of national courts relating to problems of international law, in particular those concerning multipartite international conventions. 19/

22. The Ministry of Foreign Affairs of Israel (see para. 16 above) expressed the opinion that the type

of material <u>prima facie</u> suitable for inclusion in a juridical yearbook would be, in addition to the two types of documents proposed by the International Law Commission, texts of international treaties of a law-making character which for some reason or other are not published in the United Nations <u>Treaty Series</u>, published exchanges of diplomatic correspondence relating to important points of international law and practice, and important legal opinions of the United Nations Secretariat and of the secretariats of the specialized agencies. The Ministry of Foreign Affairs of Israel also suggested that a special feature should be made of developments in the sphere of international administrative law. 20/

- 23. In the Sixth Committee at the seventh session of the General Assembly, the Israel delegation proposed that a series of abstracts be published concerning new developments in international law. The Israel delegation pointed out that the area to which international law applied had expanded enormously owing to the emergence of many independent States in recent years; that, although those States had only recently gained their independence, they were the heirs to ancient civilizations, and some way had to be found to combine their ancient traditions with the body of international law as developed in modern times; that the number of questions covered by international law had vastly increased, a development which was reflected in the establishment of the many specialized agencies of the United Nations; and that international law had become applicable to new members of the international community. Consequently, due attention should be given to those new and far-reaching developments, several of which might be ascribed to the influence of the United Nations itself. 21/
- 24. The Institute of International Law (see para. 16 above) suggested that the yearbook might include, inter alia:
- (a) Provisions of national legislation which have direct significance for international law;
- (b) Opinions of the Legal Department of the United Nations Secretariat on matters of principle, the date of publication to be at the Secretary-General's discretion:
- (c) Decisions of the administrative tribunals of the United Nations and of the specialized agencies;
- (d) Documents of juridical interest prepared within the United Nations and its specialized agencies and given only limited distribution, such as the reports and records of the International Law Commission; certain documents drafted in special circumstances, like the report of the Committee of Jurists on the Eritrean Constitution, etc.;
- (e) A complete bibliography of juridical publications related to the United Nations and the specialized agencies;
- (f) The texts of any new treaty provisions relating to the United Nations and the specialized agencies and of the more important rules of procedure;

¹⁸ In the course of the Sixth Committee's discussion of the question at the seventh session of the General Assembly (see para. 9 above) some delegations expressed the view that in carrying out this broadened plan it would be desirable to consider not only the question of publishing a juridical yearbook but also the possibility of expanding existing publications or of initiating new special publications of limited scope. The report prepared by the Secretary-General in pursuance of General Assembly resolution 686 (VII) (see para. 11 above) contains a comparative study of the question whether, and to what extent, developments in the field of customary international law and selected legal activities of the United Nations could be usefully covered by one or other of the three types of publication. The report gives an account of the difficulties that would be involved in expanding existing publications and in initiating new special publications of limited scope.

^{19/} Official Records of the General Assembly, Fifth Session, Supplement No. 12 (A/1316), para. 91.

²⁰ bid., Sixth Session, Annexes, agenda item 53, document A/1934, annex, para. 2.

^{21/} Ibid., Tenth Session, Annexes, agenda item 50, document A/C.6/348, para. 67.

- (g) The texts of conventions concluded under United Nations auspices, and a list of ratifications and accessions. 22/
- 25. The American Society of International Law (see para. 16 above) considered it desirable that the year-book should include:
- (a) The entire documentation of the A/CN.4 and A/CN.4/SR series, i.e., the documents of the International Law Commission and the summary records of its meetings;
- (b) National legislative texts on questions relating to international law;
- (c) The awards of ad hoc international tribunals;
- (d) Certain legal opinions of the United Nations Secretariat;
- (e) Selected case-studies prepared and published on legal questions dealt with by organs of the United Nations, specialized agencies and, perhaps, regional organizations. These would consist primarily of documentary material, with the addition of some editorial notes. 23/
- 2. Suggestions made during the thirteenth session of the General Assembly
- 26. The working paper submitted to the Sixth Committee by the informal working group, which served as a basis for the discussion in that Committee, (see paras. 13 and 14 above) envisaged the publication of a juridical yearbook of some 225 pages, divided into four parts.
- 27. Part I, consisting of approximately 150 pages, would contain studies on problems of international law. It would include articles written by private individuals or, possibly, reports by private associations or institutions. The articles and reports would be mainly confined to the subjects assigned to the International Law Commission and the Office of Legal Affairs of the Secretariat and to the jurisprudence of the International Court of Justice.
- 28. Part II, consisting of approximately twenty-five pages, would deal with the legal activities of the United Nations and contain:
- (a) Documents and information concerning the status of the United Nations and the specialized agencies;
- (b) Decisions, recommendations or reports of United Nations bodies of legal interest;
 - (c) Legal opinions of the United Nations Secretariat;
- (d) A list of treaties concerning the United Nations and the specialized agencies.
- 29. Part III, also of approximately twenty-five pages, would consist of a list of current decisions of international and national tribunals on questions of international law, especially those relating to the work of the United Nations.

- 30. Part IV, also of approximately twenty-five pages, would contain a bibliography concerning:
 - (a) General theory of international law;
- (b) Law of international organizations.

B. MATERIAL WHICH MIGHT BE INCLUDED IN THE YEARBOOK

- 1. Plan for a yearbook proposed by the Secretary-General in the light of the suggestions made prior to the thirteenth session of the General Assembly
- 31. The two reports prepared by the Secretary-General in 1952 and 1955, in accordance with General Assembly resolutions 602 (VI) and 686 (VII) (see paras. 8 and 11 above), deal with the question whether and to what extent the material proposed in the relevant debates and documents could be included in a juridical yearbook. Each report indicates the various difficulties which would be involved in the inclusion of some of this material in the yearbook. The reports draw attention to certain requirements regarding the publication of other material and make a number of suggestions. The reports also take into account various factors of a technical and financial nature and are particularly concerned to avoid, as far as possible, overlapping with existing publications.
- 32. The report prepared by the Secretary-General in 1955 contains the following outline of a juridical year-book:
- (a) Documents relating to customary international law:
- (i) National legislative texts of international scope;
- (ii) Arbitral awards by <u>ad hoc</u> international tribunals:
- (iii) Significant decisions of national courts relating to the United Nations, and decisions involving the application or interpretation of multilateral conventions drafted under the auspices of the United Nations.
- (b) Documents relating to selected legal activities of the United Nations:
- (i) Selected legal opinions of the United Nations Secretariat;
- (ii) Selected documents concerning international administrative law.
- 33. The outline also includes the documents of the International Law Commission, to take into account the Commission's decision on the publication thereof (see para. 10 above). It should be noted that, in accordance with General Assembly resolution 987 (X) of 3 December 1955, these documents are at present published in a special publication, the Yearbook of the International Law Commission.
- 34. The plan in question is based on various assumptions which are defined in the report. Thus the sections of the yearbook devoted to national legislative texts of international scope and arbitral awards by ad hoc international tribunals are based on specific suggestions and assume that those suggestions have been accepted.
- 35. The suggestions made concerning the section of the yearbook dealing with national legislative texts of

 $[\]frac{22}{\text{Ibid.}}$, Seventh Session, Annexes, agenda item 55, document A/2170, annex Π_{\bullet}

¹bid., annex III.

international scope 24/ tend to limit this section to those subjects on which such texts have been published in the United Nations Legislative Series. The yearbook would thus supplement that series, and could also be used to bring it up to date. In the latter respect, the yearbook would certainly provide a more rapid means of bringing up to date the compilations which have appeared in the United Nations Legislative Series than the publication of supplements to various volumes in that series. The latter method has in fact proved to be very slow. It was necessary to wait almost five years to collect sufficient material to justify the publication of a supplement to the volume in the Legislative Series dealing with nationality.

- 36. The suggestions made concerning the section of the yearbook on arbitral awards by ad hoc international tribunals 25/ are similar in character. The Reports of International Arbitral Awards published by the United Nations contain awards rendered at different periods in the past. The first eight volumes of the series have already appeared and cover the period from 1920 to 1941. The four further volumes the Secretariat intends to publish will cover the period from 1871 to 1920. The juridical yearbook could therefore be used for publication of more recent arbitral awards, as and when pronounced, thus bringing the reports up to date.
- 37. The other documents mentioned in the outline (see para. 32 above) will be considered below in connexion with the examination of the plan for a yearbook submitted to the Sixth Committee at the thirteenth session of the General Assembly.
- Plan for a yearbook submitted to the Sixth Committee at the thirteenth session of the General Assembly
- 38. A summary was given earlier (paras. 26-30 above) of material suggested for inclusion in a juridical yearbook in the working paper submitted to the Sixth Committee at the thirteenth session. The extent to which this documentation could be included in the yearbook must now be considered. This question will be examined in the light of the suggestions made in the course of the Sixth Committee's discussions.

Part I. Studies on problems of international law

- 39. The working paper states that part I of the year-book would include articles by private individuals, writing in their own names. It could also include reports by learned private bodies. Such articles or reports should relate to subjects of special interest to the International Law Commission, the Sixth Committee of the General Assembly, the Office of Legal Affairs of the Secretariat and the International Court of Justice. It was also proposed that the specialized agencies should be added to this list.
- 40. The working paper proposes that the responsibility for the selection of the articles to be published in this part would rest with an editorial board consisting of seven members elected on an honorary basis by the General Assembly, on the recommendation of the Sixth Committee, and acting in close collaboration with the Secretariat. The editorial board should give con-

- sideration to divergent schools of thought if divergent views are expressed on the same subject. The working paper also suggests that the board should be guided in its selection of articles by the principle that they should be scholarly, original and an important contribution to knowledge of the subject. The working paper expresses the hope that it will be possible in this way to sponsor a truly international review of international juridical problems of common concern.
- 41. During the discussion of this question in the Sixth Committee, a number of delegations expressed the opinion that part I was the most important part of the yearbook proposed by the working group and that if it was not included the yearbook would lose most of its value since the material to be inserted in the other parts was already available in various United Nations publications. In that connexion it was suggested that part I of the yearbook should include studies on international law questions in general and not merely on questions of interest to such strictly legal bodies as the International Law Commission, the Sixth Committee, and so forth.
- 42. Other delegations also considered that part I, dealing with the study of problems of international law, would be extremely interesting provided that it represented a meeting-ground rather than a battle-ground. The view was expressed that it would be necessary to ensure that the articles published would not arouse political controversy or lead to the identification of the United Nations with a particular school of legal thought.
- 43. It was also argued that, unless contradictory opinions could be freely expressed in the yearbook, the publication would be devoid of interest. A free exchange of views would in no way detract from the authority of the United Nations. A free exchange of views could, however, only be assured if the editorial board was constituted on a proper basis. In that connexion it was suggested that the only proper basis was equitable geographical distribution, which would make the board representative of the world's different legal systems. The need to ensure fair geographical distribution should not, of course, lead to any lowering of the standards; the persons chosen should all be scholars of recognized authority. A board thus constituted would ensure the proper selection of material, and prevent any unfair emphasis on the views of a single school of thought.
- 44. With regard to the Sixth Committee's ability to select a politically impartial editorial board, it was pointed out that no one questioned the impartiality of the judges of the International Court of Justice, who are elected by the United Nations. Article 8 of the Statute of the International Law Commission could provide guidance in the selection of members of the editorial board.
- 45. Many objections were, however, raised to part I of the yearbook as envisaged in the working paper. A number of delegations considered that this part would give rise to very serious problems. It would be extremely difficult to determine the criteria which would govern the appointment of the members of the editorial board and the selection of articles for the yearbook. It might well be asked what criterion would be adopted in appointing members of the editorial board their nationality, the legal system they represented or their competence. Similarly, would the board's decision to

^{24/} Ibid., Tenth Session, Annexes, agenda item 50, document A/C.6/348, paras. 45-53.

^{25/} Ibid., paras. 54-55.

publish an article be based on geographical considerations, the competence and authority of the author, or the scientific value of the article? Another problem was how the members of the editorial board, who were to be unpaid and who would be living in different countries, would consult each other. Those were problems which would not be easy to solve and would require careful study.

46. It was also argued that it was not the purpose of the United Nations as an international organization designed for the exchange of opinions between sovereign States to propagate the views of private individuals. Moreover, not only would the selection of articles be extremely difficult, but their publication could become a source of serious embarrassment to the United Nations and to Governments. It was also said that even if the yearbook did not become a forum for the discussion of political problems which called for the application of international law, it had to be remembered that publication under the auspices of the United Nations would give great prestige to the writings printed. It was also argued that the patronage of the United Nations might be exploited for political ends and that it was not certain that the proposed editorial board would be able to avoid such improper use. It would be difficult for such a board to display at one and the same time the desired competence and impartiality. It would be equally difficult to lay down rules for the board, as such rules might be misleading and cause international friction.

47. It was pointed out that the appointment of the editorial board was a very delicate question; this election would perhaps be made on the basis of geographical representation, as was customary with United Nations bodies, and the rule could well be that excellent articles might be rejected merely in order to ensure the adequate representation of all regions and groups of countries in part I of the year-book.

48. Doubts were expressed regarding the value of part I, which, as envisaged in the working paper, would only consist of approximately 150 pages. The number of pages proposed was considered insufficient, as the yearbook would be able to publish only two or three articles a year, with the result that the exchange of ideas would be extremely slow.

49. As can be seen, the inclusion in the yearbook of articles written by private individuals would involve many difficulties. In his report, 26/ prepared in accordance with General Assembly resolution 602 (VI). the Secretary-General expressed the view that the publication of scholarly articles on controversial subjects in a United Nations volume might be a matter of considerable embarrassment. This is not true only of purely political controversies. An equally embarrassing situation might result from the publication of articles on controversial legal subjects, which cannot easily be avoided in discussing matters of law, particularly international law. In any event, this is only one of the many difficulties inherent in the adoption of part I of the yearbook as envisaged in the working paper.

Part II. Legal activities of the United Nations

50. In accordance with the working paper, this part would contain: (1) documents and information concerning the status of the United Nations and the specialized agencies; (2) decisions, recommendations or reports of United Nations bodies of legal interest; (3) legal opinions of the United Nations Secretariat; (4) a list of treaties concerning the United Nations and the specialized agencies.

51. During the discussion in the Sixth Committee, a number of delegations expressed the view that this part of the yearbook, proposed in the working paper, would be the most valuable section. Existing publications adequately covered the subject matter proposed for parts III and IV; they also contained excellent writings of the type it was intended to include in part I. With regard to the legal activities of the United Nations, however, the proposed new yearbook would probably provide much more complete information than was being published at present. It was accordingly suggested that more space should be devoted to part II than the twenty-five pages proposed in the working paper.

52. If the General Assembly does not adopt part I of the plan proposed in the working paper, a large proportion of the yearbook could be devoted to documentation on the legal activities of the United Nations. The documentation would, however, have to be selected so as to avoid overlapping with the following United Nations publications: the Yearbook on Human Rights, which covers the legislation of States and Non-Self-Governing Territories, treaties, agreements and instruments adopted by specialized agencies and other inter-governmental organizations, and United Nations activities in the field of human rights; the Yearbook of the International Court of Justice, which covers the organization, jurisdiction and decisions of the Court; the Yearbook of the United Nations, which gives a short factual account of the activities, including legal activities, of all organs of the United Nations and of the specialized agencies; the Yearbook of the International Law Commission, which includes, inter alia, the studies, special reports and records of that Commission; and the Repertory of Practice of United Nations Organs, a comprehensive summary in which the decisions taken by United Nations bodies, and related material, are arranged according to the articles of the Charter and presented in such a way as to elucidate the questions of Charter application and interpretation which have arisen in practice.

53. The publications mentioned above provide more or less detailed information on all the legal activities of the United Nations. It would therefore be superfluous to include in the juridical yearbook documentation concerning human rights, the work of the International Court of Justice and the work of the International Law Commission. The juridical yearbook could cover the remaining legal activities of the Organization in a manner that would avoid the duplication of material included in the Yearbook of the United Nations and the Repertory of Practice of United Nations Organs. It might include the full texts of the most important documents of legal interest; other documents could be listed together with references to the publications in which they are reproduced.

54. The documents proposed by the Secretary-General, in his report to the General Assembly at its

 $[\]frac{26}{\text{Mod.}}$ Seventh Session, Annexes, agenda item 55, document A/2170, para. 15.

tenth session, for inclusion in the part of the yearbook dealing with the legal activities of the United Nations are listed in paragraph 32 above. In the light of the views and conclusions set forth in this report and the suggestions made in the Sixth Committee of the General Assembly at its thirteenth session, the following material might be included in this part of the yearbook, within the limits indicated below: (a) selected legal opinions of the United Nations Secretariat; (b) selected documents concerning international administrative law; (c) documents and information concerning the status of the United Nations and the specialized agencies; (d) decisions, recommendations or reports of United Nations bodies of legal interest; (e) a list of treaties concerning the United Nations and the specialized agencies.

(a) Selected legal opinions of the United Nations Secretariat

55. In the course of the discussion in the Sixth Committee at the thirteenth session (see para. 15 above), several delegations observed that the United Nations Secretariat might not be prepared to have all its legal opinions published; some of its opinions are of a purely internal nature, and the question was one, in any case, which would have to be left to the discretion of the Secretariat. While recognizing the delicate and special nature of the question, other delegations suggested that the yearbook should contain legal opinions of general interest, so that they could be studied by specialists in international law.

56. The question of the publication of legal opinions of the United Nations Secretariat was examined in the Secretary-General's report to the General Assembly at its seventh session. 27/ The report points out that some legal opinions prepared by the United Nations Secretariat are already published in United Nations documents. Other opinions, if published, would require the addition of long explanatory notes with respect to their background and effect and many of them could not be printed except after considerable amplification and editing. Moreover, many of the opinions give advice to the Secretary-General and to Departments of the Secretariat on subjects of active controversy and their publication might not be advisable. Nevertheless, some unpublished opinions would be suitable for publication in the yearbook.

(b) Selected documents concerning international administrative law

57. The Secretary-General's report to the General Assembly at its seventh session ²⁸/_{also} examined the question of the inclusion in the yearbook of documents concerning international administrative law. The conclusion was reached that selected judgements of general interest of the United Nations Administrative Tribunal might be published in the yearbook. It should be noted that the Judgements of the United Nations Administrative Tribunal are now being published in a special United Nations collection, the first volume of which, containing the texts of judgements Nos. 1-70 given between 1950 and 1957, has recently appeared. The second volume will not be published until sufficient material has been gathered. It might perhaps be useful

to include in the juridical yearbook a list of judgements given during the year under review and brief summaries of judgements of general interest.

(c) Documents and information concerning the status of the United Nations and the specialized agencies

58. A substantial volume of documents and information concerning the status of the United Nations and the specialized agencies might be accumulated in the course of each year and the inclusion in the yearbook of all the material accumulated would thus involve a substantial increase in the size of the publication. In order to overcome this difficulty, documents in this category would be published in full only if they were fundamental or basic in character. In the case of other documents, extracts or summaries would be given. It might also be possible to supply the necessary information in the form of factual notes. This method might be used, for example, in presenting information on the status of the United Nations Emergency Force.

59. The most important opinions of national legal advisers dealing with the status of the United Nations and the specialized agencies might also be published in this part of the yearbook.

(d) Decisions, recommendations or reports of United Nations bodies of legal interest

60. The decisions, recommendations or reports of United Nations bodies of legal interest also provide too great a volume of material in the course of a year to be included in full in a yearbook. Selection would therefore be necessary but it would seem difficult to establish a specific criterion for such selection in advance. It might be left to the Secretariat to select documents for publication, taking into account, inter alia, the interest of the documents from the point of view of international law and the desirability of avoiding overlapping with existing United Nations publications. Documents omitted owing to lack of space might be listed in the yearbook with an indication of the United Nations publications in which they are reproduced.

(e) List of treaties concerning the United Nations and the specialized agencies

61. The inclusion in the yearbook of a list of treaties concerning the United Nations gives rise to no objections. The secretariats of the specialized agencies might also be invited to prepare a list of treaties concerning their organizations for publication in the yearbook. Headquarters agreements concluded by international organizations might be included in these lists.

Part III. Decisions of international and national tribunals on questions of international law

- 62. The working paper (see para. 14 above) suggests that this part would be a list merely of current decisions of international and national tribunals on questions of international law, particularly those relating to the work of the United Nations.
- 63. In the course of the Sixth Committee's discussion of this question at the thirteenth session, some delegations expressed the view that a mere list of current decisions on questions of international law would not be enough and felt that part III of the yearbook should

 $[\]frac{27}{28}$ Ibid., paras. 52-54.

 $^{28/\}overline{\text{Ibid.}}$, paras. 55 and 56.

also include a summary of at least the more important decisions.

- 64. The question of the inclusion in the yearbook of significant decisions of national courts relating to problems of international law, and particularly those concerning multilateral international conventions, is examined in the reports submitted by the Secretary-General to the General Assembly at its seventh $\frac{29}{}$ and tenth $\frac{30}{}$ sessions. The reports noted that it would be a herculean task to make a compilation of such decisions. Moreover, the collection would be too bulky for inclusion in a juridical yearbook and would duplicate material printed in the International Law Reports, edited by Judge Sir Hersch Lauterpacht. which contain decisions of national courts. The reports accordingly suggest that this part of the yearbook should be limited to significant decisions relating to the United Nations, such as interpretations of the Charter by national courts, cases to which the United Nations was party and decisions involving the interpretation or application of multilateral conventions drafted under the auspices of the United Nations. Extracts from these decisions or digests would be published in the vearbook.
- 65. In the case of other decisions it might be sufficient to give a list indicating the publications in which they are reproduced. National judicial decisions are normally reproduced in the official publications of the country concerned. As the list would refer the reader to these publications, which appear in a wide range of languages and in some cases are not readily available, it may be questioned whether the value of the list would be great enough to justify the labour involved in its preparation.
- 66. One part of the yearbook might deal with current decisions by <u>ad hoc</u> international tribunals. This category of decisions was discussed above (paras. 34-36) in connexion with arbitral awards.

Part IV. Bibliography

- 67. Part IV of the yearbook as proposed in the working paper would consist of a bibliography covering the general theory of international law and the law of international organizations. The working paper states that this part would be merely a list but does not specify whether it would be a list of books or articles, or both.
- 68. The view was expressed in the Sixth Committee at the thirteenth session that a mere list of published works would be devoid of any interest, unless accompanied by commentaries. It would, however, be an enormous task for the Secretariat to prepare reviews of the books or articles published each year throughout the world in various languages.
- 69. In any event, it is necessary to consider whether a bibliography of this type should be included in the yearbook in view of the fact that similar bibliographies are available in the following United Nations publications: (a) the Bibliography of the International Court of Justice Yearbook; (b) the Monthly List of Books catalogued in the Library of the United Nations, Geneva

- (a selected bibliography of books dealing with the various questions considered by United Nations bodies); (c) the Monthly List of Selected Articles published by the United Nations Library, Geneva (which covers legal as well as political, economic, financial and other questions); (d) the List of Selected Articles (periodical list) published by the United Nations Library, New York. (The latter also publishes a monthly list entitled New Publications in the United Nations Headquarters Library.) These publications constitute an extensive bibliography of volumes and articles on legal questions relating both to the United Nations and to international law generally.
- 3. Plan for a yearbook proposed by the Secretary-General in the light of the suggestions made during the discussions in the Sixth Committee at the thirteenth session of the General Assembly
- 70. The Secretary-General has given most careful consideration to the proposal that the juridical year-book should include articles by private individuals writing in their own name, and to the various statements in favour of that proposal made in the Sixth Committee of the General Assembly at its thirteenth session. He seriously doubts, however, whether the value of including such articles would be sufficiently great to outweigh the grave difficulties which their publication would involve.
- 71. The present plan submitted by the Secretary-General for the consideration of the General Assembly is based on various suggestions set out in this report and assumes that the suggestions have been accepted. Each part of the plan is followed by a reference to the paragraphs of the report in which the relevant suggestions are set out:
- (a) Documents relating to customary international law:
- (i) National legislative texts of international scope (para. 35);
- (ii) Arbitral awards by <u>adhoc</u> international tribunals (para, 36);
- (iii) Significant decisions of national courts relating to the United Nations, and decisions involving the application or interpretation of multilateral conventions drafted under the auspices of the United Nations (paras. 62-65).
- (b) Documents relating to legal activities of international organizations:
- (i) Selected legal opinions of the United Nations Secretariat (paras. 55-56);
- (ii) Selected documents concerning international administrative law (para. 57);
- (iii) Documents and information concerning the status of the United Nations and the specialized agencies (paras. 58-59);
- (iv) Decisions, recommendations or reports of United Nations bodies of legal interest (para. 60);
- (v) List of treaties concerning the United Nations and the specialized agencies (para. 61).
- 72. It will be noted that an increase in staff would be required to give effect to this plan. It would not therefore be desirable to adopt a more ambitious plan,

^{29/ &}lt;u>Ibid.</u>, paras. 38-41.

^{30/} Ibid., Tenth Session, Annexes, agenda item 50, document A/C.6/348, paras. 56 and 57.

nor would it be desirable to curtail the contents of the yearbook substantially. Curtailment of the proposed plan might reduce the value of the proposed yearbook to a minimum.

- 73. It would be impossible to give effect to the entire plan as outlined if the General Assembly decided that articles by private individuals should be included in the yearbook. In that event the plan would have to be proportionately reduced to keep the yearbook under 250 pages.
- 74. It should also be noted that much of the interest of the documents envisaged in part (a) of the proposed plan will be lost if they are not published in the year-book promptly and as completely as possible. This requirement cannot be met without the effective cooperation of Governments. It would be extremely difficult, if not impossible, for the Secretariat, each year and within the space of a few months, to collect documents of this character relating to all States. The co-operation of Governments would therefore be essential in carrying out this part of the proposed plan.

Chapter IV. Form of the yearbook

A. A SEPARATE UNITED NATIONS PUBLICATION

- 75. The working paper suggested that the yearbook could be either a separate United Nations publication or a third volume to the Yearbook of the International Law Commission, it being made abundantly clear in either event that the International Law Commission bore no responsibility for the juridical yearbook.
- 76. In the Sixth Committee of the General Assembly, at its thirteenth session, several delegations urged that the yearbook should be a separate United Nations publication and not a third volume to the Yearbook of the International Law Commission. It would, they argued, be wrong for the juridical yearbook to appear as a third volume to the Yearbook of the International Law Commission when the Commission would have no control over its compilation and no responsibility for its contents.

B. FREQUENCY OF PUBLICATION

77. The working paper suggests that the yearbook should appear annually and should be published and released for sale and distribution at about the time documents for the annual General Assembly session are released. One representative in the Sixth Committee, however, felt that consideration might be given to a juridical "compendium" to be published every two or three years instead of a yearbook; the consequent savings would make it possible to publish editions in English, French, Spanish, Russian and, if possible, Arabic.

C. LANGUAGES OF THE YEARBOOK

78. During the discussion in the Sixth Committee, several delegations objected to the preponderance given to the English language in the working paper. They were of the opinion that if a juridical yearbook were published, it should appear in the three working languages of the United Nations.

D. SIZE OF THE YEARBOOK

79. The working paper envisages the publication of a yearbook of approximately 225 pages. During the

discussion in the Sixth Committee it was pointed out that it was hardly possible to envisage a yearbook of less than 250 pages.

Chapter V. Budgetary implications

- 80. During the discussion in the Sixth Committee, several delegations expressed the opinion that it would be useful to provide a separate cost estimate for part I of the plan for a yearbook outlined in the working paper.31/
- 81. Financial estimates are given below in respect of each of the following alternatives:
- (a) The yearbook would follow the plan outlined in paragraph 71 of this report;
- (b) The yearbook would include, in addition to the material envisaged in part (a) of the proposed plan—which would be curtailed as suggested in paragraph 73 of this report—articles written by private individuals in accordance with the proposal outlined in the working paper.
- 82. Either alternative would require an addition to existing staff. In the case of part (a) of the proposed plan, while the compilation of national legislative texts of international scope, and of arbitral awards by ad hoc tribunals is covered under the existing functions of the Secretariat, the preparation of the remaining documentation would necessitate the addition of two legal officers versed in international law and widely experienced in the preparation of legal texts for publication. Secretariat assistance would need to be provided to those two officers.
- 83. As regards part (b) of the proposed plan, it is assumed that members of the editorial board (see para. 40 above) would serve in an honorary capacity. In the event that the editorial board is required to meet once a year for not more than one week, costs of the order of \$9,000 per meeting will arise. It is assumed further that articles for publication in the yearbook would be submitted only in the three languages in which the yearbook would be published. These articles would probably need to be checked in the Secretariat and submitted to the editorial board. This work of checking the articles, editing and preparing them for inclusion in the yearbook would require the whole-time services of two legal officers, and appropriate secretariat staff.
- 84. Thus, salary and common staff costs in either case would be of the order of \$42,000 annually (one Senior Officer P-5, one First Officer P-4 and two secretarial staff at the intermedial level).
- 85. In the event the General Assembly should take a favourable decision on the publication of the juridical yearbook the Secretary-General would expect to meet the additional translation work arising from the publication within the existing complement of Language Services staff by appropriate rescheduling of other legal translation work. The cost of translation if separately calculated would be about \$13,000.

^{31/} Ibid., Thirteenth Session, Annexes, agenda item 56, document A/C.6/L.428.

86. There would, moreover, be printing costs. On the assumption that the yearbook will not exceed 250 printed pages in length, and would be published in English, French and Spanish, these costs would be approximately:

	English	French	Spanish
	(U.S. dollars)		
First 1,000 copies	2,400	2,600	2,800
Each additional 1,000 copies	670	800	800

DOCUMENT A/C.6/L.465

Financial implications of the draft resolution contained in document A/C.6/L.462: note by the Secretary-General

[Original text: English] [27 November 1959]

- 1. The draft resolution recommends that: (a) the General Assembly decide that a United Nations juridical yearbook should be published and, (b) that as a first step, the Secretary-General prepare and submit for consideration at the fifteenth session a report containing a detailed outline of such a yearbook.
- 2. In his initial report to the Assembly (A/4151, chap. V) the Secretary-General had indicated that the publication of the juridical yearbook would entail additional costs for staff of the order of \$42,000, and printing, of the order of \$10,000.
- 3. Subsequently, during discussion of this item in the Sixth Committee, and in the light of the statements of certain members, the representative of the Secretary-General indicated, at the 642nd meeting, that efforts would be made to undertake the work of
- preparation of the yearbook with half the complement of additional staff envisaged in document A/4151. At the same meeting it was stated that the Secretariat would absorb additional work on the preparation of the detailed outline referred to in the draft resolution within the level of establishment approved by the General Assembly for 1960.
- 4. Accordingly, on the assumption that a decision as to the content and scope of the yearbook will be taken by the General Assembly only at its fifteenth session, no additional costs are foreseen for 1960. At an appropriate time during the fifteenth session of the Assembly the Secretary-General would propose to submit an estimate of the additional requirements that are likely to arise in 1961 and subsequent years in respect of the preparation and publication of the Yearbook.

DOCUMENT A /4312

Report of the Sixth Committee

[Original text: French/Russian]
[2 December 1959]

- 1. At its 782nd plenary meeting, on 5 December 1958, the General Assembly adopted resolution 1291 (XIII) whereby, firstly, it requested the Secretary-General to prepare a report on the question of the publication of a United Nations juridical yearbook, and, secondly, it decided to place that question on the provisional agenda of its fourteenth session.
- 2. In accordance with that resolution, the Secretary-General submitted a report on the matter (A/4151) to the General Assembly at the present session. This report gave the background of the question of the publication of a United Nations juridical yearbook and dealt with the role, form, contents and budgetary implications of such a publication.
- 3. At its 803rd plenary meeting, on 22 September 1959, the General Assembly decided to place the question on the agenda of its fourteenth session and referred it to the Sixth Committee for examination and report.
- 4. The Sixth Committee considered the item at its 639th to 643rd meetings, held between 23 and 30 November 1959.

PROPOSAL AND AMENDMENTS

5. During the discussion, a draft resolution (A/C.6/L.462) was submitted to the Committee by the following countries: Afghanistan, Ceylon, Ecuador, France,

Greece, Mexico, Poland, United Arab Republic and United Kingdom of Great Britain and Northern Ireland. The text of this draft resolution was as follows:

"The General Assembly,

"Recalling its resolution 1291 (XIII) of 5 December 1958 regarding the question of the publication of a United Nations juridical yearbook,

"Taking note of the report of the Secretary-General on the matter (A/4151),

- "Considering that it would be highly desirable that documentary materials of a legal character relating to the United Nations should be made available in a yearly volume for the use of Governments as well as organizations and all persons interested in the development of international law,
- "l. Decides that a United Nations juridical year-book which would include documentary materials of a legal character relating to the United Nations, should be published;
- "2. Requests the Secretary-General to submit, as a first step, a report to the General Assembly at its fifteenth session containing a detailed outline of such a yearbook;
- "3. <u>Decides</u> to consider at its fifteenth session the above-mentioned report of the Secretary-General."

- 6. Chile submitted an amendment (A/C.6/L.463) to this draft resolution, to replace operative paragraph 1 by the following:
 - "1. <u>Decides</u> that the preparation of a United Nations juridical yearbook which would include documentary materials on international law of interest to the United Nations should be encouraged."
- 7. A further amendment (A/C.6/L.464) to the draft resolution was submitted by Ghana. Under that amendment, the following words would be added to operative paragraph 2 of the draft resolution:
 - "...and the comments thereon of Member States with special reference to the requirements of international law institutions, universities, foreign offices and the other classes of persons for whose benefit the publication is intended."
- 8. The Committee was also seized of a note by the Secretary-General (A/C.6/L.465) on the financial implications of the draft resolution.

DISCUSSION

- 9. Most of the delegations that took part in the discussion on the question expressed themselves in favour of the publication of a United Nations juridical yearbook. They considered that such a publication would be useful and necessary. Certain delegations, however, though fully endorsing the principle of publishing the yearbook, declared that their position with regard to that publication would depend, inter alia, upon its financial implications. Another delegation, although not opposed to the principle of publication, pointed out that most of the information it was proposed to include in the yearbook already appeared in existing publications, that any documentary materials which had not already been published and which it was desired to include in the yearbook could easily be distributed among those publications, and that that would avoid the expenditure involved in the publication of a juridical yearbook.
- 10. With regard to the contents of the yearbook, the opinions of delegations were divided. The Committee had before it the plan for a yearbook proposed by the Secretary-General in paragraph 71 of his report on the question (A/4151). This plan, which the Committee used as a basis for discussion, was prepared with particular regard to the working paper submitted by the representative of Ceylon, on behalf of the working group, to the Sixth Committee at the thirteenth session of the General Assembly (see A/4151, paras. 14 and 38-69).
- 11. The opinion which had been expressed in the Sixth Committee at the thirteenth session of the General Assembly, that the yearbook should include articles by private individuals under their own names (see A/4151, para. 27), gave rise to many objections. A large number of delegations supported the idea of a yearbook limited to materials of an exclusively documentary character. Certain delegations, however, pointed out that if inclusion in the yearbook of articles written by private individuals was not considered suitable, studies or reports prepared by private scientific bodies could perhaps be published in it.
- 12. Certain delegations suggested that the yearbook might include a series of brief abstracts of articles

- concerning the United Nations and other questions of international law. At the request of one delegation, the representative of the Secretary-General stated that in preparing the report referred to in operative paragraph 2 of the draft resolution (A/C.6/L.462), the Secretariat would consider the feasibility and advisability of including abstracts of that kind in the yearbook and would report on the matter, with a statement of financial implications and some concrete recommendations.
- 13. With regard to the view that the yearbook should contain a bibliography concerning the general theory of international law and the law of international organizations (see A/4151, para. 30), certain delegations considered that such a bibliography would be necessary even if it already appeared in other United Nations publications. It was argued that the yearbook should constitute a whole and, as such, should not be published unless it contained an appropriate and adequate bibliography.
- 14. The plan for a yearbook proposed by the Secretary-General in paragrpah 71 of his report was declared acceptable in principle by a large number of delegations. However, certain delegations considered that the titles of the various sections of that plan did not give a sufficiently clear idea of the yearbook's precise contents. Desiring to have more information on the subject, those delegations argued that a better course would be to accept, at the present session of the General Assembly, the principle of publication of the juridical yearbook and to ask the Secretary-General to prepare for the fifteenth session a detailed table of contents of what might be the first volume of the yearbook.

VOTING

- 15. At its 643rd meeting on 30 November 1959, the Committee proceeded to vote on the draft resolution (A/C.6/L.462) and on the amendment thereto submitted by Chile (A/C.6/L.463), the amendment presented by Ghana (A/C.6/L.464) having been withdrawn by its sponsor at that meeting. The results of the voting were as follows:
- (a) The Chilean amendment (A/C.6/L.463) was rejected by 38 votes to 5, with 20 abstentions;
- (b) Operative paragraph 1 of the draft resolution (A/C.6/L.462) was adopted by 59 votes to 1, with 4 abstentions;
- (c) The draft resolution (A/C.6/L.462) as a whole was adopted by 62 votes to none, with 2 abstentions.

Recommendation of the Sixth Committee

16. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

QUESTION OF THE PUBLICATION OF A UNITED NATIONS JURIDICAL YEARBOOK

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

DOCUMENT A /4337

Financial implications of the draft resolution submitted by the Sixth Committee in document A/4312: letter dated 4 December 1959 from the Chairman of the Fifth Committee addressed to the President of the General Assembly

[Original text: English]
[4 December 1959]

- 1. At the 759th meeting of the Fifth Committee, held on 4 December 1959, I informed the Committee of your letter of 2 December 1959 regarding the draft resolution submitted by the Sixth Committee (A/4312, para. 16), which was to be considered by the Fifth Committee in accordance with rule 154 of the rules of procedure of the General Assembly.
- 2. The Committee noted that, as indicated in the statement of financial implications (A/C.6/L.465) which was before the Sixth Committee when it took its action, the adoption of the draft resolution would not affect the 1960 budget. As regards future financial
- implications, the provisions of operative paragraphs 2 and 3 of the draft resolution submitted by the Sixth Committee provided for further consideration by the General Assembly at its fifteenth session.
- 3. The Committee agreed that I should communicate to you the above, in order that the General Assembly could be informed of the effect on the budget of the adoption of the draft resolution submitted by the Sixth Committee.

(Signed) Jiří NOSEK Chairman of the Fifth Committee

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 847th plenary meeting, on 7 December 1959, the General Assembly adopted the draft resolution submitted by the Sixth Committee (A/4312, para. 16). For the final text, see resolution 1451 (XIV) below.

Resolution adopted by the General Assembly

1451 (XIV). QUESTION OF THE PUBLICATION OF A UNITED NATIONS JURIDICAL YEARBOOK

The General Assembly,

Recalling its resolution 1291 (XIII) of 5 December 1958 regarding the question of the publication of a United Nations juridical yearbook,

Taking note of the report of the Secretary-General on the matter (A/4151),

Considering that it would be highly desirable that documentary materials of a legal character relating to the United Nations should be made available in a yearly volume for the use of Governments as well as

organizations and all persons interested in the development of international law,

- 1. <u>Decides</u> that a United Nations juridical yearbook which would include documentary materials of a legal character relating to the United Nations should be published;
- 2. Requests the Secretary-General, as a first step, to submit a report to the General Assembly at its fifteenth session containing a detailed outline of such a yearbook;
- 3. <u>Decides</u> to consider this report at its fifteenth session.

847th plenary meeting, 7 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 57 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/1316	Report of the International Law Commission covering the work of its second session (5 June - 29 July 1950)	Official Records of the General Assembly, Fifth Session, Sup- plement No. 12
A/3159	Report of the International Law Commission covering the work of its eighth session (23 April - 4 July 1956)	Ibid., Eleventh Session, Supplement No. 9
A/C.6/L.428	Working paper prepared by the informal working group on the question of a United Nations juridical yearbook	Ibid., Thirteenth Session, Annexes, agenda item 56
A/C.6/L.462	Afghanistan, Ceylon, Ecuador, France, Greece, Mexico, Poland, United Arab Republic and United Kingdom of Great Britain and Northern Ireland: draft resolution	Adopted without change. See A/4312, para. 16.
A/C.6/L.463	Chile: amendment to document A/C.6/L.462	Incorporated in A/4312, para. 6
A/C.6/L.464	Ghana: amendment to document A/C.6/L.462	Idem, para. 7

GENERAL ASSEMBLY



Agenda item 58

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 58: Question of initiating a study of the juridical régime of historic waters, including historic bays*

	CONTENTS	
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A/4161	Note by the Secretary-General	1
A/4333	Report of the Sixth Committee	2
Action taken by the General Assem	bly	2
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DOCUMENT A /4161

Note by the Secretary-General

[Original text: French] [24 July 1959]

- 1. At its 20th plenary meeting, on 27 April 1958, the United Nations Conference on the Law of the Sea adopted the following resolution on the régime of historic waters: 1/
 - "The United Nations Conference on the Law of the Sea,
 - "Considering that the International Law Commission has not provided for the regime of historic waters, including historic bays,
 - "Recognizing the importance of the juridical status of such areas,
 - "Decides to request the General Assembly of the United Nations to arrange for the study of the juridical régime of historic waters, including historic bays, and for the communication of the results of such study to all States Members of the United Nations."
- 2. The discussions which took place at the Conference prior to the adoption of this resolution were summarized in a previous note by the Secretary-General. 2/
- *For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Sixth Committee, 643rd to 646th meetings; and ibid., Plenary Meetings, 847th meeting.
- 1/ United Nations Conference on the Law of the Sea, Official Records, Volume II: Plenary Meetings (United Nations publication, Sales No.: 58.V.4, Vol. II), annexes, document A/CONF. 13/L.56, resolution VII.
- 2/ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 58, document A/3830.

- 3. At its 752nd plenary meeting, on 22 September 1958, the General Assembly placed the "Question of initiating a study of the juridical régime of historic waters, including historic bays" on the agenda of its thirteenth session and referred it to the Sixth Committee, which considered it during its 597th and 598th meetings on 5 and 8 December 1958.
- 4. As stated in the Sixth Committee's report to the General Assembly, 3/2 the majority of speakers on this item were of the opinion that, for want of time, it would be preferable to postpone the question to the fourteenth session of the General Assembly.
- 5. At its 783rd plenary meeting, held on 10 December 1958, the General Assembly, upon the recommendation of the Sixth Committee, 4 adopted resolution 1306 (XIII) which reads as follows:

"The General Assembly,

"Having received the resolution adopted on 27 April 1958 by the United Nations Conference on the Law of the Sea requesting the General Assembly to arrange for the study of the juridical régime of historic waters, including historic bays, and for the communication of the results of such study to all States Members of the United Nations,

"<u>Decides</u> to place the question of initiating a study of the juridical régime of historic waters, including historic bays, on the provisional agenda of its fourteenth session."

^{3/} Ibid., document A/4039, paras. 4 and 5.

^{4/ &}lt;u>Ibid.</u>, para. 9.

DOCUMENT A /4333

Report of the Sixth Committee

[Original text: French/Russian]
[4 December 1959]

- 1. On 27 April 1958, the United Nations Conference on the Law of the Sea adopted a resolution in which it requested the General Assembly to arrange for the study of the juridical régime of historic waters, including historic bays.
- 2. The General Assembly, at its 783rd plenary meeting, on 10 December 1958, adopted resolution 1306 (XIII), in which it decided to place this item on the provisional agenda of its fourteenth session.
- 3. The Secretary-General submitted a note (A/4161) summarizing the background of the question.
- 4. At its 803rd plenary meeting, on 22 September 1959, the General Assembly placed on the agenda of its fourteenth session the item entitled "Question of initiating a study of the juridical régime of historic waters, including historic bays".
- 5. The Committee considered the item at its 643rd to 646th meetings held between 30 November and 4 December 1959.
- 6. A draft resolution (A/C.6/L.466 and Add.1) was submitted to the Committee by Chile, Greece, Japan and Mexico, whereby the General Assembly would request the International Law Commission, as soon as it considered it advisable, to undertake the study of the question of the juridical régime of historic waters, including historic bays, and to make such recommendations regarding the matter as it deemed appropriate.
- 7. In the course of the debate, some representatives discussed the substance of the question and referred, in particular, to certain problems raised by the juridical régime of historic waters. Some representatives

cited specific cases of claims in respect of historic waters and bays.

- 8. The majority of representatives, however, reserved their position with regard to the substantive issues, believing that the documentation concerning historic waters was not yet adequate and that it would be difficult therefore to engage in a constructive debate. They were of the opinion that the debate should be limited, in accordance with resolution 1306 (XIII), to the question of initiating a study.
- 9. A large number of representatives declared themselves in favour of entrusting the study to the International Law Commission and of requesting the latter to make such recommendations as it deemed appropriate.
- 10. At its 646th meeting, on 4 December 1959, the Sixth Committee unanimously adopted the draft resolution (A/C.6/L.466 and Add.1).

Recommendation of the Sixth Committee

11. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

STUDY OF THE JURIDICAL REGIME OF HISTORIC WATERS, INCLUDING HISTORIC BAYS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below,]

5/ See footnote 1.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 847th plenary meeting, on 7 December 1959, the General Assembly adopted the draft resolution submitted by the Sixth Committee (A/4333, para. 11). For the final text, see resolution 1453 (XIV) below.

Resolution adopted by the General Assembly

1453 (XIV). STUDY OF THE JURIDICAL REGIME OF HISTORIC WATERS, INCLUDING HISTORIC BAYS

The General Assembly,

Recalling that, by a resolution adopted on 27 April 1958, 4 the United Nations Conference on the Law of the Sea requested the General Assembly to arrange for the study of the juridical régime of historic

waters, including historic bays, and for the communication of the results of the study to all States Members of the United Nations,

Requests the International Law Commission, as soon as it considers it advisable, to undertake the study of the question of the juridical régime of historic waters, including historic bays, and to make such recommendations regarding the matter as the Commission deems appropriate.

847th plenary meeting, 7 December 1959.

^{6/} United Nations Conference on the Law of the Sea, Official Records, Volume II: Plenary Meetings (United Nations publication, Sales No.: 58.V.4, Vol. II), annexes, document A/CONF. 13/L.56, resolution VII.

CHECK LIST OF DOCUMENTS

 $\underline{\text{Note.}}$ This check list includes all the documents mentioned during the consideration of agenda item 58 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3159	Report of the International Law Commission covering the work of its eighth session (23 April-4 July 1956)	Official Records of the General Assembly, Eleventh Session, Supplement No. 9
A/C.6/L.466 and Add.1	Chile, Greece, Japan and Mexico: draft resolution	Adopted without change. See A/4333, para. 11

GENERAL ASSEMBLY

Agenda item 59

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 59: Question of Algeria*

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DOCUMENT A /4140

Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan Tunisia, United Arab Republic and Yemen: request for the inclusion of an item in the provisional agenda of the fourteenth session

[Original text: English] [14 July 1959]

LETTER DATED 14 JULY 1959 FROM THE PER-MANENT REPRESENTATIVES OF AFGHANISTAN, BURMA, CEYLON, ETHIOPIA, FEDERATION OF MALAYA, GHANA, GUINEA, INDIA, INDONESIA, IRAN, IRAO, JAPAN, JORDAN, LEBANON, LIBERIA, LIBYA, MOROCCO, NEPAL, PAKISTAN, PHILIP-PINES, SAUDI ARABIA, SUDAN, TUNISIA, UNITED ARAB REPUBLIC AND YEMEN ADDRESSED TO THE SECRETARY-GENERAL

On instructions from our respective Governments, we have the honour to request that the following item be included in the agenda of the fourteenth session of the General Assembly of the United Nations: "Question of Algeria".

An explanatory memorandum is enclosed in accordance with rule 20 of the rules of procedure of the General Assembly.

The Permanent Representatives to the United Nations of: (Signed)

Afghanistan:
A. HASRAT

Burma:

Maung THANT

Ceylon:

C. COREA

Ethiopia:

Tesfaye GEBRE-EGZY

Federation of Malaya:

N. A. KAMIL

Ghana:

F. S. ARKHURST (Chargé d'affaires)

Guinea:

DIALLO Telli

India:

C. S. JHA

Indonesia:

Ali SASTRAOMIDJOJO

Iran.

Dr. F. ADAMIYAT

Iraa:

Adnan PACHACHI

Japan:

Koto MATSUDAIRA

Jordan:

A. RIFA'I

Lebanon:

Georges HAKIM

Liberia:

Charles T. O. KING

1

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1067th to 1078th meetings; and ibid., Plenary Meetings, 855th and 856th meetings.

Libya: FEKINI

Morocco:

El Mehdi Ben ABOUD

Nepal:

Rishikesh SHAHA

Pakistan:

A. SHAHI

Philippines:

F. A. DELGADO

Saudi Arabia:

Zein DABBAGH

Sudan:

Abdel Karim MIRGHANI

Tunisia.

Mahmoud MESTIRI

United Arab Republic:
Omar LOUTFI

Yemen:

Kamil A. RAHIM

Explanatory memorandum

1. The General Assembly has considered the Algerian question at each of its regular sessions since its tenth, in 1955. At the eleventh and twelfth sessions, the General Assembly unanimously adopted resolutions 1012 (XI) and 1184 (XII) which expressed the concern of the United Nations at the continuance of the Algerian conflict and urged that the problem be solved in conformity with the principles of the Charter. At the thirteenth session, the First Committee approved by a

substantial majority a draft resolution (A/C.1/L.232), which contained the following paragraphs:

"Recognizing the right of the Algerian people to independence,

"Deeply concerned with the continuance of the war in Algeria,

"Considering that the present situation in Algeria constitutes a threat to international peace and security.

۳...

"Urges negotiations between the two parties concerned with a view to reaching a solution in conformity with the Charter of the United Nations".

A draft resolution, which contained the said paragraphs [A/4075, para.10], however, failed by a single vote to obtain the required two-thirds majority in the plenary meeting.

- 2. Despite the appeals in the resolutions adopted at the eleventh and twelfth sessions and contrary to the wishes of the majority of Member States expressed at the thirteenth session, there has been no indication of improvement in the Algerian situation and the hostilities continue unabated with increasing suffering and loss of human life. A million Algerian civilians are reported to have been displaced from their homes and regrouped in other areas, where they are undergoing severe hardship.
- 3. In this situation, the attainment of a solution in conformity with the purposes and principles of the Charter of the United Nations becomes increasingly difficult. It is requested, therefore, that the question of Algeria be included in the agenda of the fourteenth session of the General Assembly.

DOCUMENT A /4339

Report of the First Committee

[Original text: English]
[9 December 1959]

- 1. By a letter dated 14 July 1959 (A/4140), Afghanistan, Burma, Ceylon, Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, the Philippines, Saudi Arabia, the Sudan, Tunisia, the United Arab Republic and Yemen requested the inclusion of an item entitled "Question of Algeria" in the agenda of the fourteenth session of the General Assembly. Attached to the letter was an explanatory memorandum in accordance with rule 20 of the rules of procedure of the General Assembly.
- 2. At its 121st meeting, held on 16 September 1959, the General Committee decided to recommend the inclusion of the item in the agenda. On the basis of Article 2, paragraph 7, of the Charter, the representative of France questioned the competence of the United Nations to consider the matter.
- 3. At its 803rd plenary meeting, held on 22 September 1959, the General Assembly decided to include the item in the agenda and referred it to the First Committee.
- 4. The First Committee considered the item at its 1067th to 1078th meetings inclusive, held between 30

November and 7 December 1959. The delegation of France did not participate in the consideration of the item by the Committee.

5. At the 1070th meeting, held on 2 December 1959, the representative of Burma introduced a draft resolution sponsored by Afghanistan, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, the Sudan, Tunisia, the United Arab Republic and Yemen (A/C.1/L.246). At the 1072nd meeting, held on 3 December 1959, the Federation of Malaya added its name to the list of sponsors of the draft resolution (A/C.1/L.246/Add.1). The draft resolution read as follows:

"The General Assembly,

"Having discussed the question of Algeria,

"Recalling its resolution 1012 (XI) of 15 February 1957 by which the General Assembly expressed the hope that a peaceful, democratic and just solution would be found, through appropriate means, in conformity with the principles of the Charter of the United Nations,

"Recalling further its resolution 1184 (XII) of 10 December 1957, by which the General Assembly expressed the wish that "pourparlers" would be entered into, and other appropriate means utilized, with a view to a solution, in conformity with the purposes and principles of the Charter of the United Nations,

"Recalling Article 1, paragraph 2, of the Charter of the United Nations,

"Recognizing the right of the Algerian people to self-determination,

"Deeply concerned with the continuance of hostilities in Algeria,

"Considering that the present situation in Algeria constitutes a threat to international peace and security,

"Noting with satisfaction that the two parties concerned have accepted the right of self-determination as the basis for the solution of the Algerian problem,

"Urges the two parties concerned to enter into "pourparlers" to determine the conditions necessary for the implementation as early as possible of the right of self-determination of the Algerian people, including conditions for a cease-fire."

- 6. At the 1078th meeting held on 7 December 1959, the First Committee proceeded to vote on the twenty-two-Power draft resolution (A/C.1/L.246 and Add.1) in parts:
- (a) The first, second and third paragraphs of the preamble were adopted by a roll-call vote of 59 to 4, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Costa Rica, Cuba, Czechoslovakia, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, Union of Soviet Socialist Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Colombia, Dominican Republic, Peru, Union of South Africa.

Abstaining: Australia, Belgium, Canada, Denmark, Ecuador, Haiti, Honduras. Israel, Italy, Luxembourg, Netherlands, New Zealand. Nicaragua, Norway, Paraguay, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

(b) The fourth paragraph of the preamble was adopted by a roll-call vote of 59 to 3, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bolivia. Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa, Rica, Cuba, Czechoslovakia, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines,

Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Nicaragua, Peru, Union of South Africa.

Abstaining: Australia, Belgium, Canada, Denmark, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

(c) The fifth paragraph of the preamble was adopted by \bar{a} roll-call vote of 61 to 1, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Union of South Africa.

Abstaining: Australia, Belgium, Brazil, Canada, Chile, Dominican Republic, Honduras, Israel, Italy, Luxembourg. Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

 (\underline{d}) The sixth paragraph of the preamble was adopted by a roll-call vote of 58 to 3, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, China, Costa Rica, Cuba, Czechoslovakia, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Luxembourg, Peru, Union of South Africa.

Abstaining: Australia, Belgium Bolivia, Brazil, Çanada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, Honduras, Israel, Italy, Netherlands, New Zealand, Nicaragua, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

(e) The seventh paragraph of the preamble was adopted by a roll-call vote of 38 to 22, with 21 abstentions. The voting was as follows:

<u>In favour</u>: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia,

Ceylon, Cuba, Czechoslovakia, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Dominican Republic, Ecuador, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Bolivia, Costa Rica, Denmark, Finland, Greece, Guatemala, Haiti, Iceland, Iran, Japan, Laos, Mexico, Norway, Panama, Paraguay, Sweden, Thailand, Turkey, Uruguay.

(f) The word "two" in the eighth paragraph of the preamble was adopted by a roll-call vote of 36 to 14, with 31 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Poland Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Finland, Iceland, Mexico, Panama, Paraguay, Spain, Sweden, Union of South Africa.

Abstaining: Australia, Austria, Belgium, Bolivia, Canada, Chile, China, Denmark, El Salvador, Greece, Guatemala, Haiti, Honduras, Iran, Ireland, Israel, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway. Peru, Portugal, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

(g) The eighth paragraph of the preamble was adopted by a roll-call vote of 38 to 23, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Dominican Republic, Ecuador, Honduras, Israel, Italy. Luxembourg, Netherlands, New Zealand, Nicaragua, Paraguay, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Bolivia, Costa Rica, Denmark, El Salvador, Finland, Greece, Guatemala, Haiti, Iceland, Iran, Ireland, Japan, Laos, Norway, Sweden, Thailand, Turkey, Uruguay.

(h) It had been proposed that the word "two" in the operative paragraph of the draft resolution be voted on separately, but the proposal was not pressed.

The operative paragraph was adopted by a roll-call vote of 38 to 26, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Denmark, Dominican Republic, Ecuador, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America,

Abstaining: Argentina, Bolivia, Costa Rica, El Salvador, Finland, Greece, Guatemala, Haiti, Iceland, Iran, Ireland, Japan, Laos, Sweden, Thailand, Turkey, Uruguay.

(i) The twenty-two-Power draft resolution as a whole was adopted by a roll-call vote of 38 to 26, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Denmark, Dominican Republic, Ecuador, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Bolivia, Costa Rica, El Salvador, Finland, Greece, Guatemala, Haiti, Iceland, Iran, Ireland, Japan, Laos, Sweden, Thailand, Turkey, Uruguay.

Recommendation of the First Committee

7. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[For the text of the draft resolution, see above, para. 5.]

DOCUMENT A/L.276

Pakistan: draft resolution

[Original text: English] [11 December 1959]

The General Assembly,

Having discussed the question of Algeria,

Recalling its resolution 1012 (XI) of 15 February 1957, by which the General Assembly expressed the hope that a peaceful, democratic and just solution would be found, through appropriate means, in conformity with the principles of the Charter of the United Nations.

Recalling further its resolution 1184 (XII) of 10 December 1957, by which the General Assembly expressed the wish that "pourparlers" would be entered into, and other appropriate means utilized, with a view to a solution, in conformity with the purposes and principles of the Charter of the United Nations,

Recalling Article 1, paragraph 2, of the Charter of the United Nations,

<u>Deeply concerned</u> with the continuance of hostilities in Algeria,

- 1. Recognizes the right of the Algerian people to self-determination;
- 2. <u>Urges</u> the holding of "pourparlers" with a view to arriving at a peaceful solution on the basis of the right to self-determination, in accordance with the principles of the Charter of the United Nations.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 856th plenary meeting, on 12 December 1959, the General Assembly failed to adopt the draft resolution submitted by Pakistan (A/L.276). No vote was taken on the draft resolution submitted by the First Committee (A/4339, para. 7).

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 59 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4075	Report of the First Committee	Official Records of the General Assembly, Thirteenth Ses- sion, Annexes, agenda item 63
A/4132 Add.1	Introduction to the annual report of the Secretary-General on the Work of the Organization (16 June 1958 - 15 June 1959)	Ibid., Fourteenth Session, Supplement No. 1A
A/C.1/L.232	Afghanistan, Burma, Ceylon, Ghana, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: draft resolution	Ibid., Thirteenth Session, An- nexes, agenda item 63, docu- ment A/4075, para. 4
A/C.1/L.246 and Add.1	Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: draft resolution	Incorporated in A/4339, para. 5

Agenda item 60

ANNEXES

FOURTEENTH SESSION



Official Records

NEW YORK, 1959

Agenda item 60: Treatment of people of Indian origin in the Union of South Africa*

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DOCUMENT A/4145

India: request for the inclusion of an item in the provisional agenda of the fourteenth session

[Original text: English] [15 July 1959]

LETTER DATED 14 JULY 1959 FROM THE PERMA-NENT REPRESENTATIVE OF INDIA TO THE UNIT-ED NATIONS, ADDRESSED TO THE SECRETARY-**GENERAL**

In accordance with the instructions of the Government of India and pursuant to rule 13 (e) of the rules of procedure of the General Assembly, I have the honour to propose the following item for inclusion in the agenda of the fourteenth session of the General Assembly:

"Treatment of people of Indian origin in the Union of South Africa: report by the Government of India".

An explanatory memorandum under the terms of rule 20 of the rules of procedure is attached.

> (Signed) C. S. JHA Ambassador Extraordinary and Plenipotentiary Permanent Representative of India to the **United Nations**

Explanatory memorandum

1. At its thirteenth session, the General Assembly gave consideration for the twelfth time to the item entitled "Treatment of people of Indian origin in the Union of South Africa" and, on 10 December 1958, it adopted resolution 1302 (XIII) the main paragraphs of which read as follows:

"Regrets that the Government of the Union of South Africa has not replied to the communications sent by the Governments of India and Pakistan on this

subject and has not yet agreed to confer with those Governments with a view to arriving at a solution of this problem in accordance with the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights;

"Appeals to the Government of the Union of South Africa to enter into negotiations to that end with the Governments of India and Pakistan without prejudice to the position taken by the Union of South Africa regarding its juridical stand on the issue;

"Invites Member States to use their good offices, as appropriate, to bring about negotiations in accordance with the desires expressed by the General Assembly at previous sessions;

"Invites the parties concerned to report to the General Assembly as appropriate, jointly or separately, regarding any progress which may be made."

2. In accordance with the wishes of the General Assembly contained in the aforementioned resolution and with a view to facilitating the holding of such negotiations, the Government of India, through its High Commissioner in London and its Permanent Representative to the United Nations in New York, sent appropriate communications to the Government of the Union of South Africa, through the South African High Commissioner in London and the Permanent Representative of the Union of South Africa in New York. In their communications (see annex), the High Commissioner and the Permanent Representative of India conveyed to the Government of the Union of South Africa the sincere desire of the Government of India to act in accordance with paragraph 3 of the aforesaid resolution, and in conformity with the statement by the Indian delegation in the Special Political Committee at the last session of the General Assembly in respect

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Special Political Committee, 170th, 172nd and 173rd meetings; and ibid., Plenary Meetings, 852nd meeting.

of this resolution. The Government of India explicitly expressed its desire and readiness to enter into and pursue negotiations with the Government of the Union of South Africa in accordance with the resolution, and also explained that such negotiations would be without prejudice to the position adopted by any of the parties concerned in respect of the issue of "domestic jurisdiction" under Article 2 (7) of the Charter of the United Nations. While the Government of India suggested that such negotiations might conveniently be held between the representatives of the Governments of the parties concerned at New York, it expressed its willingness to consider any alternative venue that the Government of the Union of South Africa might desire to suggest. The Government of India also sought the views of the Government of the Union of South Africa in regard to a suitable time for the commencement of such negotiations and expressed the hope that the Government of the Union of South Africa would welcome the initiative thus taken.

- 3. Although the High Commissioner of the Union of South Africa in London has formally acknowledged receipt of the communication from the High Commissioner of India, the Government of the Union of South Africa has not so far taken any steps to implement the wishes of the General Assembly. Nor is the Government of India aware of any steps taken by Member States in accordance with paragraph 4 of the resolution quoted above.
- 4. In compliance with paragraph 5 of resolution 1302 (XIII), the Government of India proposes to report to the General Assembly at its fourteenth session and, in order to enable it to do so, has asked for the inscription of this item in the agenda. Moreover, the Government of India is confident that it will be the wish of the General Assembly to recommend further

measures, in the light of the prevailing situation, for a peaceful and speedy solution of this problem.

ANNEX

COPY OF LETTER DATED 6 APRIL 1959 FROM THE INDIAN HIGH COMMISSIONER IN THE UNITED KINGDOM TO THE HIGH COMMISSIONER FOR THE GOVERNMENT OF THE UNION OF SOUTH AFRICA IN LONDON, AND FROM THE PERMANENT REPRESENTATIVE OF INDIA TO THE UNITED NATIONS TO THE PERMANENT REPRESENTATIVE OF THE UNION OF SOUTH AFRICA

I have the honour to invite reference to paragraph 3 of the resolution 1302 (XIII) on the item entitled "Treatment of people of Indian origin in the Union of South Africa" adopted by the United Nations General Assembly at its 783rd plenary meeting on 10 December 1958.

The Government of India desire to inform the Government of the Union of South Africa that they desire to act in accordance with paragraph 3 of the aforesaid resolution and in conformity with the statement made by the Indian delegation in the Special Political Committee in respect of it. They, therefore, desire and are prepared to enter into and pursue negotiations with the Government of the Union of South Africa in accordance with the aforesaid resolution. The Government of India further desire to state that such negotiations will be without prejudice to the position adopted by any of the parties concerned in respect of the issue of "domestic jurisdiction" under Article 2 (7) of the Charter of the United Nations.

The Government of India suggest that such negotiations may conveniently be held between the representatives of the Government of the parties concerned at New York. They would, however, be willing to consider any alternative venue that the Government of the Union of South Africa may desire to suggest. They also seek the views of the Government of the Union of South Africa in regard to a suitable time for such negotiations to begin.

The Government of India earnestly trust that the Government of the Union of South Africa will welcome the initiative now taken and accede to the request made in pursuance of the decision of the General Assembly of the United Nations.

DOCUMENT A /4146

Pakistan: request for the inclusion of an item in the provisional agenda of the fourteenth session

[Original text: English] [15 July 1959]

LETTER DATED 14 JULY 1959 FROM THE PER-MANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

Under instructions from my Government, I have the honour to request that the following item be included in the agenda of the fourteenth session of the General Assembly:

"Treatment of people of Indian origin in the Union of South Africa".

An explanatory memorandum under the terms of rule 20 of the rules of procedure is attached.

(<u>Signed</u>) A. SHAHI
Minister Plenipotentiary
Acting Permanent Representative of
Pakistan to the United Nations

Explanatory memorandum

1. At its thirteenth session, the General Assembly considered the item entitled "Treatment of people of Indian origin in the Union of South Africa" and adopted resolution 1302 (XIII) which regretted that the Government of the Union of South Africa had not replied to the communications sent by the Governments of Pakistan and India and had not as yet agreed to confer with them with a view to arriving at a solution of the problem in accordance with the principles and purposes of the United Nations Charter and the Universal Declaration of Human Rights. The resolution appealed to that Government to enter into negotiations with the Governments of Pakistan and India without prejudice to its juridical stand in the matter; it also invited Member States to use their good offices, as appropriate, to bring about negotiations in accordance with the desires expressed by the General Assembly at previous sessions.

2. In accordance with the wish of the General Assembly, the Government of Pakistan has addressed communications to the Government of the Union of South Africa through its High Commissioner in London and its Permanent Representative to the United Nations in New York expressing its readiness to enter into negotiations. There has been no response from the Government of the Union of South Africa to these

communications. Nor is the Government of Pakistan aware of any steps taken by Member States in furtherance of paragraph 4 of the resolution quoted above.

3. The Government of Pakistan is hopeful that the General Assembly at its forthcoming session will be able to recommend further measures which may make possible a speedy solution of the problem.

DOCUMENT A/4345

Report of the Special Political Committee

[Original text: English and Spanish]
[9 December 1959]

- 1. In a letter dated 14 July 1959 (A/4145), the Permanent Representative of India requested that the item "Treatment of people of Indian origin in the Union of South Africa: report by the Government of India" should be included in the agenda of the fourteenth session of the General Assembly. An attached explanatory memorandum stated that, through its High Commissioner in London and its Permanent Representative to the United Nations, India had sent appropriate communications to the Government of the Union of South Africa explicitly expressing its desire and readiness to enter into negotiations with that Government in accordance with resolution 1302 (XIII) and also explaining that such negotiations should be without prejudice to the position adopted by any of the parties concerned in respect of the issue of "domestic jurisdiction" under Article 2 (7) of the Charter. Although formal acknowledgement of receipt had been received from the South African High Commissioner in London, the Government of the Union of South Africa had not so far taken any steps to implement the wishes of the General Assembly, nor was the Government of India aware of any steps taken by Member States in accordance with paragraph 4 of resolution 1302 (XIII), The Government of India proposed to report on the matter at the fourteenth session of the General Assembly in accordance with paragraph 5 of the resolu-
- 2. On the same date, the representative of Pakistan also requested (A/4146) inclusion of the item "Treatment of people of Indian origin in the Union of South Africa" in the agenda of the fourteenth session of the General Assembly. An attached explanatory memorandum stated that there had been no response from the Government of the Union of South Africa to communications addressed to it by the Government of Pakistan, nor was Pakistan aware of any steps taken by Member States in furtherance of paragraph 4 of resolution 1302 (XIII).
- 3. On 22 September 1959, the Assembly decided to include the item in its agenda and to refer it to the Special Political Committee.
- 4. The Committee examined the question in the course of its 170th, 172nd and 173rd meetings, from 7 to 9 December 1959.
- 5. On 7 December, the representatives of India and Pakistan submitted the reports of their Governments.

- 6. Also on 7 December, Ethiopia, Ghana, Iran, Mexico, Morocco the Philippines, Saudi Arabia, Tunisia, the United Arab Republic and Yugoslavia submitted a draft resolution (A/SPC/L.44), under which the Assembly would, inter alia: (1) note that the Governments of India and Pakistan had reiterated their readiness to enter into negotiations with the Union Government; (2) regret deeply that the Union Government had not replied to the communications from the Governments of India and Pakistan; (3) draw the attention of the Union Government to the repeated appeals of the Assembly; (4) appeal to the Union Government to enter into negotiations with the Governments of India and Pakistan; (5) invite Member States to use their good offices to bring about the negotiations envisaged by the Assembly; and (6) invite the parties to report to the Assembly regarding any progress which might be made.
- 7. On 9 December at the 173rd meeting, the Committee voted separately on each paragraph of the draft resolution, with the following results:

The preamble was approved by 61 votes to none, with 7 abstentions.

Paragraph 1 was approved by 61 votes to none, with 6 abstentions.

Paragraph 2 was approved by 57 votes to none, with 12 abstentions.

Paragraph 3 was approved by 58 votes to none, with 10 abstentions.

Paragraph 4 was approved by 57 votes to none, with 12 abstentions.

Paragraph 5 was approved by 58 votes to none, with 9 abstentions.

Paragraph 6 was approved by 60 votes to none, with 6 abstentions.

The draft resolution as a whole was adopted by 58 votes to none, with 10 abstentions.

Recommendation of the Special Political Committee

8. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below,]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 852nd plenary meeting, on 10 December 1959, the General Assembly adopted the draft resolution submitted by the Special Political Committee (A/4345, para. 8). For the final text, see resolution 1460 (XIV) below.

Resolution adopted by the General Assembly

1460 (XIV). TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The General Assembly,

Recalling its resolutions 1179 (XII) of 26 November 1957 and 1302 (XIII) of 10 December 1958,

- 1. Notes that the Governments of India and Pakistan have reiterated their readiness to enter into negotiations with the Government of the Union of South Africa in accordance with the expressed desires of the United Nations, and with the express declaration that such negotiations would not in any way prejudice their own position or the position taken by the Government of the Union of South Africa regarding their respective juridical stands in the dispute;
- 2. Regrets deeply that the Government of the Union of South Africa has not replied to the communications

from the Governments of India and Pakistan on this subject;

- 3. <u>Draws the attention</u> of the Government of the Union of South Africa to the repeated appeals of the General Assembly in this matter;
- 4. Appeals to the Government of the Union of South Africa to enter into negotiations with the Governments of India and Pakistan;
- 5. <u>Invites</u> Member States to use their good offices in such manner as may be appropriate to bring about the negotiations envisaged by the General Assembly in this matter;
- 6. <u>Invites</u> the parties concerned to report to the General Assembly, jointly or separately, regarding any progress which may be made.

852nd plenary meeting, 10 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 60 which are not reproduced in the present fascicle.

Document No.

Title

Observations and references

A/SPC/L.44

Ethiopia, Ghana, Iran, Mexico, Morocco, Philippines, Saudi Arabia, Tunisia, United Arab Republic and Yugoslavia: draft resolution Adopted without change. See A/4345, para. 8

United Nations

GENERAL ASSEMBLY



Agenda item 61

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 61: Question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Union of South Africa*

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DOCUMENT A/4147 AND ADD.11/

Burma, Ceylon, Cuba, Federation of Malaya, Ghana, Haiti, India, Indonesia, Iran, Ireland, United Arab Republic, Uruguay and Venezuela: request for the inclusion of an item in the provisional agenda of the fourteenth session

[Original text: English] [15 July 1959]

C. COREA

Ceylon

LETTER DATED 15 JULY 1959 FROM THE PER-MANENT REPRESENTATIVES OF CEYLON, CUBA, FEDERATION OF MALAYA, GHANA, HAITI, INDIA, INDONESIA, IRAN, IRELAND, UNITED ARAB RE-PUBLIC, URUGUAY AND VENEZUELA TO THE UNITED NATIONS, ADDRESSED TO THE SECRE-TARY-GENERAL

We have the honour to propose, under instructions from our respective Governments, the inclusion of the following item in the agenda of the fourteenth session of the General Assembly:

"Question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa."

An explanatory memorandum relating to the above item under the terms of rule 20 of the rules of procedure is attached.

The Permanent Representatives of the following countries:

(Signed)

Manuel BISBE CubaN. A. KAMIL Federation of Malaya F. S. ARKHURST Ghana Max H. DORSINVILLE Haiti C. S. JHA India Ali SASTROAMIDJOJO Indonesia F. ADAMIYAT Eamonn L. KENNEDY Ireland Omar LOUTFI United Arab Republic RODRIGUEZ FABREGAT Uruguay Carlos SOSA RODRIGUEZ Venezuela

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^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Special Political Committee, 140th to 148th meetings; and ibid., Plenary Meetings, 838th meeting.

^{1/}Document A/4147/Add.1, dated 22 July 1959, contained a request that Burma be added to the list of sponsors of this item.

Explanatory memorandum

- 1. For the seventh successive year, the General Assembly, at its thirteenth session, considered the question of race conflict in the Union of South Africa resulting from the policies of apartheid of the Government of the Union of South Africa and on 30 October 1958 adopted resolution 1248 (XIII), the operative parts of which read as follows:
 - "1. <u>Declares again</u> that, in a multiracial society, harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when the economic, social, cultural and political participation of all racial groups is on a basis of equality;
 - "2. Affirms that governmental policies of Member States which are not directed towards these goals, but which are designed to perpetuate or increase discrimination, are inconsistent with the pledges of the Members under Article 56 of the Charter of the United Nations:
 - "3. Solemnly calls upon all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms;
 - "4. Expresses its regret and concern that the Government of the Union of South Africa has not yet

- responded to appeals of the General Assembly that it reconsider governmental policies which impair the right of all racial groups to enjoy the same rights and fundamental freedoms."
- 2. There has been not the slightest indication that the Government of the Union of South Africa has taken any step in the matter in consonance with the declarations and the call of the General Assembly. On the contrary, all the information that is available indicates that the developments which, for so many years, in the light of the provisions of the Charter of the United Nations—and more particularly Articles 1, 55 c and 56 -and of the Universal Declaration of Human Rights have caused concern to the General Assembly, continue to be aggravated. A grave threat to the peaceful relations between ethnic groups of the world, to which attention has been drawn by successive resolutions of the General Assembly, not only continues but is being made more dangerous every day. In the circumstances, it would undoubtedly be the wish of the General Assembly to address itself once again to the question of race conflict in the Union of South Africa with a view to making appropriate recommendations designed to secure adherence to the provisions of the Charter and of the Universal Declaration of Human Rights. In view of the continuing obstacles which are placed in the path of those whose object is merely the observance of the principles in the Charter of the United Nations and the Universal Declaration of Human Rights, it is felt that the United Nations should continue to offer its assistance with a view to a peaceful solution being found for this problem.

DOCUMENT A /4271

Report of the Special Political Committee

[Original text: English and Spanish] [12 November 1959]

- 1. In a letter date 15 July 1959 (A/4147) Ceylon, Cuba, the Federation of Malaya, Ghana, Haiti, India, Indonesia, Iran, Ireland, the United Arab Republic, Uruguay and Venezuela requested the inclusion of the following item in the provisional agenda of the fourteenth session of the General Assembly: "Question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa". In the explanatory memorandum it was stated that there had not been the slightest indication that the Government of the Union of South Africa had taken any step in the matter in consonance with the declarations and the call of the General Assembly. On the contrary, all available information indicated that the developments which for so many years had caused concern to the General Assembly continued to be aggravated. A grave threat to the peaceful relations between ethnic groups of the world was being made more dangerous every day. In the circumstances, it would undoubtedly be the wish of the General Assembly to address itself once again to the question with a view to making appropriate recommendations designed to secure adherence to the provisions of the Charter and of the Universal Declaration of Human Rights. Burma subsequently joined the sponsors of the proposal (A/4147/Add.1).
- 2. At its 803rd plenary meeting on 22 September 1959, the General Assembly decided to place the item on its agenda and to refer it to the Special Political Committee for consideration and report.
- 3. The Special Political Committee considered the item at nine meetings held between 30 October and 10 November 1959.
- 4. On 3 November a draft resolution sponsored by Afghanistan, Bolivia, Burma, Ceylon, Costa Rica, Cuba, Denmark, Ethiopia, the Federation of Malaya, Ghana, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Lebanon, Liberia, Libya, Morocco, Nepal, Norway, Pakistan, Panama, the Philippines, Sweden, the Sudan, Tunisia, the United Arab Republic, Uruguay, Venezuela, and Yugoslavia (A/SPC/L.37) was circulated. Under the operative part, the General Assembly would: (1) express its opposition to the continuance or preservation of racial discrimination in any part of the world; (2) solemnly call upon all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms; (3) express its deep regret and concern that the Government of the Union of South Africa had not yet responded to appeals of the General Assem-

bly that it reconsider governmental policies which impaired the right of all racial groups to enjoy the same fundamental rights and freedoms; (4) appeal to all Member States to use their best endeavours as appropriate to achieve the purposes of the resolution.

- 5. At its 147th meeting on 9 November 1959, the Committee concluded its general debate on the item after having heard more than fifty speakers.
- 6. At the same meeting, the representative of Uruguay formally introduced the draft resolution (A/SPC/L.37).
- 7. At its 148th meeting on 10 November 1959, the Committee proceeded to vote on the draft resolution, as follows:

The first paragraph of the preamble was adopted by 51 votes to 3, with 7 abstentions.

The second paragraph of the preamble was adopted by a roll-call vote of 67 to none, with 2 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukranian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Portugal, United Kingdom of Great Britain and Northern Ireland.

The third paragraph of the preamble was adopted by 66 votes to 1, with 6 abstentions.

The fourth paragraph of the preamble was adopted by 66 votes to 3, with 6 abstentions.

Operative paragraph 1 was adopted by 72 votes to none, with 3 abstentions.

Operative paragraph 2 was adopted by a roll-call vote of 61 to 1, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador,

Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Portugal.

Abstaining: Albania, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Dominican Republic, France, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

Operative paragraph 3 was adopted by 63 votes to 3, with 9 abstentions.

Operative paragraph 4 was adopted by 66 votes to 3, with 6 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 67 to 3, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: France, Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Belgium, Canada, Dominican Republic, Finland, Netherlands, Spain.

Recommendation of the Special Political Committee

8. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 838th plenary meeting, on 17 November 1959, the General Assembly adopted the draft resolution submitted by the Special Political Committee (A/4271, para. 8). For the final text, see resolution 1375 (XIV) below.

Resolution adopted by the General Assembly

1375 (XIV). QUESTION OF RACE CONFLICT INSOUTH AFRICA RESULTING FROM THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE UNION OF SOUTH AFRICA

The General Assembly,

Recalling its resolution 1248 (XIII) of 30 October 1958 on the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa.

<u>Deeply convinced</u> that the practice of racial discrimination and segregation is opposed to the observance of human rights and fundamental freedoms,

Considering that government policies which accentuate or seek to preserve racial discrimination are prejudicial to international harmony,

Noting with concern that the policy of apartheid is still being pursued,

- 1. Expresses its opposition to the continuance or preservation of racial discrimination in any part of the world:
- 2. Solemnly calls upon all Member States to bring their policies into conformity with their obligation under the Charter of the United Nations to promote the observance of human rights and fundamental freedoms:
- 3. Expresses its deep regret and concern that the Government of the Union of South Africa has not yet responded to appeals of the General Assembly that it reconsider governmental policies which impair the right of all racial groups to enjoy the same fundamental rights and freedoms:
- 4. Appeals to all Member States to use their best endeavours as appropriate to achieve the purposes of the present resolution.

838th plenary meeting, 17 November 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 61 which are not reproduced in the present fascicle.

Document No.

A/SPC/L.37

Title

Afghanistan, Bolivia, Burma, Ceylon, Costa Rica, Cuba, Denmark, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Lebanon, Liberia, Libya, Morocco, Nepal, Norway, Pakistan, Panama, Philippines, Sweden, Sudan, Tunisia, United Arab Republic, Uruguay, Venezuela and Yugoslavia: draft resolution

Observations and references

Adopted without change. See A/4271, para. 8

GENERAL ASSEMBLY



ANNEXES
FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 62: Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly*

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DOCUMENT A /4182

Czechoslovakia: request for the inclusion of a supplementary item in the agenda of the fourteenth session

[Original text: English] [13 August 1959]

LETTER DATED 12 AUGUST 1959 FROM THE PER-MANENT REPRESENTATIVE OF CZECHOSLO-VAKIA TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

Under instructions from my Government, I have the honour to request that the following item be included in the agenda of the fourteenth session of the General Assembly:

"The question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly."

An explanatory memorandum under rule 20 of the rules of procedure is attached.

(<u>Signed</u>) Karel KURKA Permanent Representative of Czechoslovakia to the United Nations

Explanatory memorandum

- 1. The principle of equitable geographical representation is one of the fundamental principles on which the structure and activities of the United Nations are based. It is a direct expression of the principle of the sovereign equality of all Member States and an indispensable pre-condition for equitable co-operation among United Nations Members in implementing the objectives and purposes of the United Nations Charter.
- 2. The principle of equitable geographical representation is applicable equally to all organs and functional offices of the United Nations. Its consistent application is the basic pre-condition for the normal activities of the United Nations organs. To observe this principle is therefore the primary responsibility not

only of the United Nations Organization as such but also of all its Members.

3. The principle of equitable geographical representation has not been consistently applied in elections to one of the most important offices of the United Nations — that of the President of the General Assembly. Representatives of all geographical areas, except Eastern Europe have held that office several times in turn. From the first to the thirteenth session of the General Assembly, the office of President was held by the representatives of the following geographical areas:

Western Europe and the British Commonwealth - five times;

Asia and Africa - five times;

Latin America - three times;

Eastern Europe - not a single time.

- 4. This unsatisfactory state of affairs is an impediment to further development of co-operation and the strengthening of mutual confidence among the Member States of the United Nations. The shortcomings connected with the practice of filling the office of the President of the General Assembly have not been removed even after the adoption of General Assembly resolution 1192 (XII) of 12 December 1957 on the composition of the General Committee. This resolution settles the question of equitable geographical distribution of seats in the General Committee as a whole and at the same time indicates the principles to be followed in filling the office of the President of the General Assembly.
- 5. Convinced that an agreement on the correct application of the principle of equitable geographical representation in the election of the President of the General Assembly will remove the existing short-comings and contribute to a further development of

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Special Political Committee, 163rd to 169th meetings; and ibid., Plenary Meetings, 852nd meeting.

co-operation and the strengthening of mutual confidence among Member States in the General Assembly, the Czechoslovak Government proposes that an item entitled "The question of the consistent application of

the principle of equitable geographical representation in the election of the 'President of the General Assembly" be included in the agenda of the fourteenth session of the General Assembly.

DOCUMENT A /4340

Report of the Special Political Committee

[Original text: English and Spanish]
[8 December 1959]

- 1. In a letter dated 12 August 1959 (A/4182), Czechoslovakia requested the inclusion of the following item in the provisional agenda of the General Assembly: "The question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly". In the explanatory memorandum, it was stated that the principle of equitable geographical representation, which was one of the fundamental principles on which the structure and activities of the United Nations was based, had not been consistently applied in elections to the office of the President of the General Assembly. Representatives of all geographical areas except Eastern Europe had held that office several times in turn. The shortcomings connected with the practice of filling the office of the President of the General Assembly had not been removed even after the adoption of General Assembly resolution 1192 (XII) of 12 December 1957 on the composition of the General Committee. An agreement on the correct application of the principle of equitable geographical representation in the election of the President of the General Assembly would remove the existing shortcomings and would contribute to a further development of co-operation and the strengthening of mutual confidence among the Member States in the General Assembly.
- 2. At its 803rd plenary meeting on 22 September 1959, the General Assembly decided to place the item on its agenda and to refer it to the Special Political Committee.
- 3. The Special Political Committee considered the item at its 163rd to 169th meetings held between 1 and 7 December 1959.
- 4. On 30 November 1959, the following draft resolution (A/SPC/L.39) sponsored by Czechoslovakia and Romania was circulated:

"The General Assembly,

"In view of the spirit of the United Nations Charter and of the provisions of the rules of procedure of the General Assembly pertaining to the President of the General Assembly,

"Referring to resolution 1192 (XII) of 12 December 1957 which, based on the principle of equitable geographical representation, determines the distribution of the membership of the General Committee of the General Assembly, while this distribution of membership is adjusted with regard to the region from which the President of the General Assembly is elected.

"1. <u>Confirms</u> that the principle of equitable representation of geographical regions should be applied consistently also in the election of the President of the General Assembly,

- "2. Recommends that in the first four years following the adoption of this resolution the President of the General Assembly be elected successively from Eastern European States, Asian and African States, Western European States and other States, Latin American States."
- 5. At the 165th meeting on 3 December 1959, the representative of Mexico introduced an amendment (A/SPC/L.40) to the draft resolution. Sponsored jointly by the following eleven countries: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, El Salvador, Mexico, Peru and Uruguay, the amendment would (1) replace the second preambular paragraph by a paragraph recognizing the importance of ensuring that the President of the General Assembly possessed the highest personal qualifications for the performance of his duties, and also the desirability of taking into account in his election the principle of equitable geographical distribution; and (2) replace the two operative paragraphs by a paragraph according to which the General Assembly would recommend that in the election of the President of the General Assembly the principle of equitable geographical distribution should be upheld to the greatest possible extent, special attention being paid in the first place to the qualifications that the President of the General Assembly must possess in order to perform the important duties of his office.
- 6. At the 166th meeting on 3 December 1959, the following sub-amendments were submitted to the eleven-Power amendment (A/SPC/L.40):
- (a) By France (A/SPC/L.41): to add the following at the end of paragraph 2: "and due account being taken of the prevailing circumstances";
- (b) By Guinea (A/SPC/L.42): in paragraph 1, to delete the word "desirability" and insert the word "necessity"; and in paragraph 2, to delete the words "to the greatest possible extent" and the words "in the first place";
- (c) By the United States of America (A/SPC/L.43): in paragraph 2, to delete the words "special attention being paid in the first instance" and replace them by the following words: "commensurate with the primary consideration which should be given".
- 7. At the 167th meeting on 4 December 1959, Guinea and the United Arab Republic submitted a revision (A/SPC/L.42/Rev.1) of the sub-amendment submitted by Guinea providing for (1) the deletion of the words "also the desirability" in the third line of the first paragraph; (2) the replacement, in the second paragraph, of the words from "the principle of" to the words "important duties of his office" by the words "special attention be paid to the qualifications that the

President of the General Assembly must possess in order to perform the important duties of his office and as well as to the principle of equitable geographical representation.

- 8. At the 168th meeting on 4 December 1958, the representative of the United Arab Republic stated that the sponsors of the revised sub-amendment (A/SPC/L.42/Rev.1) would delete the words "as well as" from its second paragraph.
- 9. In reply to a question raised by the representative of Mexico, the representatives of the United Arab Republic and Guinea agreed to substitute the words "due regard be specially paid" for "special attention be paid" in the revised text of their sub-amendment.
- 10. The representative of Italy orally proposed a sub-amendment to the revised text of Guinea and the United Arab Republic (A/SPC/L.42/Rev.1) calling for the insertion of the words "to the greatest possible extent" between the words "office and" and "to the principle".
- 11. At the 168th meeting, the Committee proceeded to vote on the draft resolutions and amendments before it as follows:

The first preambular paragraph of the draft resolution submitted by Czechoslovakia and Romania (A/SPC/L.39) was adopted by 69 votes to none, with 5 abstentions.

The first part of the sub-amendment of Guinea and the United Arab Republic (A/SPC/L.42/Rev.1) to delete the words "also the desirability" in the second preambular paragraph as set forth in the eleven-Power amendment (A/SPC/L.40) was adopted by 36 votes to 30, with 9 abstentions.

The second preambular paragraph contained in the eleven-Power amendment (A/SPC/L.40), as amended, was adopted by 52 votes to none, with 23 abstentions.

The oral sub-amendment submitted by Italy to insert the words "to the greatest possible extent" in the operative paragraph set out in the second part of the sub-amendment submitted by Guinea and the United Arab Republic (A/SPC/L.42/Rev.1) was rejected by 33 votes to 29, with 11 abstentions.

The second part of the sub-amendment of Guinea and the United Arab Republic (A/SPC/L.42/Rev.1) relating to the operative paragraph contained in the eleven-Power amendment (A/SPC/L.40) was adopted by a roll-call vote of 36 to 33, with 8 abstentions, as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Costa Rica, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Bolivia, Cuba, Israel, Laos, Mexico, Pakistan, Philippines, Uruguay.

The French sub-amendment (A/SPC/L.41) to add the words "and due account being taken of the prevailing circumstances" to the end of the operative paragraph of the eleven-Power amendment (A/SPC/L.40) was rejected by a roll-call vote of 24 to 23, with 30 abstentions, as follows:

In favour: Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Ecuador, Federation of Malaya, France, Greece, Guatemala, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Colombia, Costa Rica, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Liberia, Nepal, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: Afghanistan, Argentina, Austria, Bolivia, Burma, Cambodia, Cuba, Dominican Republic, El Salvador, Finland, Iran, Ireland, Laos, Lebanon, Libya, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Portugal, Spain, Sudan, Sweden, Tunisia, Turkey, Union of South Africa, Uruguay, Yemen.

The operative paragraph of the eleven-Power amendment (A/SPC/L.40), as amended, was adopted by a roll-call vote of 36 to 31, with 9 abstentions, as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Costa Rica, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Mexico, Nepal, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Denmark, Dominican Republic, France, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Bolivia, Cuba, Finland, Guatemala, Israel, Laos, Pakistan, Philippines, Uruguay.

The draft resolution submitted by Czechoslovakia and Romania as a whole, as amended, was adopted by a roll-call vote of 36 to 32, with 8 abstentions, as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Costa Rica, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Mexico, Nepal, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba,

Denmark, Dominican Republic, France, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Bolivia, Finland, Guatemala, Israel, Laos, Pakistan, Philippines, Uruguay.

Recommendation of the Special Political Committee

12. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

QUESTION OF THE CONSISTENT APPLICATION OF THE PRINCIPLE OF EQUITABLE GEOGRAPHICAL REPRESENTATION IN THE ELECTION OF THE PRESIDENT OF THE GENERAL ASSEMBLY

The General Assembly,

<u>In view</u> of the spirit of the United Nations Charter and of the provisions of the rules of procedure of the General Assembly pertaining to the President of the General Assembly,

Recognizing the importance of ensuring that the President of the General Assembly possesses the highest personal qualifications for the performance of his duties, and of taking into account in his election the principle of equitable geographical representation,

Recommends that in the election of the President of the General Assembly due regard be specially paid to the qualifications that the President of the General Assembly must possess in order to perform the important duties of his office and to the principle of equitable geographical representation.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 852nd plenary meeting, on 10 December 1959, the General Assembly failed to adopt the draft resolution submitted by the Special Political Committee (A/4340, para. 12).

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 62 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/SPC/L.39	Czechoslovakia and Romania: draft resolution	See A/4340, para. 4
A/SPC/L.40	Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, El Salvador, Mexico, Peru and Uruguay: amendments to document A/SPC/L.39	See A/4340, para. 5
A/SPC/L.41	France: amendment to document A/SPC/L.40	See A/4340, para. 6
A/SPC/L.42	Guinea: amendments to document A/SPC/L.40	See A/4340, para. 6
A/SPC/L.42/ Rev.1	Guinea and United Arab Republic: revised amendments to document $A/SPC/L.40$	See A/4340, para. 7
A/SPC/L.43	United States of America: amendment to document A/SPC/L.40	See A/4340, para. 6
A/SPC/41	Draft resolution adopted by the Special Political Committee at its 168th meeting	See A/4340, para. 12

GENERAL ASSEMBLY



ANNEXES

Official Records

NEW YORK, 1959

FOURTEENTH SESSION

Agenda item 63: Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice*

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A/C.6/L.453	Union of Soviet Socialist Republics: amendment to document A/C.6/L.452	4
A/C.6/L.454	Text of resolution adopted by the Sixth Committee at its 631st meeting on 11 November 1959	4
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DOCUMENT A /4184

Secretary-General: request for the inclusion of a supplementary item in the agenda of the fourteenth session

[Original text: English] [14 August 1959]

- 1. Pursuant to a request from the International Court of Justice, the Secretary-General proposes the inclusion of a supplementary item in the provisional agenda of the fourteenth regular session of the General Assembly, namely:
 - "Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice".
 - 2. The proposed amendments relate to the following points:
 - (a) The grant of a pension to members of the Court who resign;
- (b) The grant to retiring members of the Court of the right to a pension amounting to one-twentieth of the salary of a judge for each year of service, and the increase in the maximum of pension from the present ceiling of one-third to one-half of such salary.
- 3. The Secretary-General will submit to the General Assembly at a later date a detailed explanatory memorandum covering the proposed amendments to the Pension Scheme Regulations of the International Court of Justice.

DOCUMENT A /4241

Note by the Secretary-General

[Original text: English]
[15 October 1959]

1. By a letter dated 22 June 1959, the Deputy-Registrar of the International Court of Justice, acting at the direction of the Court, drew the attention of the Secretary-General to two matters regarding the

* For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 725th, 744th and 750th meetings; Sixth Committee, 630th and 631st meetings; and ibid., Plenary Meetings, 845th meeting.

Pension Scheme applicable at present to members of the Court. Subsequently, a report on these matters was prepared by the Registry of the Court and transmitted to the Secretary-General.

2. The Secretary-General submits to the General Assembly the above-mentioned report for consideration and appropriate action. It will be recalled that

under Article 32, paragraph 7, of the Statute of the Court the conditions under which retirement pensions may be given to members of the Court are fixed by the General Assembly. The Pension Scheme Regulations for members of the Court now in effect were approved by Assembly resolution 86 (I) of 11 December 1946.

- 3. The first matter raised by the Court pertains to the position of judges who may find it necessary to resign from the Court prior to the expiration of the period for which they were elected. The report suggests that the two specific references to resignations be deleted from the Regulations. This change would entitle judges who have completed five years of service to pensions in accordance with the Regulations, without a special decision of the Court being necessary in each case. The Secretary-General agrees with the views expressed in the report and believes that the General Assembly may wish to give effect to the Court's suggestions at the current session.
- 4. The second matter raised in the report relates to the amount and the method of computing the pensions of judges who retire in the ordinary course. The Secretary-General has not yet been in a position to assemble comprehensive comparative data allowing a full appraisal of the proposals contained in the report. He suggests, therefore, that the consideration of the levels of pensions of judges of the International Court of Justice be deferred until the fifteenth session of the General Assembly, pending the completion of the study of the relevant part of the Court's report by such appropriate body as the Assembly may determine.

ANNEX

- REPORT ON THE SUBJECT OF THE PENSION SCHEME REGULATIONS FOR MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE, REFERRED TO IN THE LETTER ADDRESSED, AT THE DIRECTION OF THE COURT, BY THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS ON 22 JUNE 1959
- 1. The present report concerns two matters relating to certain provisions of the Pension Scheme Regulations for Members of the Court, as adopted by the General Assembly on 11 December 1946.²
- 2. The first matter pertains to the position of a judge who may find it necessary to resign from the Court prior to the expiration of the period for which he was elected; the second relates to the amount and the method of computing the pensions of judges who retire in the ordinary course, i.e., who are not re-elected for a further term.
- 3. As to the first matter, it will be observed from paragraph 1 of the Regulations that pensions are available to judges who have ceased to hold office only if they: (a) have not resigned; (b) have not been required to relinquish their appointment for reasons other than the state of their health; (c) have completed at least five years of service. Paragraph 4 lays down that: "If a member resigns after having completed at least five years of service, the Court may, by special decision, grant him such pension as seems equitable, but not exceeding an amount calculated as in regulation 6".
- 4. It results from these provisions that a member of the Court who resigns after five years of service is not entitled to a pension as a matter of right although the Court may grant him such pension as seems equitable.
- 5. That aspect of the existing scheme would appear to be open to objection on a variety of grounds. In particular, it may
- a/ For the text of the Regulations, see the annex to General Assembly resolution 86 (I).

- have the effect of discouraging a member of the Court from resigning although he may feel that, without being actually in a precarious state of health necessitating such action, he is no longer in a position to serve the Court to his satisfaction and in accordance with the best interests of the Court. It is also possible that a member of the Court may wish to resign for imperative family considerations such as the serious and prolonged illness of his wife or another member of his family. Yet he may hesitate to resign and to rely on the discretionary decision of the Court in respect of what otherwise would constitute a clearly established right to a pension. The provisions of the Regulations are so general that they could cover the case of a judge who, having served a full period of nine years, has been re-elected for a further period and resigns during the latter period. This would be inconsistent with the fact that he had already acquired a right to a pension on the basis of his first nine years of service.
- 6. It will thus be seen that the regulation may ill serve the purpose for which it was intended. It is not in keeping with the law of many countries which grant to judges who resign after a reasonable period of service a pension equivalent to a full salary or to a larger part thereof.
- 7. The existing regulation is, moreover, a departure from the system which obtained with respect to the members of the Permanent Court of International Justice. Article 1 of the Regulations regarding the Granting of Retiring Pensions, adopted by the Assembly of the League of Nations on 13 September 1929, provided that "in the case of resignation, members of the Court will not be entitled to pensions unless they have completed a period of five years' service". b/There is no indication in the report of the Secretary-General to the General Assembly at its first session, or in that of the Working Party set up by him in 1946, why a different rule was adopted in the new Regulations. In the memorandum submitted at that time to the Secretary-General by the Registrar of the Court, it was merely stated that in the case of resignation no pension rights would be acquired until after five years of service. The Working Party, in noting the passage in question, confined itself to stating that "this is the same arrangement as existed under the former Court and would be consistent with the proposal for the United Nations Pension Plan".d/As no reasons were given in support of the change thus adopted and as none appear to exist, it may be considered that for the reasons stated above the existing regulation should be altered. The amendment could be effected through an alteration of paragraph 1 of the Regulations by way of omitting from that paragraph the words "(a) have not resigned" and by deleting paragraph 4.
- 8. As to the second matter mentioned above, namely, that relating to the amount and the method of computing the pensions of judges, it will be observed that paragraph 6 of the Regulations provides that a member of the Court shall be entitled to the payment of a pension equivalent to one three hundred and sixtieth of his salary in respect of each complete month passed in the service of the Court. It is further provided in paragraph 7 that no pension shall exceed one-third of the annual salary of a judge.
- 9. Neither the basic scale of the pension—according to which a judge is entitled to a pension consisting of one-thirtieth of his salary for each year of service (this figure corresponding to that of one three hundred and sixtieth in respect of each month)—nor the maximum of the pension as fixed in the Regulations appears sufficiently to take into account the circumstances of the election of the members of the Court and the character and requirements of their office. In accepting office, members of the Court abandon an existing career and in some cases the concomitant—and often substantial—pension or insurance rights. On relinquishing office they may not easily be in a position to embark upon a new career or return to their previous career.

b/ League of Nations, Official Journal, Special Supplement No. 74 (October 1929), p. 35.

of first session, Sixth Committee, annex 20 a, p. 296.

d Ibid., p. 299.

- 10. The amount of the pension which retiring members of the Court are entitled to receive according to the Regulations does not appear to be sufficient to secure the object which was contemplated when their salaries were fixed, nor consistent with the nature of their office. It may also be borne in mind that in a large number of countries the pension granted to retiring judges exceeds substantially the amount of one-half of the salary.
- 11. In view of the foregoing, it is suggested that it would be desirable to alter the Regulations so as to secure to the retiring members of the Court the right to a pension amounting to one-twentieth of the salary of a judge for each year of service and that the maximum of pension now fixed at one-third should be altered to one-half of such salary.
- 12. In the event of favourable action by the General Assembly, the actual increase for 1960 in the amount of the pensions at present paid to former members of the Court would be approximately \$17,000. With regard to future annual budgets of the Court, the amount of pensions paid will, of course, depend upon possible changes in the composition of the Court (periodical elections, or resignation), as well as upon the death of pensioned former members of the Court.
- 13. The proposal here advanced is identical with the Pension Scheme adopted in 1954 for the judges of the Court of Justice of the European Coal and Steeel Community. Article 6 of that Pension Scheme provides as follows:

"The pension amounts for each complete year of service to 5 per cent of the final salary received and for each complete month to one-twelfth of that amount. The pension cannot exceed 50 per cent of the final salary received (maximum pension)." ©

- 14. Further details concerning that Court are mentioned in the appended note. Certain changes have been made since 1954 in the Court, which is now the Court of Justice of the European Communities, but the Pension Scheme remains unaltered.
- 15. It may also be noted that, by a resolution of the 42nd session of the International Labour Conference, adopted in Geneva in June 1958, the pensions paid by the Pensions Fund to the judges of the former Permanent Court of International Justice were increased by 40 per cent.

Appendix

NOTE ON SALARIES, TERMS OF OFFICE AND OTHER CONDITIONS OF SERVICE OF THE PRESIDENT AND JUDGES OF THE COURT OF JUSTICE OF THE EUROPEAN COAL AND STEEL COMMUNITY (NOW THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES)

1. <u>Salaries:</u> (Decision dated 24 June 1954 of the Council of the European Coal and Steel Community, amended by the decision of 7 and 8 December 1954 of the same Council.)

The annual emoluments are fixed in accountancy units of the European Payments Union.

(0)	Salaries	
(a)	pararres	

 President
 15,000

 Judges
 12,000

(b) Living allowances: 15 per cent of salary.

(c) Representation allowances:

(d) Allowances for special offices:

2,000 EPU accountancy units for Presidents of Chambers during their term of office.

- 2. Miscellaneous benefits:
- (a) Allowances to compensate the cost of installation: one-third of the annual salary at time of payment of this allowance.
- et de l'acier, 3rd year, No. 15, 6 July 1954, p. 438.
- f/ International Labour Office, Official Bulletin, vol. XLI, 1958, No. 2, resolution XXI, p. 94.

- (b) Transitory allowance for three years of half the annual salary received at the time of the termination of service for ex-members of the Court. It is allowance may not be received at the same time as the pension.
- (c) On termination of service, a life pension on reaching the age of sixty-five.

Amount: "The pension amounts for each complete year of service to 5 per cent of the final salary received and for each complete month to one-twelfth of that amount. The pension cannot exceed 50 per cent of the final salary received (maximum pension)." (Article 6 of the decision of the Council dated 24 June 1954.)

(d) In the case of resignation or termination of office because of incapacity to discharge duties on grounds of infirmity, sickness, or in case of similar disablement on normal expiry of the term of office:

At the end of the period of transitory allowance, a <u>life pension</u> (reckoned according to article 6 above with a minimum of 25 per cent of final annual salary), if the incapacity is recognized to be permanent; if the incapacity was incurred while in service, the maximum pension will be paid.

Annual payment, until recovery, of a sum equal to 50 per cent of final annual salary, if the infirmity or sickness was contracted in the course of service, and equal to 25 per cent in other cases, if the incapacity continues on termination of the period of transitory allowance, but without being permanent. This annual payment is replaced by a life pension, reckoned in the same way as in the preceding paragraph, if the incapacity still continued when the beneficiary has reached or exceeded the age of sixty-five, or after seven years from the commencement of the annual payment. This last pension is exclusive of the life pension received on termination of service.

In case of an accident sustained or sickness contracted in the course of service, and if the person concerned is not in receipt of one of the life pensions mentioned above, the annual payment, starting on expiry of temporary allowance and ceasing on reaching the age of sixty-five. The maximum annual payment thus made is 50 per cent of the final annual salary. The percentage is fixed by medical experts and this annual payment may not be added to the annual payments provided for above. Only the larger sum due will be paid.

Refund of medical expenses, etc. in case of accident or sickness occurring in the course of service.

- (e) Rights of widows and orphans:
- (1) In the event of death while in office, the monthly salary until the third month after death;
- (2) <u>Survivors' pensions</u>, reckoned on the basis of the pension payable at the time of death. If the death occurred while in office, these survival pensions are reckoned on the basis of a pension amounting to 50 per cent of the salary received at the time of death.
 - (i) For the widow: 50 per cent;
 - (ii) For each fatherless child: 10 per cent;
- (iii) For each child without father or mother: 20 per cent of the pension received by the deceased at the time of death or of a pension amounting to 50 per cent of salary at the time of death if this occurred while in office.

The total of these pensions may not exceed the basic sum upon which they are fixed. They are proportionately adjusted.

For the widow, the pension is reduced by one-half in the event of remarriage.

For orphans, the pension ceases at the age of twenty-one or at the end of their professional training (maximum: twentyfour years completed).

3. Term of office: six years. The judges are eligible for reappointment. The judges designate their President from

E/ This allowance corresponds to the following prohibition: "They [the judges] may not acquire or hold, directly or indirectly, any interest in any business related to coal or steel during their term of office and during a period of three years thereafter." (Article 4 of the Protocol on the Code of the Court of Justice.)

among members for a term of three years, which is renewable. $\underline{\textbf{h}}/$

4. Other conditions of service:

The judges reside at the seat of the Court.

h/Convention relating to certain Institutions common to the European Communities, 25 March 1957, Article 4, amending Article 32 of the Treaty establishing the European Coal and Steel Community, European Yearbook, vol. V, pp. 591, 593. The Court sits permanently. Recesses are fixed by the Court with due regard for its judicial obligations.

The judges are subject to certain incompatibilities; they enjoy certain immunities.

They may be removed from office only if, in the unanimous opinion of the other members of the Court, they no longer fulfil the required conditions.

i Protocol on the Code of the Court of Justice, <u>European</u> Yearbook, vol. I, pp. 435 et seq.

DOCUMENT A/C.6/360

Letter dated 23 October 1959 from the Chairman of the Fifth Committee to the Chairman of the Sixth Committee

[Original text: English] [26 October 1959]

I have the honour to refer to the decision of the General Assembly at its 800th plenary meeting in connexion with the allocation of agenda item 63—"Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice"—whereby the General Assembly noted with approval paragraph 5 of the first report of the General Committee (A/4214) which provided that this item should be referred to the Fifth Committee on the understanding that the Fifth Committee would seek the advice of the Sixth Committee on the questions of policy involved, other than those of a budgetary nature, before its consideration of the item.

The report of the Secretary-General on this question has now been issued as document A/4241. Thus, I have the honour, on behalf of the Fifth Committee, to request the advice of the Sixth Committee as indicated in the decision of the General Assembly, following the receipt of which the item will be considered by the Fifth Committee.

(Signed) Jiří NOSEK Chairman of the Fifth Committee

DOCUMENT A/C.6/L.453

Union of Soviet Socialist Republics: amendment to document A/C.6/L.452**

[Original text: Russian] [11 November 1959]

In the letter appended to the draft resolution, replace the part of paragraph 4 after the first sentence with the following:

"The Sixth Committee considers that there are not sufficient grounds for amending regulations 1 and 4 in the annex to General Assembly resolution 86 (I)."

DOCUMENT A/C.6/L.454

Text of resolution adopted by the Sixth Committee at its 631st meeting on 11 November 1959

[Original text: English] [11 November 1959]

The Sixth Committee,

Having considered a request for advice from the Fifth Committee relating to agenda item 63,

<u>Decides</u> to adopt the following reply to this request:

TEXT OF A LETTER FROM THE CHAIRMAN OF THE SIXTH COMMITTEE TO THE CHAIRMAN OF THE FIFTH COMMITTEE CONTAINING THE SIXTH COMMITTEE'S ADVICE ON THE QUESTIONS OF POLICY INVOLVED IN ITEM 63 OF THE AGENDA OF THE FOURTEENTH REGULARSESSION OF THE GENERAL ASSEMBLY

1. I have the honour to refer to your letter dated 23 October 1959 (A/C.6/360) relating to agenda

item 63—"Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice". In this letter, in conformity with a decision taken by the General Assembly at its 800th plenary meeting, you requested on behalf of the Fifth Committee the advice of the Sixth Committee on the questions of policy involved, other than those of a budgetary nature, before the Fifth Committee considers the item.

2. The matter was brought to the attention of the Sixth Committee, which discussed the request at its 630th and 631st meetings, held on 10 and 11 November 1959, on the basis of the report submitted at the direction of the International Court of Justice and a

^{**} The text of document A/C.6/L.452, as amended at the 631st meeting of the Sixth Committee, was circulated as document A/C.6/L.454.

covering note by the Secretary-General, both contained in document A/4241. I have now the honour to communicate to you, for transmission to the Fifth Committee, the following observations and conclusions approved by the Sixth Committee at its 631st meeting held on 11 November 1959.

- 3. The action which is sought from the General Assembly is based on the provisions of paragraph 7 of Article 32 of the Statute of the International Court of Justice under which "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court...". In setting the conditions of eligibility and the amounts of pensions, the General Assembly should, in the opinion of the Sixth Committee, attach full weight to the circumstances of the election of members of the Court and the character and requirements of their office as expressed in the Statute. inter alia, the high degree of independence and moral character and outstanding professional qualifications expected from the judges, the duration of their term of office and the prohibition to engage while in office in any occupation of a professional nature.
- 4. The first question raised in the report (A/4241, annex, para. 3) relates to the position of judges who may find it necessary to resign from the Court prior to the expiration of the period for which they were elected. The Sixth Committee concurs with the views expressed on behalf of the Court that there are well-founded objections to the present system under which a member of the Court who resigns after having completed at least five years of service may receive a pension only by a special decision of the Court. It is the opinion of the Committee that the General Assembly

- should, as suggested by the Court, make pensions payable to members of the Court who resign after five years of service, in all cases, without a special decision of the Court being required. Such a change in the Pension Scheme Regulations for Members of the Court (which are contained in the annex to General Assembly resolution 86 (I) of 11 December 1946) could be effected by:
- (1) the deletion of sub-paragraph (a) in regulation 1 and the consequent renumbering of the other sub-paragraphs of this regulation;
 - (2) the deletion of regulation 4.
- 5. As to the second question raised by the Court in its report (A/4241, annex, para. 8), i.e. that of the amount and the method of computing the pension of judges who leave the Court otherwise than by resignation, the Committee noted the suggestion of the Secretary-General that this matter should be deferred until the next session of the General Assembly pending the completion of a study of the relevant part of the Court's report by an appropriate body designated by the Assembly. The Sixth Committee expresses its confidence that the recommendations which the Fifth Committee will make on this matter to the General Assembly will, together with the budgetary questions involved, take due account of the considerations referred to in paragraph 3 above relating to the circumstances of the election of the members of the Court and the character and requirements of their office as well as the importance of making the conditions of service with the principal judicial organ of the United Nations appropriate in the case of persons of the highest recognized competence.

DOCUMENT A /4297 Report of the Fifth Committee

[Original text: English] [24 November 1959]

- 1. The Fifth Committee considered the agenda item entitled "Proposed amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice" at its 725th and 744th meetings, held on 21 October and 16 November 1959, respectively. Two documents were before the Committee:
- (a) A note by the Secretary-General (A/4241) to which was annexed a report submitted at the direction of the International Court of Justice;
- (b) A resolution adopted by the Sixth Committee at its 631st meeting on 11 November 1959 (A/C.6/L.454) tendering advice to the Fifth Committee, at the latter Committee's request (A/C.6/360), on the questions of policy (other than those of a budgetary nature) that arose under the two points involved in the present agenda item.
- 2. The first question was whether to amend the Regulations governing the pensions of members of the International Court of Justice (General Assembly resolution 86 (I), annex) in such a manner that the award of a pension to a member who resigns from the Court after five years of service shall not depend on

- a discretionary decision of the Court, $\frac{1}{2}$ and that, instead, a member resigning in such circumstances shall be entitled to a pension as a matter of right.
- 3. The second question concerned the amount of, and the method of computing, the pensions of members of the Court who retire in the ordinary course. Under existing provisions, the pension is the equivalent of one-thirtieth of salary for each year of service, subject to a maximum of one-third of salary (Regulations, paras. 6 and 7).
- 4. On the first question, the opinion expressed on behalf of the Court (A/4241, annex, paras. 1 to 7), the Sixth Committee (A/C.6/L.454, para. 4) and the Secretary-General (A/4241, para. 3) coincided: paragraphs 1 and 4 of the Regulations should be so amended as to remove the restrictive conditions concerning a

^{1/} Paragraph 4 of the Pension Scheme Regulations reads: "If a member resigns after having completed at least five years of service, the Court may, by special decision, grant him such pension as seems equitable, but not exceeding an amount calculated as in regulation 6".

"special decision" of the Court. In that way a pension would be payable in every case to a member of the Court who resigns after five years of service. A special decision of the Court would not be required.

- 5. On the second question, the Fifth Committee took note of the following opinion and comments:
- (a) The communication from the International Court of Justice considered it desirable to secure to retiring members a pension equivalent to one-twentieth of salary for each year of service, subject to a maximum of one-half of salary (A/4241, annex, paras. 8 to 15);
- (b) The Secretary-General suggested (A/4241, para. 4) that, as comprehensive data on which to base a full appraisal of the proposed change had not yet been assembled, the matter should be deferred until the next session of the General Assembly, "pending the completion of the study of the relevant part of the Court's report by such appropriate body as the Assembly may determine";
- (c) The Sixth Committee, having taken note at its 631st meeting of the Secretary-General's suggestion, expressed confidence that, apart from the financial implications, the recommendations of the Fifth Committee would take due account of considerations related to "the circumstances of the election of the members of the Court and the character and requirements of their office as well as the importance of making the conditions of service with the principal judicial organ of the United Nations appropriate in the case of persons of the highest recognized competence" (A/C.6/L.454, para. 5).

Financial implications

6. Based upon the pension already being paid, the addition to the budget resulting from the proposed change in pension rate (para. 5 (a) above) was estimated for 1960 at about \$17,000. No estimate, however approximate, is possible for subsequent years in view of the nature of the determining factors (such as the composition of the Court, and the mortality rate among its pensioned members).

Discussion in the Fifth Committee

7. Representatives were agreed that both the provisions of the Pension Scheme for members of the Court and the general conditions of their service should befit the eminence of the members and the outstanding professional qualities and moral attributes which they brought to their office. Due weight should

be given to the circumstances under which the members were elected, as well as to the fact that appointment to the Court often entailed the abandonment of a lucrative career.

- 8. Some of the speakers recognized that, where the first question was concerned, it would be desirable in principle to amend paragraph 4 of the Regulations, even though—as the representative of the Court confirmed to the Committee—no difficulty had arisen in connexion with the existing text. Some members found difficulty, however, in concurring in one of the arguments advanced, to the effect that a member might "hesitate to resign and to rely on the discretionary decision of the Court" (A/4241, annex, para. 5).
- 9. As regards the second question, the representative of Iraq considered it premature to designate the "appropriate body" referred to in the Secretary-General's suggestion. In view of the procedural difficulty to which that suggestion might give rise, he proposed, as an alternative, that the Secretary-General should be requested to continue in 1960 his study of the matter, in consultation with the Advisory Committee on Administrative and Budgetary Questions.
- 10. The representative of the Soviet Union was of the opinion that somewhat fuller justification should be presented for a revision of paragraph 4 of the Regulations, to which, he stated, as had been demonstrated, no urgency attached. Similar considerations applied to the study of the second question, which might perhaps be of a detailed character. He proposed that both questions should be carried over to the next session and that the Secretary-General should in the meanwhile study them in consultation with the International Court of Justice.

Recommendation of the Committee

11. The Fifth Committee approved without objection the proposal of the representative of the USSR and, accordingly, recommends that the General Assembly should: (a) defer to its fifteenth session the consideration of the two matters raised under the agenda item; and (b) request the Secretary-General to continue the study of these matters, in consultation with the International Court of Justice, and to submit a further report thereon.

[See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 845th plenary meeting on 1 December 1959, the General Assembly adopted the draft resolution submitted by Austria, Ghana, Mexico, Philippines, Spain, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (A/L.270 and Add.1). For the final text see resolution 1408 (XIV) below

At the same meeting, the General Assembly decided, on the recommendation of the Fifth Committee (A/4297, para. 11), as amended by the above-mentioned resolution, to defer to its fifteenth session the consideration of the question of the amount of, and the method of computing, the pensions of members of the International Court of Justice who retire in the ordinary course, and to invite the Secretary-General to continue to study the question in consultation with the Court and to submit a further report on this subject.

Resolution adopted by the General Assembly

1408 (XIV). AMENDMENTS TO THE PENSION SCHEME REGULATIONS OF THE INTERNATIONAL COURT OF JUSTICE

The General Assembly,

<u>Having considered</u> the report submitted to it proposing amendments to certain provisions of the Pension Scheme Regulations of the International Court of Justice and the observations presented thereon by the Secretary-General (A/4241),

Having noted the advice extended by the Sixth Committee (A/C.6/L.454) to the Fifth Committee with respect to the position of judges who may find it necessary to resign from the Court prior to the ex-

piration of the period for which they were elected and the report of the Fifth Committee (A/4297),

Resolves to amend as follows the Pension Scheme Regulations for members of the International Court of Justice contained in the annex to General Assembly resolution 86 (I) of 11 December 1946:

- (a) Delete sub-paragraph (a) in regulation 1;
- (b) Delete regulation 4.2

845th plenary meeting, 1 December 1959.

2/Sub-paragraphs (b) and (c) of regulation 1 and regulations 5 to 12 should be renumbered accordingly.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 63 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4214	First report of the General Committee	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 8
A/C.5/L.588	Draft report of the Fifth Committee	For the text of this document. as amended by the Fifth Committee at its 750th meeting, see A/4297
A/C.6/L.452	Ceylon and Iran: draft resolution	For the text of this document, as amended by the Sixth Committee at its 631st meeting, see A/C.6/L.454
A/L.270 and Add.1	Austria, Ghana, Mexico, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft reso- lution	For the text of this document, see Official Records of the General Assembly, Four-teenth Session, Supplement No. 16, resolution 1408 (XIV)

GENERAL ASSEMBLY

Official Records



Agenda item 64

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 64: Draft Declaration of the Rights of the Child*

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DOCUMENT A /4185

Note by the Secretary-General

[Original text: English] [17 August 1959]

- 1. By resolution 728 C (XXVIII), adopted on 30 July 1959, the Economic and Social Council decided to transmit to the General Assembly for consideration at its fourteenth session chapter VII of the report of the Commission on Human Rights on its fifteenth session (E/3229) relating to the draft Declaration of the Rights of the Child, together with the documents before the Council.
- * For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Third Committee, 907th to 930th meetings; and ibid., Plenary Meetings, 841st meeting.
- 2. The Council had before it amendments to the draft Declaration submitted by the USSR (A/AC.7/L.325) and the summary records of the discussions in the Social Committee and in the plenary meetings of the Council. $\frac{1}{2}$
- 3. The debates on the draft Declaration in the United Nations date back to 1946, when the Temporary Social Commission of the Economic and Social Council stated that the terms of the Declaration of Geneva, adopted by the Assembly of the League of Nations, "should be as

^{1/} E/AC.7/SR.393-396 and Official Records of the Economic and Social Council, Twenty-Eighth Session, 1088th meeting.

binding on the peoples of the world today as they were in 1924". 2/ Subsequently, the Social Commission in 1950 adopted a draft Declaration on the Rights of the Child, and transmitted it to the Economic and Social Council with the recommendation that the Commission on Human Rights be requested to inform the Council of its observations on the draft with a view to its approval by the General Assembly. 3/

4. The Economic and Social Council, on 13 July 1950, adopted resolution 309 C (XI), in which, after noting the close relationship between the draft Declaration and the

Universal Declaration of Human Rights, it requested the Commission on Human Rights to communicate to the Council "its observations on the principle and contents" of the draft Declaration.

- 5. The Commission on Human Rights discussed the draft Declaration at its thirteenth and fifteenth sessions in 1957 and 1959 and transmitted to the Council its observations in the form of a revised draft Declaration, together with the records and documents of its proceedings.
- 6. The drafts of the Declaration prepared by the Social Commission and the Commission on Human Rights are reproduced at the end of chapter VII of the report of the Commission on Human Rights on its fifteenth session (E/3229).

DOCUMENT A/C.3/L.712*

Union of Soviet Socialist Republics: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))

[Original text: Russian] [29 September 1959]

- 1. In the last paragraph of the preamble, replace the words "men and women as individuals as well as upon their local authorities and national Governments" by the words "Governments of States, local authorities, and all men and women".
- 2. Add to the preamble the following new final paragraph:
 - "The General Assembly appeals to all States to bring their legislation into conformity with these principles, and to be guided by them in practice".
- 3. In principle 5, after the words "including adequate pre-natal and post-natal care," add:

"Legislation should be enacted to ensure in particular that women workers are granted paid leave both before and after confinement; that the employment of expectant and nursing mothers on work detrimental to their health is prohibited and that they are transferred, where necessary, to lighter work without reduction of pay; and that nursing mothers are granted breaks during the working day to enable them to nurse their children."

In the same principle, before the words "medical services", insert the word "free". At the end of the principle add: "The right to free medical services should be secured by the State to all children, expectant mothers and nursing mothers by the establishment of an adequate system of hospitals, medical

centres, maternity homes and other medical institutions."

- 4. At the end of principle 6 add:
- "States should provide for the proper maintenance and upbringing in State and public children's institutions for orphaned children and for children whose parents so desire and have insufficient means for their maintenance. Payment of State and other assistance towards the maintenance of children of large families is desirable."
- 5. In principle 7, after the words "at least in the elementary stages," add:
 - "The right shall be ensured by the State through the organization of an extensive network of schools, adequately staffed, housed and equipped. States shall take all necessary steps to extend the principle of free and universal education to secondary schools."

At the end of principle 7 add:

- "The utilization of teaching in schools for war propaganda and the dissemination of racial and national hatred shall be prohibited."
- 6. At the end of principle 10 add:

Responsibility before the law shall be established by legislation for the paid employment of minors who have not reached a specified age laid down by law and for the employment of adolescents for work endangering health or life.

DOCUMENT A/C.3/L.713

Italy: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))

[Original text: English] [29 September 1959]

Third paragraph of the preamble:

- (a) Between the words "child" and "needs", add the following phrase: "from the moment of his conception";
 - (b) After the words "special safeguards", add the words "and care";

^{2/} Ibid., Second Session, annex 6, document E/41, p. 283.

^{3/} Ibid., Eleventh Session, Supplement No. 3, annex II, draft resolution IV.

^{*} Incorporating document A/C.3/L.712/Corr.1-4.

(c) Delete the word "special" before the words "legal protection".

The third paragraph, as thus amended, would read:

"Whereas the child, from the moment of his conception, needs special safeguards and care, including legal protection, by reason of his physical and mental immaturity.".

DOCUMENT A/C.3/L.716

Afghanistan: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))

[Original text: English] [29 September 1959]

- 1. Preamble, last paragraph: delete the following words: "particularly those specified in the Universal Declaration of Human Rights".
- 2. Principle 1, end of first sentence: after the word "parents", add the words "and relatives".
- 3. Principle 2: after the word "healthy", delete the words "and normal".
- 4. Principle 3, beginning of second sentence: delete the words "Whenever necessary".
- 5. Principle 6: (a) Second sentence: delete the word "young" before the word "child"; (b) Last sentence: Replace the words "Society as well as public authorities" by "Public authorities and institutions which deal with children".

- 6. Principle 7, end of paragraph: delete the clause "and of the principles and purposes of the United Nations".
- 7. Principle 11: (a) First sentence, line 2: between the words "promote" and "understanding", insert the word "human"; (b) Third sentence: (i) Before the words "peace, friendship and brotherhood", delete the word "of" and add instead the clause "that will promote universal"; (ii) At the end of the sentence, delete the phrase "in a spirit of universal brotherhood and peace".
- 8. At the end of the draft Declaration: Add the following new principle:

"The General Assembly calls upon all Governments and peoples to make known the above principles which are in full conformity with the principles and purposes of the United Nations and explain them to parents, educators, doctors, social workers and all others who deal directly or indirectly with children and to children themselves."

DOCUMENT A/C.3/L.732

Italy: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))

[Original text: English]
[30 September 1959]

At the end of the second paragraph of principle 7, add the following sentence:

"The maladjusted child can be separated from his family without his parent's consent only through the intervention of a specialized judicial authority."

DOCUMENT A/C.3/L.736

Union of Soviet Socialist Republics: amendment to document A/C.3/L.720

[Original text: Russian] [2 October 1959]

In the sixth paragraph of the preamble replace the words "through the application of" by the words "by taking legislative and other measures to apply".

DOCUMENT A/C.3/L.737

Cuba: amendment to document A/C.3/L.726

[Original text: Spanish] [5 October 1959]

In principle 7, add the following after the word "compulsory": "and provide it in the language spoken in the child's home; the child shall be entitled to respect for his vocational abilities".

DOCUMENT A/C.3/L.743

Denmark, Greece, Netherlands, Thailand and United Kingdom of Great Britain and Northern Ireland: revised amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))

[Original text: English]
[7 October 1959]

The sponsors have withdrawn their amendments to principles 6 and 7 (reproduced in documents A/C.3/L.722, A/C.3/L.724, A/C.3/L.726 and Add.1, and A/C.3/L.731) in favour of the revised texts of these principles presented below. They are not all jointly committed to the passages appearing in square brackets, on which votes by division are suggested.

1. Principle 6:

"The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care [and under the responsibility] of his parents, and in any case in an atmosphere of affection and of moral and material security; [a child of tender years shall not, save in exceptional circumstances, be separated from his mother. $]^{\pi}$

2. Principle 7:

"The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will bestow upon him general culture, and enable him on a basis of equal opportunity to develop his abilities and individual judgement and to become a useful member of society.

"The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents."

DOCUMENT A/C.3/L.745

Cuba: amendments to document A/C.3/L.743

[Original text: English] [8 October 1959]

<u>Principle 7</u>, 1. First paragraph, first sentence: Replace the word "education" by the word "instruction". Delete the words "which shall be", and put the words "free and compulsory" before the word "instruction". Replace "elementary stages" by "elementary school", and add "in his mother tongue" after the word "school".

2. First paragraph, second sentence: In the Spanish text, delete the word "una" before the words "cultura general". (This amendment does not apply to the English text.)

After the words "equal opportunity" add "and with absolute respect for his vocational aptitudes".

Replace the word "abilities" by the word "capacities".

3. Second paragraph: There is no change in the wording of the amendment.

Add the text of the Commission on Human Rights from the sentence beginning with the words "It shall promote...". For reasons of drafting this sentence should begin as follows "The child's education shall promote...".

Principle 7, incorporating the various amendments, including this sub-amendment and the text of the Commission on Human Rights, would then read as follows:

"The child is entitled to receive free and compulsory instruction, at least in the elementary school, in his mother tongue. He shall be given an education which will bestow upon him general culture and enable him on a basis of equal opportunity and with absolute respect for his vocational aptitudes to develop his capacities and individual judgement and to become a useful member of society.

"The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

"The child's education shall promote mutual understanding, tolerance and friendship among all peoples and racial or religious groups, as well as understanding of the culture both of his own people and of other peoples and of the principles and purposes of the United Nations."

DOCUMENT A/C.3/L.754

Italy: revised amendment 4 to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))

[Original text: English] [13 October 1959]

Add the following sentence at the end of principle 9:

"The maladjusted, including the delinquent child, shall be accorded humane treatment and may not be separated arbitrarily from his parents."

 $[\]frac{4}{2}$ This amendment replaces the text proposed by Italy in document A/C.3/L.732.

DOCUMENT A/C.3/L.755

Peru: amendment to document A/C.3/L.754

[Original text: Spanish] [14 October 1959]

Amend the text of principle 9 proposed by Italy (A/C.3/L.754) to read as follows:

"The maladjusted child shall always be accorded humane treatment and may not, without good reason, be separated from his family environment."

DOCUMENT A/C.3/L.757 AND ADD.1

Drafting suggestions submitted by the Rapporteur of the Committee

[Original text: English, French, Spanish and Russian] [15 October 1959]

1. In the course of the discussion of the Draft Declaration of the Rights of the Child in the Third Committee, it has frequently been stated that certain drafting changes may be required and, in particular, that the various language versions of the draft Declaration should be examined from the point of view of conformity one with another.

2. The Rapporteur has the honour to submit to the Committee the text of the draft Declaration incorporating certain suggestions, intended only as drafting suggestions not affecting the substance. In a few cases, the changes proposed apply to all language versions. In other cases, the Rapporteur had taken as the basic text the original language of the proposals which had become the text adopted, and had made any changes which appeared necessary in the other languages.

3. The changes suggested are underlined, with explanatory footnotes, in the text of the draft Declaration which is annexed. The text, as adopted by the Committee, may be found in documents A/C.3/L.738, A/C.3/L.739 and Corr.1, A/C.3/L.744, A/C.3/L.750, A/C.3/L.753 and A/C.3/L.756.

Preamble

Whereas the peoples of 5/the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, 6/ in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth, 1/

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Whereas mankind owes to the child the best it has to give,

Now therefore 8/

The General Assembly proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national Governments to recognize and strive for the observance of these rights by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, 6/ without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

Principle 4

The child shall be entitled from his birth to a name and a nationality.

 $[\]frac{5}{2}$ The addition of these words is suggested in all languages.

^{6/} This applies to the English text only.

I The wording of this paragraph has not been modified but in all languages the order of the clauses has been changed.

^{8/} In the French, Spanish and Russian texts the words "now therefore" seem unnecessary and have been deleted. This conforms to the operative paragraph of the Universal Declaration of Human Rights.

Principle 5

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate prenatal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not save in exceptional circumstances, be separated from his mother. Society and the $\frac{6}{}$ public authorities shall have the duty to extend particular care to children without a family and $\frac{6}{}$ those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, $\underline{\text{his}}^{6/}$ individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and upbringing; ⁹/ that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among $\frac{6}{}$ the first to receive protection and relief.

Principle 9

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 10

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form. 10/

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.

Principle 11

The child shall be protected from practices which may foster racial, religious and <u>any other form 6/0 of discrimination</u>. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

DOCUMENT A/C.3/L.758

India and Mexico: amendment to document A/C.3/L.749

[Original text: English] [15 October 1959]

Add the following sentence at the end of the amendment to principle 11 proposed in document A/C.3/L.749:

"He shall be protected from practices based on national, racial or religious discrimination."

DOCUMENT A/C.3/L.758/REV.1

India and Mexico: revised amendment to document A/C.3/L.749

[Original text: English] [15 October 1959]

Amend the text of principle 11 proposed in document A/C.3/L.749 to read as follows:

"The child shall be protected from practices which may foster racial, religious and all other forms of discrimination. He shall be brought up in a spirit of peace, tolerance, understanding and [universal brotherhood] [friendship among peoples] and in full consciousness that [his energy and talents

^{9/} This applies to the English and French texts.

 $[\]frac{10}{}$ It is suggested that this principle be divided into two paragraphs.

should be devoted to the service of his fellowmen] [he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellowmen]."

*

The choice between the passages in square brackets is left to the Committee.

DOCUMENT A/C.3/L.763

Afghanistan: draft resolution

[Original text: English] [19 October 1959]

The General Assembly,

Considering that the Declaration of the Rights of the Child proclaims that the child needs special safeguards and care and that he shall be brought up in a spirit of understanding, tolerance, friendship between peoples, peace and universal brotherhood,

Considering that this Declaration calls upon parents, men and women as individuals, voluntary organizations, local authorities and national Governments to recognize and strive for the observance of the Rights of the Child,

Recalling General Assembly resolution 217 D (III) of 10 December 1948 concerning the publicity to be given the Universal Declaration of Human Rights,

- 1. Recommends Governments of States Members of the United Nations to publicize the text of the Declaration of the Rights of the Child and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions,
- 2. <u>Calls</u> upon all Governments and peoples to make known and explain this Declaration, especially to parents, educators, doctors, social workers and all others who deal directly or indirectly with children and to children themselves,
- 3. Requests the Secretary-General to have this Declaration widely disseminated and, to that end to use every means at his disposal to publish and distribute texts in all languages possible.

DOCUMENT A/4249*

Report of the Third Committee

[Original text: English and Spanish]
[6 November 1959]

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^{*} Incorporating document A/4249/Corr.2.

INTRODUCTION

- 1. The item entitled "Draft Declaration of the Rights of the Child" was included in the agenda of the fourteenth session of the General Assembly on the recommendation of the Economic and Social Council made in resolution 728 C (XXVIII) of 30 July 1959. By that resolution the Council decided to transmit to the General Assembly, for consideration at its fourteenth session, chapter VII of the report of the Commission on Human Rights on its fifteenth session (E/3229) relating to the draft Declaration of the Rights of the Child, together with the records of the discussion of this subject in the Council, and the other documents which had been before the Council at its twenty-eighth session. 11/
- 2. At its 803rd plenary meeting, held on 22 September 1959, the General Assembly allocated item 64 (Draft Declaration of the Rights of the Child) to the Third Committee.
- 3. The Third Committee had before it a note by the Secretary-General (A/4185) outlining the history of the consideration of the question in the United Nations since 1946, and a memorandum by the Secretary-General (E/CN.4/512), which included the text of the draft Declaration of Geneva of 1924, adopted by the Assembly of the League of Nations.
- 4. The report of the Commission on Human Rights transmitted to the General Assembly by the Council contained both the text of the draft Declaration submitted by that Commission and the text adopted in 1950 by the Social Commission (E/3229, chap. VII, para. 197).

PROCEEDINGS IN THE THIRD COMMITTEE

- 5. The Third Committee devoted twenty-three meetings (907th to 929th meetings), held from 25 September to 19 October 1959, to the consideration of the draft Declaration of the Rights of the Child.
- 6. Four of these meetings (917th to 910th) were devoted to a general debate. Many members pointed out that the draft Declaration had been under consideration for a long time and it was both possible and desirable that a final text be approved during the current fourteenth session of the General Assembly. Some expressed themselves in favour of a briefer and more concise text than that contained in the drafts which were before the Committee. Some thought that the Declaration should proclaim principles only and not contain any provisions on how the principles should be implemented. Others stated that, while they were prepared to support a declaration, they would have preferred a convention, and emphasized that the Declaration should contain certain directives regarding the implementation of the rights proclaimed.
- 7. After the completion of the general debate, the Committee proceeded to examine the preamble and each of the principles of the draft Declaration, taking as the basic text the draft declaration submitted by the Commission on Human Rights. The amendments proposed and the voting thereon are described below. No attempt has been made to summarize the opinions expressed by the various delegations represented on
- 11/ E/AC.7/L.325; E/AC.7/SR.393-396; and Official Records of the Economic and Social Council, Twenty-eighth Session, 1088th meeting.

- the Committee, and attention is drawn to the summary records of the discussions where these may be found (A/C.3/SR.907-929).
- 8. The draft Declaration adopted by the Committee contains a preamble and ten principles. The numbers of the principles quoted in this report are those of the text as finally adopted by the Third Committee. Decisions relating to the numbering of certain principles are indicated where appropriate.
- 9. On principle 7, relating to the child's right to receive education, the Committee heard a statement by the representative of UNESCO; and with respect to principle 9, which deals with the minimum age of employment of a child, the Committee heard a statement by the representative of the ILO.
- 10. At the 928th meeting, on 16 October 1959, Afghanistan (A/C.3/L.716) and Ecuador (A/C.3/L.761) introduced amendments proposing additions to the draft Declaration. The representative of Afghanistan withdrew his amendment, reintroducing it later in the form of a draft resolution (see paragraph 109 below).
- 11. The addition to the draft Declaration proposed by Ecuador read as follows: "States shall take the necessary measures for economic development so as to eliminate the conditions which have lead to the insecurity of the child". The representative of Ecuador withdrew this amendment.
- 12. The Committee also considered at the 928th meeting a proposal by Israel (A/C.3/L.719) that the title of the Declaration should be amended to read "The Children's Charter". In introducing this amendment, the representative of Israel said that he would not press it to a vote unless there was unanimity in the Committee with respect to it. Some representatives expressed their preference for the existing title, and the amendment was withdrawn.

CONSIDERATION OF THE TEXT OF THE DRAFT DECLARATION

Preamble

- 13. The Committee discussed the preamble to the draft Declaration at four meetings (911th to 914th), held from 30 September to 2 October 1959.
- 14. Mexico and Peru proposed (A/C.3/L.717) that in the first five paragraphs the words "Por cuanto" in the Spanish text should be replaced by the words "Considerando que". The Committee adopted this amendment to the first paragraph of the preamble by 11 votes to 4, with 37 abstentions; and to the second paragraph by 40 votes to none, with 25 abstentions. At the 913th meeting, the Committee decided, without voting, that the amendment should be applied to the Spanish text of the third, fourth and fifth paragraphs of the preamble.
- 15. The first and second paragraphs of the preamble in the text of the Commission on Human Rights were adopted by 63 votes to none, with 1 abstention, and by 65 votes to none, with 1 abstention, respectively. These paragraphs read as follows:
 - "Whereas the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

"Whereas the United Nations have, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of anykind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

16. The third paragraph of the preamble in the text of the Commission on Human Rights read as follows:

"Whereas the child needs special safeguards, including special legal protection by reason of his physical and mental immaturity."

- 17. Amendments to this text were submitted by Italy (A/C.3/L.713 and A/C.3/L.713/Rev.1) and by Mexico and Peru (A/C.3/L.717). The latter, which called for the replacement of the words "including special legal protection" by the words "including legal safeguards", was subsequently withdrawn.
- 18. The amendment of Italy as revised during the discussion (A/C.3/L.713/Rev.1) called for the replacement of the text of the paragraph by the following:

"Whereas the child needs protection and care by reason of his physical and mental immaturity, and must receive legal safeguards from the moment of his conception."

In a sub-amendment to the amendment of Italy, the Philippines proposed (A/C.3/L.734) that the paragraph should read as follows:

"Whereas the child before as well as after birth needs special safeguards and care, including appropriate legal protection, by reason of his physical and mental immaturity."

Italy then proposed (A/C.3/L.735) that the phrase "Whereas the child before as well as after birth", in the Philippine sub-amendment, should be replaced by the following: "Whereas the child from his conception and after birth".

19. The latter sub-amendment of Italy was rejected by a roll-call vote of 40 to 20, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Belgium, Brazil, Costa Rica, Dominican Republic, El Salvador, France, Greece, Guatemala, Indonesia, Ireland, Italy, Lebanon, Morocco, Netherlands, Peru, Philippines, Spain, Venezuela.

Against: Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Federation of Malaya, Finland, Haiti, Hungary, India, Iran, Iraq, Israel, Japan, Jordan, Libya, Nepal, New Zealand, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Yugoslavia.

Abstaining: Australia, China, Ethiopia, Ghana, Guinea, Mexico, Norway, Portugal, Union of South Africa.

20. The sub-amendment of the Philippines (A/C.3/L. 734) was adopted by a roll-call vote of 58 to 1, with 10 abstentions, and became the third paragraph of the preamble. The voting was as follows:

In favour: Albania, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Federation of Malaya, Finland, Ghana, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Ireland.

Abstaining: Afghanistan, Argentina, Australia, Costa Rica, El Salvador, Ethiopia, France, Greece, Italy, Lebanon.

- 21. The fourth paragraph of the preamble in the text of the Commission on Human Rights read as follows:
- "Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and has again been recognized in article 25 (2) of the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,"
- 22. Amendments were submitted by Mexico and Peru (A/C.3/L.717) and by the Philippines (A/C.3/L.720). The amendment of Mexico and Peru, calling for deletion of the paragraph was subsequently withdrawn in favour of the amendment of the Philippines, which consisted in deleting the words "has again been" and "article 25 (2) of". This amendment was adopted by 65 votes to none, with 3 abstentions.
- 23. The fifth paragraph of the preamble in the text of the Commission on Human Rights was adopted unanimously. It read as follows:
 - "Whereas mankind owes to the child the best it has to give."
- 24. The sixth paragraph (the operative paragraph) of the text of the Commission on Human Rights was as follows:

"Now therefore

- "The General Assembly recognizes and proclaims the essential rights of the child to the end that he may have a happy childhood and be enabled to grow up to enjoy for his own good and for the good of society, the fundamental rights and freedoms, particularly those specified in the Universal Declaration of Human Rights, and calls upon men and women as individuals as well as upon local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles."
- 25. Amendments were submitted by the USSR (A/C. 3/L.712), the Netherlands (A/C.3/L.714), Afghanistan (A/C.3/L.716) and the Philippines (A/C.3/L.720).
- 26. The USSR amendment (A/C.3/L.712) was to replace the words "men and women as individuals as well as upon their local authorities and national Governments" by the words "Governments of States, local

authorities, and all men and women" and to add the following new paragraph:

"The General Assembly appeals to all States to bring their legislation into conformity with these principles and to be guided by them in practice."

27. The amendment of the Netherlands (A/C.3/L.714) called for the replacement of the latter part of the text of the Commission on Human Rights by the following:

"and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles".

- 28. The amendment of Afghanistan (A/C.3/L.716) consisted in deleting the words "particularly those specified in the Universal Declaration of Human Rights".
- 29. The Philippines proposed (A/C.3/L.720) a new text for the entire paragraph reading as follows:

"Now therefore

"The General Assembly proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon individuals, peoples and Governments to recognize and strive for the observance of these rights through the application of the following principles."

The representative of the Philippines or ally revised the above amendment to take into account a sub-amendment introduced by the USSR (A/C.3/L.736). The phrase "by legislative and other measures progressively taken in accordance with the following principles" was substituted for the words "through the application of the following principles".

- 30. The first part of the amendment of the Philippines, reading "Now therefore the General Assembly proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth", was adopted by 61 votes to none, with 7 abstentions.
- 31. The first part of the Netherlands amendment (A/C.3/L.714) reading: "and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments" was adopted by a roll-call vote of 55 to none, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

Against: None.

Abstaining: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Iraq, Philippines, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

32. The final clause of the amendment of the Philippines (A/C.3/L.720) as orally amended and reading: "and strive for the observance of these rights by legislative and other measures progressively taken in accordance with the following principles" was adopted by a roll-call vote of 35 to 21, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Dominican Republic, Hungary, India, Indonesia, Jordan, Libya, Morocco, Nepal, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Sudan, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Australia, Canada, China, Denmark, Ethiopia, Finland, France, Ghana, Greece, Haiti, Ireland, Israel, Italy, Netherlands, New Zealand, Norway, Pakistan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Brazil, El Salvador, Federation of Malaya, Guatemala, Iran, Iraq, Japan, Lebanon, Mexico, Sweden, Thailand, Union of South Africa.

- 33. The sixth (operative) paragraph as a whole as amended was adopted by 52 votes to none, with 16 abstentions.
- 34. The preamble as a whole as amended was adopted by 64 votes to none, with 4 abstentions.

Principle 1

35. Principle 1, discussed at the 914th and 915th meetings of the Committee on 2 and 5 October 1959, was based on principle 1 of the text of the Commission on Human Rights, which read as follows:

"The child shall enjoy all the rights set forth in this Declaration without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of either of his parents. All children whether born in or out of wedlock shall enjoy these rights."

- 36. Amendments were presented by Saudi Arabia (A/C.3/L.715), Afghanistan (A/C.3/L.716), Belgium (A/C.3/L.718) and the Philippines (A/C.3/L.720).
- 37. Belgium proposed the insertion of the following definition of the term "child" (A/C.3/L.718): "i.e., the human being during the time that he is subject to the authority of his parents or of those who take their place"; it later withdrew its amendment.
- 38. The amendment of Saudi Arabia (A/C.3/L.715) called for the replacement of the words "whether born in or out of wedlock" by the phrase "with no exception whatsoever". Afghanistan proposed (A/C.3/L.716) the addition of the words "and relatives" after the word "parents". The amendment of the Philippines (A/C.3/L.720) consisted in deleting the clause: "whether of himself or of either of his parents".

39. Following suggestions made orally at the 915th meeting by the representatives of France and Poland, the representatives of Afghanistan and Saudi Arabia withdrew their amendments and jointly sponsored an amendment proposing the following text for principle 1:

"The child shall enjoy all the rights set forth in this Declaration. These rights shall be enjoyed by every child without any exception whatsoever and without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family."

- 40. The representative of the Philippines withdrew his delegation's amendment but requested that separate votes be taken on the new text proposed by Afghanistan and Saudi Arabia.
- 41. The first sentence of the amendment of Afghanistan and Saudi Arabia was adopted unanimously. The first part of the second sentence reading: "These rights shall be enjoyed by every child without any exception whatsoever and without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" was also adopted unanimously. The remainder of the second sentence reading "whether of himself or of hisfamily" was adopted by 50 votes to 7, with 9 abstentions.
- 42. The amendment as a whole was adopted unanimously.

Principle 2

- 43. Principle 2, discussed at the 915th to 917th meetings of the Committee on 5 and 6 October 1959, was based on principles 2 and 3 of the text of the Commission on Human Rights which read as follows:
 - "2. The child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.
 - "3. The child shall enjoy special protection by law and by other means. Whenever necessary, opportunities and facilities shall be provided by law to enable him to develop in accordance with the principles of this Declaration. The best interests of the child shall be the paramount consideration in the enactment of such laws."
- 44. Amendments to these principles were submitted by Afghanistan (A/C.3/L.716), Thailand (A/C.3/L.722), the Netherlands (A/C.3/L.726 and Add.1 and A/C.3/L.740) and Uruguay (A/C.3/L.729).
- 45. The amendment of Thailand (A/C.3/L.722) called for the deletion of principle 3 of the Commission's text. This also formed part of the amendment of the Netherlands, which was to delete principle 3 and replace principle 2 by a new text. The original Netherlands amendment (A/C.3/L.726 and Add.1) was revised during the discussion. In its revised form (A/C.3/L.740), which included an oral suggestion made by the representative of the Philippines, it was proposed that principle 2 should read as follows:

"The child shall enjoy special protection, and be given opportunities and facilities, by law and by other

- means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration."
- 46. The amendment of Afghanistan (A/C.3/L.716) called for the deletion of the words "and normal" after the word "healthy" in the text of principle 2 submitted by the Commission on Human Rights. It was subsequently moved as a sub-amendment to the above amendment of the Netherlands, and was rejected by 50 votes to 13, with 6 abstentions.
- 47. Similarly, the amendment of Uruguay (A/C.3/L. 729), which was to replace the words "in conditions of freedom and dignity" by the phrase "in conditions of freedom, dignity and responsibility", was moved as a sub-amendment to the above amendment of the Netherlands. This amendment was not adopted, there being 21 votes in favour, 21 against and 27 abstentions.
- 48. The text purposed in the revised amendment of the Netherlands (A/C.3/L.740) was adopted by 67 votes to none, with 5 abstentions, replacing the text of principles 2 and 3 as drafted by the Commission on Human Rights.
- 49. The Committee also discussed, in connexion with principles 2 and 3 of the text of the Commission on Human Rights, a proposal by Afghanistan, Argentina, Brazil, Italy, Spain and Uruguay (A/C.3/L.725) for the insertion of a new principle between principles 1 and 2, reading as follows:
 - "From the moment of conception, the right of the child to life shall be respected and safeguarded."
- 50. This amendment was rejected by a roll-call vote of 34 to 28, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Belgium, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Indonesia, Ireland, Italy, Lebanon, Netherlands, Paraguay, Peru, Portugal, Spain, United Arab Republic, Uruguay, Venezuela.

Against: Albania, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Hungary, India, Iran, Iraq, Israel, Japan, Jordan, Nepal, New Zealand, Norway, Pakistan, Poland, Romania, Saudi Arabia, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of Ameria, Yugoslavia.

Abstaining: Australia, Burma, Cambodia, China, Federation of Malaya, Mexico, Philippines, Tunisia, Union of South Africa, Yemen.

Principle 3

51. Principle 3, discussed at the 917th meeting of the Committee on 6 October 1959, was based on principle 4 of the text of the Commission on Human Rights, which read as follows:

"The child shall be entitled from his birth to a name and a nationality."

- 52. Amendments were submitted by Belgium (A/C. 3/L.721), Thailand (A/C.3/L.722) and Uruguay (A/C. 3/L.729).
- 53. The representative of Thailand subsequently withdrew the amendment of his delegation (A/C.3/L. 722), which called for the deletion of the principle.
- 54. The amendment of Belgium (A/C.3/L.721), which consisted in inserting the word "suitable" before the word "name", was rejected by 46 votes to 5, with 17 abstentions.
- 55. The amendment of Uruguay (A/C.3/L.729) called for the replacement of the text of the principle by the following:
 - "The child shall be entitled from his birth to a name and a nationality and to know who his parents are."

This amendment was rejected by 48 votes to 2, with 16 abstentions.

56. Principle 4 of the text of the Commission on Human Rights was adopted by 68 votes to none, with 1 abstention, and became principle 3 of the draft Declaration as finally adopted by the Third Committee.

Principle 4

- 57. Principle 4, discussed at the 917th and 918th meetings of the Committee, held on 6 and 7 October 1959, was based on principle 5 of the text proposed by the Commission on Human Rights, which read as follows:
 - "The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services."
- 58. Amendments were submitted by the USSR (A/C. 3/L.712 and A/C.3/L.742), Thailand (A/C.3/L.722) and the Netherlands (A/C.3/L.726 and Add.1).
- 59. The amendment of Thailand (A/C.3/L.722), calling for the deletion of the principle, and the amendment of the Netherlands (A/C.3/L.726 and Add.1), calling for the deletion of the words "in health" after the word "develop", were both subsequently withdrawn.
- 60. The USSR amendments (A/C.3/L.712) were revised during the discussion, and, in their revised form (A/C.3/L.742), consisted of three parts: (1) the addition of the words "by legislative and other measures" after the words "shall be provided"; (2) the insertion of the word "free" before the words "medical services"; and (3) the addition of the clause, "which shall be secured by the progressive extension of a network of public medical institutions accessible to all", after the word "services".
- 61. The Philippines proposed as a sub-amendment (A/C.3/L.741) to the USSR amendment (A/C.3/L.712) to the effect that the text suggested in that amendment should be replaced by the following:
 - "The child shall enjoy the benefits of social security, adequate pre-natal and post-natal care, nutrition, clothing, housing, recreation and medical services."

- The representative of the Philippines asked that the sub-amendment be applied to the revised USSR amendments (A/C.3/L.742). The Chairman ruled that it could not be so considered and in view of the time limit which has been established for the submission of amendments to the original text could not be voted upon.
- 62. The first part of the revised amendments of the USSR (A/C.3/L.742) was rejected by 36 votes to 15, with 17 abstentions; the second part by 38 votes to 18, with 14 abstentions; and the third part by 30 votes to 21, with 20 abstentions.
- 63. The Committee voted by parts on the text of principle 5 submitted by the Commission on Human Rights. The first sentence, voted on separately at the request of the representative of the Philippines, was adopted by 69 votes to none, with 2 abstentions. The words in the second sentence, "He shall be entitled to grow and develop in health", voted on separately at the request of the representative of Cuba, were adopted by 39 votes to 21, with 9 abstentions. The remainder of the text was adopted by 66 votes to 1, with 4 abstentions.
- 64. The principle as a whole was adopted by 68 votes to none, with 3 abstentions, and became principle 4 of the draft Declaration finally adopted by the Committee.

Principle 5

- 65. Principle 5, discussed at the 924th and 925th meetings on 13 and 14 October 1959, was based on principle 9 of the text of the Commission on Human Rights, which read as follows:
 - "The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition."
- 66. An amendment was submitted by Italy (A/C.3/L.732), initially presented as an amendment to the principle dealing with the right of the child to receive education (principle 7) and proposing the addition of a paragraph concerning the maladjusted child. The wording of this amendment was revised twice during the discussion.
- 67. Peru proposed a sub-amendment (A/C.3/L.755) to the first revision of the Italian text (A/C.3/L.754), but withdrew it in favour of a separate vote on the words "including the delinquent child" in the second revision. This text was introduced orally by the representative of Italy at the 925th meeting and read as follows:
 - "The socially maladjusted child, including the delinquent child, may not be separated from his family save by decision of a competent judicial authority."
- 68. The words "including the delinquent child" were rejected by 29 votes to 15, with 23 abstentions. The remainder of the amendment was rejected by 29 votes to 27, with 10 abstentions.
- 69. Principle 9 of the text of the Commission on Human Rights was adopted unanimously.
- 70. At the 928th meeting, on 16 October 1959, the Committee adopted a proposal by Greece and the United Kingdom (A/C.3/L.731) to place this principle between principles 5 and 6 of the text of the Commission on Human Rights. It therefore became principle 5 of the text as finally adopted by the Third Committee.

Principle 6

71. Principle 6, discussed at the 918th to 920th meetings, on 7 and 8 October 1959, was based on principle 6 of the Commission on Human Rights, which read as follows:

"For the full and harmonious development of his personality, the child needs love and understanding. He shall, save where his best interests require otherwise, grow up in the care of his parents, and a young child shall not, save in exceptional circumstances, be separated from his mother. In any case, opportunity shall be provided to the child to grow up in an atmosphere of affection and moral and material security. Society as well as public authorities shall have the duty to extend particular care to children without a family or those without adequate means of support."

72. Amendments were submitted by the USSR (A/C.3/L.712) Afghanistan (A/C.3/L.716), Guatemala and Israel (A/C.3/L.723) and Denmark, Greece, the Netherlands, Thailand and the United Kingdom (A/C.3/L.743). The last-mentioned joint amendment was a revision of amendments initially proposed by the various delegations individually (Thailand, A/C.3/L.722; Denmark, A/C.3/L.724; Netherlands, A/C.3/L.726 and Add.1; and Greece and United Kingdom, A/C.3/L.731).

73. In the joint amendment (A/C.3/L.743) it was proposed that principle 6 of the text of the Commission on Human Rights be replaced by the following:

"The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care [and under the responsibility] of his parents, and in any case in an atmosphere of affection and of moral and material security; [a child of tender years shall not, save in exceptional circumstances, be separated from his mother.]"

The sponsors pointed out that they were not all jointly committed to the passages appearing in square brackets and suggested that separate votes be taken on them.

74. The sponsors accepted part of a sub-amendment of Poland (A/C.3/L.747) and added the following sentence to their original text:

"Society shall have the duty to extend particular care to children without a family or those without adequate means of support."

75. At the 920th meeting, the representative of Poland reintroduced the remainder of the Polish sub-amendment (A/C.3/L.747) which called for the insertion of the words "as well as public authorities" after the word "society". This was adopted by 43 votes to 19, with 8 abstentions.

76. The first sentence of the five-Power amendment (A/C.3/L.743) was adopted by 70 votes to none, with 1 abstention. The words "and under the responsibility", voted on separately at the request of the representative of Denmark, were adopted by 66 votes to none, with 4 abstentions. The clause, "He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security" was adopted by 69 votes to none, with 1 abstention. The remainder of the second sentence reading "a child of tender years

shall not, save in exceptional circumstances, be separated from his mother, voted on separately at the request of the representative of Denmark, was adopted by 62 votes to 1, with 5 abstentions. The amendment as a whole, incorporating the sub-amendment of Poland, was adopted by 70 votes to none, with 1 abstention.

77. The amendment of the USSR to this principle (A/C.3/L.712) called for the addition of the following paragraph:

"States should provide for the proper maintenance and upbringing in State and public children's institutions for orphaned children and for children whose parents so desire and have insufficient means for their maintenance. Payment of State and other assistance towards the maintenance of children of large families is desirable."

78. The representative of the USSR withdrew the first part of his amendment after the adoption of the five-Power amendment. The second sentence, relating to assistance for the maintenance of children of large families, was adopted by 19 votes to 18, with 31 abstentions.

79. Guatemala and Israel proposed the addition of the following text to this principle (A/C.3/L.723):

"The child has the right to grow up in the religious faith and national loyalty of his parents; but he shall be protected against any practice which may foster racial, religious or national discrimination and hatred."

At the 920th meeting the amendment was orally revised to read:

"The child has the right to grow up in the religious faith of his parents."

This text was rejected by 46 votes to 6, with 16 abstentions.

80. The principle as a whole, as amended, was adopted by 55 votes to 1, with 14 abstentions.

Principle 7

81. Principle 7, discussed at the 920th to 923rd meetings, from 8 to 12 October 1959, was based on principle 7 of the text of the Commission on Human Rights which read as follows:

"The child is entitled to receive free and compulsory education, at least in the elementary stages. The education of the child shall be directed to the full development of his personality and the strengthening of respect for human rights and fundamental freedoms; it shall enable him, enjoying the same opportunities as others, to develop his abilities and individual judgement and to become to useful member of society. It shall promote mutual understanding, tolerance and friendship among all peoples and racial or religious groups, as well as understanding of the culture both of his own people and of other peoples and of the principles and purposes of the United Nations.

"The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents."

82. Amendments were submitted by the USSR (A/C.3/L.712); Afghanistan (A/C.3/L.716); Uruguay (A/C.3/

L.729); Mexico, Peru and Romania (A/C.3/L.730); Denmark, Greece, the Netherlands, Thailand and the United Kingdom (A/C.3/L.743). The last-mentioned amendment constituted a revision of amendments which the various delegations had submitted individually; Thailand (A/C.3/L.722), Denmark (A/C.3/L.724), the Netherlands (A/C.3/L.726 and Add.1) and Greece and the United Kingdom (A/C.3/L.731).

- 83. The amendment of Afghanistan (A/C.3/L.716) called for the deletion of the phrase "and of the principles and purposes of the United Nations".
- 84. The five-Power amendment (A/C.3/L.743) contained a new text for principle 7. The amendment was revised during the discussion to incorporate part of the amendment of Uruguay, which became a sixth sponsor. In its revised form (A/C.3/L.748) it was to the effect that principle 7 of the text of the Commission on Human Rights should be replaced by the following:

"The child is entitled to receive education, which shall be free and compulsory at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities and individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

"The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents."

- 85. Sub-amendments to this text were proposed by Cuba (A/C.3/L.745) and Bulgaria (A/C.3/L.752). The sub-amendment of Cuba was revised in the course of the discussion. In the revision (A/C.3/L.751) it was proposed that in the first sentence of the first paragraph the word "education" should be replaced by the word "schooling", and "elementary stages" by "elementary school". These two Cuban sub-amendments were rejected, by 44 votes to 11, with 13 abstentions, and by 42 votes to 15, with 8 abstentions, respectively. In the second sentence Cuba proposed adding the words "and with the greatest possible respect for his vocational aptitude" after the word "opportunity". This addition was rejected by 36 votes to 17, with 17 abstentions. A further amendment, replacing the words "his abilities" by "his capacities" was withdrawn during the discussion. Cuba also proposed the addition of the following sentence at the end of the first paragraph: "His education shall promote understanding of the culture both of his own people and of the other peoples of the world". This amendment was rejected by 24 votes to 23, with 24 abstentions.
- 86. The sub-amendment of Bulgaria (A/C.3/L.752) to the six-Power amendment (A/C.3/L.748) called for the deletion of the words "in the first place" and the addition of the words "as well as with society and the State". This sub-amendment was rejected by 42 votes to 16, with 12 abstentions.
- 87. The amendment of Denmark, Greece, the Netherlands, Thailand, the United Kingdom and Uruguay (A/C.3/L.748) was adopted by 57 votes to none, with 14 abstentions.
- 88. The amendment of the USSR (/C.3/L.712) was in two parts. The first, calling for the insertion, after the words "at least in the elementary stages", of a

sentence concerning measures which the State should take to ensure the right of the child to receive free and compulsory education, was not pressed to a vote. The second, orally revised in response to a suggestion by the representative of the United Arab Republic, called for the addition of the following at the end of the principle: "The utilization of teaching in schools for the propaganda of war and racial and national discrimination shall be prohibited". This text was rejected by a roll-call vote of 28 to 21, with 20 abstentions, as follows:

In favour: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, El Salvador, Guinea, Hungary, India, Jordan, Libya, Morocco, Peru, Poland, Romania, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, China, Colombia, Denmark, Federation of Malaya, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Nepal, Netherlands, New Zealand, Norway, Pakistan, Philippines, Portugal, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Burma, Cambodia, Ceylon, Dominican Republic, Ethiopia, Finland, Ghana, Indonesia, Iran, Iraq, Mexico, Saudi Arabia, Sudan, Sweden, Uruguay, Venezuela, Yemen.

- 89. The amendment of Mexico, Peru and Romania (A/C.3/L.730) was originally proposed as a newprinciple, to be inserted after principle 7; it read as follows:
 - "The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall be under an obligation to ensure the enjoyment of this right."
- 90. The sponsors of this amendment agreed that it should be voted upon as an additional paragraph of principle 7. They also accepted suggestions made orally by the representatives of Chile and Honduras to replace the words "be under an obligation to" by the words "endeavour to". Separate votes on the amendment were taken at the request of the representative of Portugal. The words "the child shall have full opportunity for play and recreation" were adopted by 62 votes to none, with 7 abstentions. The phrase "which should be directed to the same purposes as education" was adopted by 40 votes to 14, with 11 abstentions. The words "society and public authorities shall endeavour to promote the enjoyment of this right" were adopted by 39 votes to 14, with 15 abstentions.
- 91. Principle 7 as a whole, as amended, was adopted by 54 votes to none, with 12 abstentions.

Principle 8

- 92. Principle 8, discussed at the 923rd meeting, on 12 October 1959, was based on principle 8 of the text of the Commission on Human Rights, which read as follows:
 - "The child shall in all circumstances be the first to receive protection and relief."
- 93. An amendment was submitted by the Netherlands (A/C.3/L.726 and Add.1), calling for the insertion of

the word "among" before the words "the first". This was adopted by 36 votes to 8, with 18 abstentions. The principle thus amended was adopted by 64 votes to none, with 1 abstention.

Principle 9

94. Principle 9, discussed at the 925th and 926th meetings, on 14 and 15 October 1959, was based on principle 10 of the text of the Commission on Human Rights, which read as follows:

"The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be admitted to employment before an appropriate age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interference with his physical, mental or moral development."

- 95. Amendments were submitted by the USSR (A/C.3/L.712), Romania (A/C.3/L.727) and Venezuela (A/C.3/L.728 and A/C.3/L.728/Rev.1).
- 96. The amendment of the USSR called for the addition of the following at the end of the principle: "Responsibility before the law shall be established by legislation for the paid employment of minors who have not reached a specified age laid down by law and for the employment of adolescents for work endangering health or life". This amendment was rejected by 35 votes to 13, with 23 abstentions.
- 97. Romania proposed (A/C.3/L.727) the addition of the following at the end of the first sentence: "He shall not be the subject of traffic, in any form, nor shall he be bought or sold". The phrase "nor shall he be bought or sold" was voted on separately at the request of the representative of Mexico, and was rejected by 33 votes to 16, with 21 abstentions. The first part of the amendment was adopted by 41 votes to 8, with 20 abstentions.
- 98. The amendment of Venezuela as revised (A/C.3/L.728/Rev.1) consisted in replacing the clause "He shall not be admitted to employment before an appropriate age" by the following text: "He shall not be admitted to employment before an appropriate minimum age". This text was adopted by 41 votes to 1, with 27 abstentions.
- 99. The principle as a whole as amended, was adopted unanimously. It became principle 9 of the text finally adopted by the Committee.

Principle 10

100. Principle 10, discussed at the 927th and 928th meetings, on 15 and 16 October 1959, was based on principle 11 of the text of the Commission on Human Rights, which read as follows:

"The child shall be brought up in an atmosphere which will promote understanding, tolerance and friendship among peoples and national, racial and religious groups and aversion for all forms of national, racial or religious discrimination. He shall be protected from practices based on any such discrimination. He shall be brought up in a spirit of peace, friendship and brotherhood among nations in the consciousness that he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men, in a spirit of universal brotherhood and peace."

101. An amendment was submitted by Afghanistan, Greece, Thailand and the United Kingdom (A/C.3/L.749) proposing a new text for this principle. The text was a revision of amendments submitted individually by the various delegations: Afghanistan (A/C.3/L.716 and A/C.3/L.746); Thailand (A/C.3/L.722); and Greece and the United Kingdom (A/C.3/L.731). The text proposed read as follows, the choice between the passages in square brackets being left to the Committee.

"The child shall be brought up in a spirit of peace, tolerance and universal brotherhood, and in full consciousness that [his energy and talents should be devoted to the service of his fellow men] [he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men]."

102. Sub-amendments to this text were proposed by India and Mexico (A/C.3/L.758) and by Poland and Romania (A/C.3/L.760). Poland and Romania proposed the addition of "understanding, friendship and" between the words "spirit of" and "peace"; and the deletion of the words "tolerance and universal brotherhood" and the insertion, after the word "peace", of the words "among all peoples". This amendment was incorporated, in a somewhat modified form, in a revision of the sub-amendment of India and Mexico (A/C.3/L.758/Rev.1).

103. The text proposed by India and Mexico, which was further revised orally, taking into account suggestions of the representatives of Italy and the USSR, read as follows:

"The child shall be protected from practices which may foster racial, religious and all other forms of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that [his energy and talents should be devoted to the service of his fellow men] [he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men]."

104. The words "racial, religious", voted on separately at the request of the representative of France, were adopted by a roll-call vote of 27 to 16, with 28 abstentions. The voting was as follows:

In favour: Brazil, Ceylon, Chile, Colombia, Cuba, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Ireland, Israel, Lebanon, Libya, Mexico, Norway, Pakistan, Peru, Philippines, Portugal, Sudan, Sweden.

Against: Australia, Austria, Belgium, Cambodia, Canada, China, France, Haiti, Italy, Jordan, Netherlands, New Zealand, Saudi Arabia, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen.

Abstaining: Afghanistan, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Costa Rica, Czechoslovakia, Dominican Republic, Finland, Greece, Guatemala, Honduras, Hungary, Iran, Japan, Morocco, Poland, Romania, Spain, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

105. The first sentence of the revised amendment of India and Mexico was adopted by 49 votes to 4, with

19 abstentions. The words in the second sentence, "He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that" were adopted unanimously. The clause "his energy and talents should be devoted to the service of his fellow men" was adopted by 58 votes to 6, with 6 abstentions.

106. The text of the amendment as a whole was adopted by 68 votes to none, with 1 abstention. The text become principle 10 of the draft Declaration finally adopted by the Committee.

ADOPTION OF THE DRAFT DECLARATION

107. At the 929th meeting, on 19 October 1959, the Rapporteur introduced certain drafting changes which he suggested should be made to the text of the draft Declaration (A/C.3/L.757 and Add.1). He also orally proposed certain further changes in the English and French texts. The Committee approved all the suggestions without objection.

108. The draft Declaration as a whole as amended, was adopted by 70 votes to none, with 2 abstentions (see paragraph 110 below).

DRAFT RESOLUTION ON PUBLICITY TO BE GIVEN TO THE DECLARATION OF THE RIGHTS OF THE CHILD

109. At the 929th meeting, on 19 October 1959, Afghanistan submitted a draft resolution (A/C.3/L.763) relating to the dissemination of the text of the Declaration and the publicity to be given to it. The text of the draft resolution was revised during the discussion (A/C.3/L.763/Rev.1) and unanimously adopted at the 930th meeting (see paragraph 110 below).

Recommendations of the Third Committee

110. The Third Committee therefore recommends to the General Assembly the adoption of the following draft Declaration of the Rights of the Child and of the following draft resolution.

[Texts adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted the draft Declaration of the Rights of the Child and the draft resolution submitted by the Third Committee (A/4249, para. 110). For the final texts, see resolutions 1386 (XIV) and 1387 (XIV), respectively, below.

Resolutions adopted by the General Assembly

1386 (XIV). DECLARATION OF THE RIGHTS OF THE CHILD

Preamble

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Whereas mankind owes to the child the best it has to give,

Now therefore,

The General Assembly

<u>Proclaims</u> this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsover, shall be entitled to these rights, without distintion or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Principle 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

841st plenary meeting, 20 November 1959.

1387 (XIV). PUBLICITY TO BE GIVEN TO THE DEC-LARATION OF THE RIGHTS OF THE CHILD

The General Assembly,

Considering that the Declaration of the Rights of the Child 12/calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize the rights set forth therein and strive for their observance,

- 1. Recommends Governments of Member States, the specialized agencies concerned and the appropriate non-governmental organizations to publicize as widely as possible the text of the Declaration of the Rights of the Child:
- 2. Requests the Secretary-General to have the Declaration widely disseminated and, to that end, to use every means at his disposal to publish and distribute texts in all languages possible.

841st plenary meeting, 20 November 1959,

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 64 which are not reproduced in the present fascicle.

Document No. A/4143	Title Report of the Economic and Social Council (1 August 1958 - 31 July 1959)	Observations and references Official Records of the General Assembly, Fourteenth Session, Supplement No. 3
A/C.3/L. 713/Rev.1	Denmark, France, Israel and Italy: revised amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 18
A/C.3/L.714	Netherlands: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 27
A/C.3/L.715	Saudi Arabia: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 38

 $[\]frac{12}{}$ See resolution 1386 (XIV).

Document No.	Title	Observations and references
A/C.3/L.717	Mexico and Peru: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, paras. 14, 17 and 22
A/C.3/L.718	Belgium: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 37
A/C.3/L.719	Israel: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 12
A/C.3/L.720	Philippines: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, paras. 22, 29 and 38
A/C.3/L.721	Belgium: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 54
A/C.3/L.722	Thailand: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, paras. 45, 53, 59, 72, 82 and 101
A/C.3/L.723	Guatemala and Israel: amendment to the draft Declaration of the Rights of the child ($E/3229$, para. 197, res. 5 (XV))	See A/4249, para. 79
A/C.3/L.724	Denmark: amendment to the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 72
A/C.3/L.725	Afghanistan, Argentina, Brazil, Italy, Spain and Uruguay: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 49
A/C.3/L.726 and Add.1	Netherlands: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, paras. 45, 59, 72, 82 and 93
A/C.3/L.727	Romania: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 97
A/C.3/L.728	Venezuela: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	Replaced by A/C.3/L.728/Rev. 1
A/C.3/L.728/ Rev.1	Venezuela: revised amendment to the draft Declaration of the Rights of the Child (E/3229, par. 197, res. 5 (XV))	See A/4249, para. 98
A/C.3/L.729	Uruguay: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, paras. 47,55 and 84
A/C.3/L.730	Mexico, Peru and Romania: amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 89
A/C.3/L.731	Greece and United Kingdom of Great Britain and Northern Ireland: amendments to the draft Declaration of the Rights of the Child (E/ 3229, para. 197, res. 5 (XV))	See A/4249, para. 70
A/C.3/L.733	Note by the Chairman	Mimeographed
A/C.3/L.734	Philippines: amendment to document A/C.3/L.713/Rev.1	See A/4249, para. 18
A/C.3/L.735	Italy: amendment to document A/C.3/L.734	See A/4249, para. 18
A/C.3/L.738	Text of the preamble adopted by the Third Committee at its 914th meeting	Mimeographed
A/C.3/L.739	Text of principle 1 adopted by the Third Committee at its 915th meeting	Ditto
A/C.3/L.740	Netherlands: revised amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 45
A/C.3/L.741	Philippines: amendment to document A/C.3/L.712	See A/4249, para. 61
A/C.3/L.742	Union of Soviet Socialist Republics: revised amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 60
A/C.3/L.744	Texts of principles 2 and 4 adopted by the Third Committee at its 917th meeting	Mimeographed
A/C.3/L.746	Afghanistan: revised amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	Ditto
A/C.3/L.747	Poland: amendment to document A/C.3/L.743	See A/4249, paras. 74 and 75
A/C.3/L.748	Denmark, Greece, Netherlands, Thailand, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 84
A/C.3/L.749	Afghanistan, Greece, Thailand and United Kingdom of Great Britain and Northern Ireland: revised amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 101
A/C.3/L.750	Texts of principles 5 and 6 adopted by the Third Committee at its 918th and 920th meetings	Mimeographed
A/C.3/L.751	Cuba: amendments to document A/C.3/L.748	See A/4249, para. 85
A/C.3/L.752	Bulgaria: amendments to document A/C.3/L.748	See A/4249, para. 86

Document No.	Title	Observations and references
A/C.3/L.753	Texts of principles 7 and 8 adopted by the Third Committee at its 923rd meeting	Mimeographed
A/C.3/L.756	Text of principle 9 adopted by the Third Committee at its 925th meeting	Ditto
A/C.3/L.757 and Add.1	Drafting suggestions submitted by the Rapporteur of the Committee	Ditto
A/C.3/L.759	Text of principle 10 adopted by the Third Committee at its 926th meeting	Ditto
A/C.3/L.760	Poland and Romania: amendment to document A/C.3/L.749	See A/4249, para. 102
A/C.3/L.761	Ecuador: amendment to the draft Declaration of the Rights of the Child (E/3229, para. 197, res. 5 (XV))	See A/4249, para. 11
A/C.3/L.762	Text of principle 11 adopted by the Third Committee at its 928th meeting	Mimeographed
A/C.3/L.763/ Rev.1	Afghanistan: revised draft resolution	Adopted without change. See A/4249, para. 110
E/3229	Report of the Commission on Human Rights on its fifteenth session (16 March - 10 April 1959)	Official Records of the Eco- nomic and Social Council, Twenty-eighth Session, Sup- plement No. 8
E/AC.7/L. 235	Netherlands, Norway and United Kingdom of Great Britain and Northern Ireland: draft resolution	Mimeographed
E/CN.4/512	Draft Declaration of the Rights of the Child: memorandum by the Secretary-General	Ditto
E/CN.4/L. 525	Israel: amendments to document E/CN.4/512	Ditto
E/CN.4/ NGO/84	Draft Declaration of the Rights of the Child: communication from the International Union for ChildWelfare, a non-governmental organization having consultative status in category B	Ditto
E/CN.4/Sub. 2/L.123/ Add.1	Study of discrimination in the matter of religious rights and practices: supplement to the draft report prepared by the Special Rapporteur, Mr. Arcot Krishnaswami	Ditto

GENERAL ASSEMBLY



Agenda item 65

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 65: Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization*

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DGCUMENT A/4188

India: request for the inclusion of a supplementary item in the agenda of the fourteenth session

[Original text: English] [17 August 1959]

LETTER DATED 16 AUGUST 1959 FROM THE PERMANENT REPRESENTATIVE OF INDIA TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

In accordance with the instructions of the Government of India and pursuant to rule 14 of the rules of procedure of the General Assembly, I have the honour to propose the following supplementary item for inclusion in the agenda of the fourteenth regular session of the General Assembly:

"Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization"

The explanatory memorandum in terms of rule 20 of the rules of procedure is attached.

(Signed) C. S. JHA
Permanent Representative of India
to the United Nations

Explanatory memorandum

1. The Secretary-General of the United Nations was designated as the depositary under the Convention on the Inter-Governmental Maritime Consultative Organization (IMCO) concluded in 1948. The Government of India, which was an original signatory to this Convention, sent on 6 January 1959 her instrument of

acceptance for deposit to the Secretary-General of the United Nations. As the first Assembly of IMCO was then in session in London, the Secretary-General informed the Assembly of the submission for deposit by India of the instrument of acceptance and drew its attention to the declaration contained therein. In this connexion, the Assembly adopted, on 13 January 1959. a resolution requesting the Secretary-General to circulate India's instrument of acceptance to the States parties to the Convention in order to give them an opportunity to express their views on it. The Secretary-General informed the Government of India in his letter of 6 February 1959, that if he received "no objection to the declaration from a State party to the IMCO Convention" India would be listed as a party to the Convention.

2. The Government of India does not find any resolution or decision of the General Assembly authorizing the application of the unanimity rule in regard to multilateral conventions concluded under the auspices of the United Nations. The Government of India is of the view that the application of this rule in regard to multilateral conventions such as the IMCO Convention is contrary to the advisory opinion of the International Court of Justice on "Reservations to the Genocide Convention" 1/2 and is also not in conformity with resolution 598 (VI) of the General Assembly.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Sixth Committee, 614th to 629th meetings; and ibid., Plenary Meetings, 847th meeting.

^{1/} Reservations to the Convention on Genocide, Advisory Opinion: I.C.J. Reports 1951, p. 15.

3. In these circumstances the Government of India considers that the General Assembly should pronounce itself clearly on the principles and procedure to be followed by the Secretary-General in the discharging of his functions as a depositary of instruments of ratification, accession or acceptance of conventions concluded before the date of adoption of General

Assembly resolution 598 (VI) and with particular reference to the IMCO Convention. Accordingly, the Government of India has proposed an item entitled "Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization", for inclusion in the agenda of the fourteenth session of the General Assembly.

DOCUMENT A /4235 Report of the Secretary-General

[Original text: English/French] [6 October 1959]

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1. Statement of facts

A. THE CONVENTION

1. In compliance with resolution 35 (IV) adopted by the Economic and Social Council on 28 March 1947, the Secretary-General of the United Nations convened the United Nations Maritime Conference in Geneva on 19 February 1948. Thirty-six States, including States then or now non-members of the United Nations, were represented at the Conference. Basing its deliberations on a draft agreement which had been prepared by the United Maritime Consultative Coun-

- cil, the Conference drew up the Convention on the Inter-Governmental Maritime Consultative Organization²/ and on 6 March 1948 opened it for signature and acceptance. It was deposited with the Secretary-General of the United Nations.
- 2. The Convention came into force on 17 March 1958 upon its acceptance by the necessary twenty-one

^{2/} For the Final Act of the Conference and text of the Convention, see United Nations, <u>Treaty Series</u>, vol. 289, p. 3, or United Nations Maritime Conference, <u>Final Act and Related Documents</u> (United Nations publications, Sales No.: 1948. VIII.2), p. 29.

States, including seven having each a total tonnage of not less than 1 million gross tons of shipping. By its terms, the States parties established the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as IMCO). The functions of the Organization are consultative and advisory. 31 and its purposes technical. The Organization is to provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade. It is to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation, as well as the removal of unnecessary governmental restrictions affecting the availability of shipping services to world commerce.4/

- 3. The Organization consists of an Assembly, a Council, a Maritime Safety Committee, and a secretariat. 5/ The Assembly has authority under the Convention to perform the functions of the Organization, to vote its budget, to determine its financial arrangements, to apportion the expenses among the members, and to appoint personnel; and to make recommendations on maritime safety and other technical shipping subjects. The Council acts between sessions of the Assembly. 6/
- 4. The first session of the Assembly was convened in London on 6 January 1959. By the adoption of its resolution A.7 (I), approving the Agreement bringing the Organization into relationship with the United Nations, IMCO on 13 January 1959 became a specialized agency in accordance with Article 57 of the Charter of the United Nations.

B. PROCEDURES AFFECTING THE RESERVATION BY INDIA

- 5. As noted above, the IMCO Convention came into force on 17 March 1958 and the first session of the Assembly convened on 6 January 1959. Likewise on 6 January 1959, the Government of India submitted for deposit with the Secretary-General of the United Nations an instrument of acceptance of the Convention, "subject to" what it termed a "condition", to the effect that any measures which that Government adopts or may have adopted or may adopt on various shipping subjects are consistent with the purposes of the Organization as defined in the Convention (see annex I for the text of the instrument).
- 6. In accordance with established practice, the Secretary-General informed IMCO of the instrument of acceptance tendered for deposit subject to the stated condition. Noting that the condition seemed to be in the nature of a reservation, he suggested to the IMCO secretariat that the matter be placed before the IMCO Assembly, then in session, "for decision".
- 7. At its sixth meeting, on 13 January 1959, the IMCO Assembly adopted a resolution by which it took note of the information received from the Secretary-General concerning the instrument of acceptance submitted for deposit by the Government of India and

3/ IMCO Convention, art. 2.

resolved "to request the Secretary-General of the United Nations to circulate the document to member States of the Organization"; it further resolved "that until the member States have had an opportunity of expressing their views, the representatives of India shall be free to take part, without vote, in the proceedings of this Assembly". Before the vote the representative moving the resolution explained that this form of participation was necessary "for constitutional reasons". It

8. The Secretary-General accordingly, by circular note of 16 February 1959, informed the States members of IMCO of the submission of the instrument and set out the text of the condition declared by India. In so doing he requested of the Minister for Foreign Affairs of each member State that he be "informed as soon as possible of the attitude of ... [his] Government with respect to the above-mentioned declaration". At the same time he gave notice of the contents of the declaration to States entitled to become parties to the Convention. He likewise addressed a note to the Permanent Representative of India to the United Nations outlining the procedure which he had followed, referring to the request of the IMCO Assembly that he make this circulation in order to give the States members of the Organization "an opportunity of expressing their views", and mentioning that the circular note to members requested them to inform the Secretary-General as soon as possible of their attitude in respect of the declaration. He concluded:

"If the Secretary-General receives no objection to the declaration from a State party to the Convention on the Inter-Governmental Maritime Consultative Organization, India will be listed as a party to the said Convention and all interested States will be notified accordingly."

9. Certain Governments replied that the Indian declaration required no comment or that it elicited no objection on their part. The French Government, however, replied by note of 18 March 1959 that it felt "bound to express its opposition to the reservations contained in the declaration of the Government of India" (see annex II). The United States Government transmitted the considerations on the basis of which it concluded that no part of the declaration constituted a reservation (see annex III). A communication from the Federal Republic of Germany examined the terms of the condition and concluded:

"In view of the difficulties in reconciling the Indian reservation with the general principles of shipping policies and with the purposes of IMCO, the Government of the Federal Republic of Germany suggests that, in due time, within the framework of IMCO, thoroughgoing negotiations should be conducted with the Indian Government, with the aim of causing the Indian Government to withdraw this reservation." (For the full text see annex IV.)

The Secretary-General circulated to Governments the contents of all such communications.

10. While these communications were being received and circulated, but subsequent to receipt of notice of the French objection, the Permanent Representative of India wrote to the Secretary-General noting the reasons for his circulation of the text as requested by the IMCO Assembly, but inquiring as to the significance to be attached to the final observation

^{4/} Ibid., art. 1.

^{5/} Ibid., art. 12.

^{6/ &}lt;u>Ibid.,</u> art. 27.

^{7/} See IMCO/A.I/SR.6.

of the Secretary-General as quoted at the end of paragraph 8 above. The Permanent Representative stated that the Government of India could not believe that it could be the intention of the Secretary-General to introduce in this regard, by such a statement, a rule or principle of unanimity. The Government of India considered that the States parties to the Convention had had adequate time to indicate their views and, if objection had not been received from "all" the States parties, the Government of India had no doubt that the Secretary-General as depositary would list India as a member of the Organization.

11. In a note of reply to the Permanent Representative of India, the Secretary-General explained the position of the Secretariat. The form of the circular notes used by him followed the previous practice which the General Assembly had recognized as applicable in respect of conventions concluded prior to the adoption of its resolution 598 (VI) on reservations to multilateral conventions. Consequently, until the resolution adopted by the IMCO Assembly was modified by a new resolution or decision taken by a competent IMCO organ, the Secretary-General, in view of the expressions of attitude by certain IMCO members towards the condition to which India subjected its acceptance, was unable to receive the instrument in definitive deposit. So long as objection existed to the terms of the Indian acceptance, it would exceed the authority of the Secretary-General, he explained, to make the affirmative decision implicit in the request of India that it be listed as a member. Such a step would constitute an action in favour of one Government's position and against that taken by another. In abstaining from such action, however, the Secretary-General would be reserving to IMCO its right to pass upon the legal status of the acceptance by India, on the basis of its compatibility with the Convention.

II. Considerations of law affecting the reservation of India

A. THE STEPS TAKEN BY THE SECRETARY-GENERAL HAVE NOT AMOUNTED TO "AP-PLICATION OF THE UNANIMITY RULE"

12. In its explanatory memorandum (A/4188) proposing the present item for inclusion in the agenda of the General Assembly, the Government of India states that it finds no resolution or decision that would authorize "the application of the unanimity rule in regard to multilateral conventions concluded under the auspices of the United Nations". The statement thus raises both the question of authority and the question of unanimity.

13. The broad authority of the Secretary-General to serve as depositary of multilateral conventions concluded under the auspices of the United Nations derives, of course, from policy decisions of the General Assembly taken as early as its first session and regularly renewed thereafter as an administrative matter. In taking specific depositary actions, however, the Secretary-General acts under the authority of the final articles of the conventions in question; as to matters which the States concluding a convention have not expressly covered in the articles on depositary functions, the Secretary-General seeks to follow those established depositary procedures understood to have been contemplated by

the States parties at the time of the adoption of a given convention. Moreover, in the present situation, when circulating the text of the Indian reservation and requesting the views of the IMCO members, it is clear that the Secretary-General was specifically acting as agent of that Organization, not as agent of the General Assembly. Accordingly, his authority in this respect is to be found in the resolution of the IMCO Assembly; he would not have been prevented from complying with that request on the grounds of the absence of an express decision by the General Assembly of the United Nations.

14. The Secretary-General believes that it would assist in the consideration of this question, however, if he drew attention to the fact that, while he has sought to follow established procedures in the matter, he has not purported to be applying a "unanimity rule" to the reservation of India. In the indication to the Permanent Representative of India quoted at the end of paragraph 8 above, he did make clear that if there were no objection to their reservation, he would be in a position to list India forthwith as a member of IMCO. It did not, in his intention, follow from this statement that another and different proposition was true: i.e., that he considered that, if any State member of IMCO did object to the reservation, India was to be excluded from membership in that organization. He had merely indicated on the contrary that, in the absence of objection, there would be no obstacle to his treating the matter as already settled by the States concerned.

15. As explained in his reply to the Permanent Representative of India, summarized in paragraph 11 above, the Secretary-General reserved to the members of IMCO, acting through an appropriate channel or organ, the final decision as to the legal consequences of the condition attached by India to its acceptance of their Convention. This was not tantamount to a requirement of unanimity on his part but was only a reservation for the member States of the entire decision, including the question of unanimity. Whether the Assembly or Council of IMCO-upon consideration of the question after receiving the views of the States members of the Organization-would decide that any given numerical vote was necessary for determining the question would be a matter for decision under the IMCO Convention and not for the Secretary-General of the United Nations. That Convention, in fact, itself contains provisions which apply to voting in the Assembly and the Council and which indicate the vote required for various types of decisions.8/

16. It may be that to a certain extent the present difficulties have arisen out of some misunderstanding on this issue. To the best of the information available to the Secretary-General, the IMCO Assembly took no decision, nor was any suggestion made at that time, that a unanimous vote in India's favour was required. The representative of India addressed the Assembly only after the resolution deferring a final decision had been adopted. He then made a formal

Some IMCO Convention, art. 43. The Secretary-General does not suggest that the stated majorities would necessarily apply to a question of the present nature, but only that the existence of constitutional provisions regulating voting indicates the propriety of his leaving such questions to the bodies concerned.

statement of position 9/ which could not have been implied in a vote actually preceding it and which was not taken with reference to any legal opinion of the United Nations Secretariat or the IMCO secretariat. He stated that his Government considered itself to be a full and unconditional member of that Organization. In fact, it was the representative of India who attributed to IMCO the application of a rule of unanimity. The attitude of the Assembly, he stated, appeared to be based on the view that India could not be treated as a party until "all the other signatories" had accepted the terms laid down in the Indian instrument-which his Government was prepared, for the purpose of determining its status as a party to the Convention, to assume to be a reservation. Was it, he asked, suggested that the objection of one State would suffice to exclude India from membership in IMCO? That might be the legal position, he acknowledged, in respect of certain multilateral conventions but, with respect to those parts of conventions which merely indicated in general terms certain desirable courses of action as an object towards which the parties would strive without assuming legal obligations, the Government of India thought itself entitled to make reservations the validity and effect of which were not dependent upon acceptance by the other parties. That must be so, he concluded, since the Indian reservation was consistent with the general purpose and object of the Convention. For, he noted, the terms of the Indian instrument did not refer to the constitutional parts of the Convention but only to article 1, which determined the purposes of IMCO.

17. These assumptions were not confirmed by the Assembly. The sponsor of the resolution at once made it clear that the Indian statement had not been known in advance and that the existing position was confined to the statement contained in the resolution which had just been adopted by the Assembly. In any case, the Secretary-General has summarized the IMCO proceedings on this point for the information of the General Assembly and, in particular, in order to demonstrate that any question of the application of a unanimity rule is one which has been, and remains, before IMCO.

B. THE REFERENCE TO IMCO WAS NOT A CONTROVERSIAL ACTION UNDER ANY THEORY OF RESERVATIONS

18. The Secretary-General was at no point in doubt as to the propriety of his referring to IMCO itself the question of the acceptance of India. This procedure conformed (1) to the terms of the IMCO Convention; (2) to the precedents in depositary practice where an organ or body was in a position to pass upon a reservation; and (3) to the views on this specific situation expressed by the General Assembly during its previous debates on reservations to multilateral conventions.

1. The reference to IMCO was in accordance with the IMCO Convention

19. As already noted, the IMCO Convention entered into force on 17 March 1958. The Indian instrument of acceptance was not submitted until 6 January 1959. Clearly the status of that acceptance was governed by

the terms of the Convention under which it was submitted and by the intention of the parties thereto. Its article 5 opens membership in the Organization to all States, subject to the relevant provisions of the Convention. Article 6 entitles United Nations Members to join in accordance with the provisions of article 57. which provides for signature and acceptance, the acceptance to be effected by the deposit of an instrument with the Secretary-General of the United Nations. The Indian reservation relates essentially to article 1, which establishes the basic purposes of the Organization. It seemed plain to the Secretary-General that if there was any question concerning the effectiveness of the acceptance, that question was one of interpretation of the IMCO Convention and could and should be determined in accordance with the terms of the Convention itself. Its article 55, entitled "Interpretation", provides:

"Any question or dispute concerning the interpretation or application of the Convention shall be referred for settlement to the Assembly, or shall be settled in such other manner as the parties to the dispute agree. Nothing in this article shall preclude the Council or the Maritime Safety Committee from settling any such question or dispute that may arise during the exercise of their functions."

As the Assembly we's convening on the very day on which the Permanent Representative of India submitted his Government's instrument, the Secretary-General could not but treat the legal consequences of the condition to which the Indian acceptance was subjected, and the consistency of that condition with the purposes of the Organization, as a question of interpretation to "be referred for settlement to the Assembly".

20. The propriety of this procedure was impliedly recognized by the IMCO Assembly in connexion with the reservation which had been proposed by another State prior to the Indian submission. At the time of the tender for deposit of an instrument of acceptance by the Government of Turkey, a proces-verbal had been drawn up on 25 March 1958 setting forth the Turkish reservation of its law concerning cabotage and monopoly. The text of the proces-verbal was communicated to all interested States by a circular note of 9 April 1958, with a request to States parties to the Convention to inform the Secretary-General as soon as possible of their attitude towards this reservation. None of the replies contained any express objection to the reservation, and indeed certain of them specified that the IMCO Assembly should definitively pronounce itself on the matter. Consistently with his established procedure the Secretary-General, in reporting to the IMCO Assembly on the status of the Convention, set out the text of the Turkish reservation and indicated the actions he had taken to date. This report constituted an item on the agenda of the first session and the IMCO Assembly, in receiving the report and seating the Turkish delegation without qualification, tacitly accepted the reservation.

2. The reference to IMCO conformed to precedent

21. In previous cases where reservations had been made to multilateral conventions which were in force and which either were constitutions of organizations or which otherwise created deliberative organs, the

^{9/} See IMCO/A.I/SR.6.

Secretary-General has invariably treated the matter as one for reference to the body having the authority to interpret the convention in question.

22. Thus, in 1948 the Secretary-General informed the States parties to the Constitution of the World Health Organization that he was not in a position to determine whether the United States of America had become a party to that Constitution by depositing an instrument containing a reservation, but he noted the authority of the World Health Assembly to interpret the Constitution under its article 75. The Assembly accepted the ratification as not inconsistent with the Constitution. In 1949, a meeting of the contracting parties to the General Agreement on Tariffs and Trade considered (in accordance with a procesverbal of signature drawn up by the Secretary-General) the reservations which the Union of South Africa desired to append to its signature of a protocol to the General Agreement which had been adopted by the contracting parties. A declaration accepting the reservations was then transmitted to the Secretary-General. At a later date, at their third session, the contracting parties took a similar decision, declaring valid and effective a Southern Rhodesian acceptance, subject to a reservation, of another of their protocols.

3. Constitutions of international agencies have been recognized as not subject to unilateral reservation

23. It has frequently been observed that, whatever might be the best rule for handling reservations to humanitarian or other normative types of multilateral conventions, stricter procedures apply to conventions which establish and provide for the governance of international organizations and which are therefore in the nature of constitutions. Thus, it was recognized in the debates in the Sixth Committee, at the fifth and sixth sessions of the General Assembly, on the item concerning reservations to multilateral conventions that no reservations to the United Nations Charter were permissible, and representatives of quite different philosophical persuasions took the position as to constitutions of international organizations that at least some form of consent within an organization was required in order to maintain its basic structure as among all the members. It was acknowledged that here the principle of universality of application yielded to that of integrity of the constituent instrument. This is because members of a functioning organization undertake common obligations, and necessarily do so on a multilateral basis, since it would be impossible for an agency to conduct broad operations if it had to apply a constitutional provision differently as between different members. In short, it is not feasible for State A to be a member of an organization in respect of State B and not a member as regards State C.

24. The obvious demonstration of this principle is that there could be no unilateral right to join an international organization subject, for example, to a reservation that the new entrant would pay less than the financial contribution provided under the constitution; nor could a situation be permitted by which one member would count the vote of another member but a third would not. In the IMCO Assembly it appeared that the Government of India wished to acknowledge and avoid this principle by distinguishing between the particular articles of a constitution to which a reservation was in substance applicable. Thus its representative stressed that the Indian condition "did not

refer to the constitutional parts of the Convention" but only to those that "laid down general standards of conduct". 10/To the best of the Secretary-General's knowledge, this distinction between types of articles for determining the permissibility of unilateral reservations to the constitution of an operating agency is entirely new, but he has not sought, and would not now wish, to pass judgement on this doctrine as a matter of substance. For the purposes of the depositary it has sufficed that, if it is possible to make such a distinction between articles of the IMCO Convention, then it can be accomplished only through the process of interpretation of that Convention. And the process of interpretation is assigned to the Assembly or Council of the Organization by article 55 of the Convention. It may be that the Assembly could hold that, even if no reservation to the article on the apportionment of expenses among members could be permitted, one addressed to the basic constitutional statement of the purposes and functions of the Organization could be accepted by majority or other vote, or even on a unilateral basis. But so far as concerns the depositary actions of the Secretary-General, the decision whether the Indian reservation as to the purposes of the Organization is consistent with the object and purposes of the Convention rests with IMCO, which remains seized of the entire question. The very fact that the argument in favour of the new proposition has already been placed before the Assembly of that Organization is evidence of this point.

25. It is the conclusion of the Secretary-General from the above that the submission of the Indian reservation for consideration by IMCO does not in any real sense engage the conflicting doctrines that have heretofore led to controversy over the underlying theories of reservations. His referral of the reservation to IMCO did not commit the United Nations to an application of the unanimity rule, since the majority required for a vote within an IMCO organ is for the Organization to determine. Moreover, those who have upheld the classic League of Nations, or contractual, view of reservations have recognized that where the convention in question establishes an organization, that organization is the best medium for providing the necessary consent. Spokesmen for the Pan-American method have also made exceptions for constituent instruments. Nor can there be serious ground for complaint from representatives of the view that would have the depositary leave to States the determination of the legal effect of reservations. In the present case the States concerned are necessarily the members of the Organization whose constitution was made the subject of the reservation, and it is with them that the authority to make the ultimate decision continues to lie.

C. THE REFERRAL TO IMCO MEMBERS WAS NOT IN CONFLICT WITH THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

26. The explanatory memorandum of India expresses the view that the submission of its reservation to the membership of IMCO, as determined by the IMCO Assembly resolution, was contrary to the advisory opinion of the International Court of Justice on reservations to the Convention on Genocide. The Court, however, expressly stated that the replies

^{10/ &}lt;u>Ibid.</u>

which the Court was called upon to give to the questions put by the General Assembly concerning reservations to the Convention on Genocide were "necessarily and strictly limited to that Convention". 11/Moreover, the General Assembly in resolution 598 (VI), noting the advisory opinion, recommended to States that they be guided by it "in regard to" the Convention on Genocide, and requested the Secretary-General, "in relation to" reservations to that Convention, to conform his practice to the advisory opinion. This limiting language, it will be recalled, was intentional, since the Court had determined that the solution of the problems placed before it "must be found in the special characteristics of the Genocide Convention". 12/

D. THE REFERRAL WAS NOT IN CONFLICT WITH THE GENERAL ASSEMBLY RESOLUTION ON RESERVATIONS

27. The explanatory memorandum also expresses the view that the submission of the Indian reservation to the membership of IMCO, as determined by the IMCO Assembly resolution, was not in conformity with resolution 598 (VI) of the General Assembly of the United Nations. That resolution, however, in requesting the Secretary-General to adopt a new procedure for handling reservations expressly confined the new practice to "future" conventions. It did not apply to conventions which, like that on IMCO, had already been adopted. The summary records of the Sixth Committee at the sixth session leave no doubt that this distinction was conscious and purposeful. The word "future" was inserted because representatives had expressed doubts as to the powers of the General Assembly in relation to conventions already adopted by States. This view was that the General Assembly would not have legal competence to pronounce itself upon matters affecting the legal status of parties to existing conventions, or to modify a practice already followed by the depositary and to substitute one which could not have been contemplated by the negotiators of treaties drafted prior to the advisory opinion of the Court. In other words-to take the problem as it was then stated and to apply it in terms of IMCO-that Convention had already been adopted some four years prior to the Sixth Committee debates, and not by the General Assembly but by the United Nations Maritime Conference, which included States then or now non-members of the United Nations. The General Assembly, having in this connexion powers of recommendation only, could neither make a determination as to the procedures contemplated by the original negotiators, nor pass upon a difference between the Government of India and the IMCO Assembly. It would not be for the General Assembly to fix a rule for determining a question of membership in another international organization; nor would it wish to take a decision in interpretation of the IMCO Convention, a power assigned by that treaty to the IMCO Assembly and Council. To do so, according to the views which seemed to prevail in the Sixth Committee at the sixth session, would be to

amend, or modify the application of, the IMCO Convention.

28. Indeed, the deliberate intention of the General Assembly to include the limiting language is demonstrated by the voting. The representative of the USSR called for a separate vote on the phrase relating to future conventions; thereupon the spokesman for its joint sponsors "explained that the purpose of the addition of the words referred to by the USSR representative in the joint amendment was to show that the instructions given to the Secretary-General were not to have any retroactive effect on existing conventions or conventions that had merely been signed, but were only to be applied with respect to future conventions". 13/ The Committee then adopted this language by a vote of 32 to 5, with 12 abstentions. Moreover, to make quite clear how the Secretariat understood that it was to carry out its functions, the Assistant Secretary-General in charge of the Legal Department had made a formal statement to the Sixth Committee:

"Whatever decision the Sixth Committee might take, the Secretary-General would endeavour to implement it to the best of his ability. Nevertheless, it was clearly understood that any instructions issued to the Secretary-General in his capacity of depositary would be supplementary instructions, applicable solely to future conventions concluded under United Nations auspices and not containing special clauses on reservations." 114/

E. IMCO BEING SEIZED OF THIS QUESTION, THE DECISION RESTS WITH THAT ORGANIZATION

29. Apart from questions discussed above as to the administrative procedures of the depositary, or even as to reservations doctrine, a practical matter concerning conflicts of jurisdiction between international organs now arises. The Secretary-General apprised IMCO of the condition to which the Government of India subjected its membership in that organization; the IMCO Assembly not only took jurisdiction of the question but retained it. Its resolution of 13 January 1959 was by nature a provisional decision "until" the member States should have an opportunity of expressing their views; it therefore did not divest IMCO of its jurisdiction of the question but rather confirmed it. The circulation by the Secretary-General being thus inherently an interim measure, he was serving strictly as agent of the IMCO Assembly, acting at its request. That the question remains pending is further suggested by the fact that the recent session of the IMCO Council has taken note of a report by the IMCO secretariat on the status of the Convention, which referred to the Indian reservation. 15/ Complications could arise if the General Assembly of the United Nations were now to give him instructions as to the procedure to follow in a question still to be considered by an appropriate organ of IMCO; it might even create for the Secretary-General a direct con-

^{11/} I.C.J. Reports 1951, p. 20. At the sixth session, the representative of India in the Sixth Committee "emphasized" that the comments of the Court were "limited to the Convention on Genocide" (Official Records of the General Assembly, Sixth Session, Sixth Committee, 267th meeting, para. 33).

^{12/} I.C.J. Reports 1951, p. 23.

^{23/} Official Records of the General Assembly, Sixth Session, Sixth Committee, 277th meeting, para. 65. The representative of India had also stressed that "the Committee's decision related to future conventions and not to conventions concluded in the past" (ibid., 267th meeting, para. 32).

^{14/} Ibid., 276th meeting, para. 40.

^{15/} IMCO/COUNCIL II/3, "Status of Convention"; IMCO/COUNCIL II/SR.1, 1st meeting, 6 July 1959.

flict between the authority given him by IMCO as its agent and the views of the General Assembly as a principal organ of the United Nations.

30. This practical difficulty suggests a risk that, if a question which is still <u>sub judice</u> within IMCO were now transferred to the General Assembly of the United Nations by one of the parties to the question remaining for settlement within that organization, the General Assembly might unintentionally become a court of appeal from adverse decisions within the governing bodies of specialized agencies. A different type of referral is provided by the terms of the IMCO Convention, however. As already noted, article 55 authorizes the Assembly, or the Council during the exercise of its functions, to settle any question concerning the interpretation of the Convention. Article 56 then provides:

"Any legal question which cannot be settled as provided in article 55 shall be referred by the Organization to the International Court of Justice for an advisory opinion in accordance with Article 96 of the Charter of the United Nations."

This decision too is plainly one to be taken by IMCO.

- III. Conclusion: general considerations affecting depositary functions relating to conventions concluded prior to the adoption of General Assembly resolution 598 (VI)
- 31. The explanatory memorandum of India (A/4188) poses the question now before the General Assembly 'with particular reference to the IMCO Convention" and this is the light in which the question has been examined above. In so formulating the question, however, the memorandum states that "the Government of India considers that the General Assembly should pronounce itself clearly on the principles and procedure to be followed by the Secretary-General in the discharging of his functions as a depositary" of conventions concluded before the date of adoption of General Assembly resolution 598 (VI). It is the belief of the Secretary-General that the information set out above would suggest that the procedures which have been followed in the IMCO case do not in themselves raise broader questions of principle on which the General Assembly is required to pronounce itself. For, under any theory of reservations, the question would still have been for settlement by IMCO. A new directive by the General Assembly to the Secretary-General as to reservations procedures in general, therefore, could not alter the status or nature of the specific problem before IMCO.
- 32. Nevertheless, it might be of interest to the General Assembly if the Secretary-General were to conclude this report with general information of a factual character on the broader question, in order that the General Assembly might judge whether reservations procedures since the date of resolution 598 (VI) have to any practical extent presented difficulties either to the depositary or to the States parties to multilateral conventions.
- 33. As recalled in paragraphs 27 and 28 above, that resolution created a procedural distinction between conventions concluded prior to its adoption and conventions subsequently concluded. Thus far, substantive differences in legal consequence do not seem to have flowed from that difference in practice.

- 34. A number of conventions concluded under the auspices of the United Nations since the date of the resolution have complied with its recommendation that the drafters of multilateral conventions insert provisions for determining the admissibility or not of reservations and their legal effect. Under such conventions procedural problems of any moment have been obviated. A few conventions have not followed the recommendation, but no objection has been received to any reservation yet made, and in any case conclusions as to the legal consequences of such a reservation and objection will not be the concern of the depositary but, under the resolution, will be left to be drawn by each State concerned.
- 35. Accordingly, no difficulty has yet arisen concerning the practice as to the "future" conventions referred to in resolution 598 (VI). What is of more immediate interest in relation to the present agenda item, is that until the current session no difficulty had arisen in respect of the practice followed as to the conventions concluded prior to the adoption of the 1952 resolution. Thus, almost eight years have elapsed since its adoption without any legal dispute arising in relation to, or resulting from, the principles and procedure to be followed by the Secretary-General concerning conventions concluded before 1952. In all probability this fact is due to the lack of substantive difference in the two procedures: regarding the functions of the Secretary-General, the distinction in effect amounts only to one of the style in which the circular notes of the depositary are formulated. That is to say, in circulating the text of a reservation made to a convention existing at the time of that resolution, he requests States parties to advise him of their "attitude" towards the reservation; in the case of conventions concluded subsequent to the resolution, he circulates the text without this request. On the other hand, in either the one case or the other, the Secretary-General publishes only the essential facts: the deposit of instruments, the texts of reservations, and the fact of regardless of the date of the conobjections, vention. 16/
- 36. It may also be that, as time progresses and accessions to the older conventions diminish, the prospect of any significant number of reservations, and therefore the possibility of objections, steadily recede. Certainly, the particular problem which gave rise to the question of the reservations to the Convention on Genocide—whether the entry into force of the Convention could be declared in the face of the depositary's uncertainty as to the number of States to be counted as parties for that purpose—can no longer arise. This is because no more of the conventions existing at the time of the resolution are due for entry into force.
- 37. In any case it has seemed to the Secretary-General that if any new legal question of substance

^{16/} To the extent possible the results are shown in tabular form, and in any case without comment on the legal consequences. Compare the "Tabulation of reservations and objections thereto", Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (an "existing convention" at the time of resolution 598 (VI)) with the similar table for the Convention on the Political Rights of Women (a "future" convention), "Status of Multilateral Conventions of which the Secretary-General acts as Depositary", ST/LEG/3.

were now to arise in some future dispute (none at present existing within the United Nations) as to the legal consequences of a reservation and objection thereto, the method of solution would be essentially the same, regardless of whether the convention had been concluded prior or subsequent to resolution 598 (VI). If there were uncertainty as to whether the reserving State had a right to treat itself and be treated as a party to the convention in question, that doubt would not be settled by the forms of correspondence which the Secretary-General had followed. In either case it would remain for solution at the instance of an interested State, by way of international procedures: it could be referred to an appropriate organ or to the International Court of Justice, in the same way for an earlier convention as would be necessary for a later one.

38. If the General Assembly were now, however, to wish to suggest some different or more uniform procedure for the Secretary-General in a sense contrary to the requests made to him in the 1952 resolution, the Secretary-General stands ready to provide the necessary information regarding the adaptability of his administrative procedures as depositary to any such alteration.

ANN EX I

Instrument of acceptance by India of the IMCO Convention subject to a condition

TO ALL TO WHOM THESE PRESENTS COME. GREETING!

WHEREAS, a Convention relating to the Inter-Governmental Maritime Consultative Organization was signed at Geneva, on the sixth day of March in the year one thousand nine hundred and forty-eight, by the Plenipotentiary and the Representative of the Government of India, duly autorized for that purpose, which Convention is annexed herewith.

AND WHEREAS, it is fit and expedient to approve and accept the aforesaid Convention subject to the following conditions:

"In accepting the Convention of the Inter-Governmental Maritime Consultative Organization, the Government of India declare that any measures which it adopts or may have adopted for giving encouragement and assistance to its national shipping and shipping industries (such, for instance, as loan-financing of national shipping companies at reasonable or even concessional rates of interest, or the allocation of Government-owned or Government-controlled cargoes to national ships or the reservation of the coastal trade for national shipping) and such other matters as the Government of India may adopt, the sole object of which is to promote the development of its own national shipping, are consistent with the purposes of the Inter-Governmental Maritime Consultative Organization as defined in article 1(b) of the Convention. Accordingly, any recommendations relating to this subject that may be adopted by the Organization will be subject to re-examination by the Government of India. The Government of India further expressly state that its acceptance of the above-mentioned Convention neither has nor shall have the effect of altering or modifying in any way the law on the subject in force in the territories of the Republic of India."

NOW, THEREFORE, BE IT KNOWN THAT the Government of India, having seen and considered the said Convention, hereby approve and accept the same subject to the stipulation referred to above.

IN TESTIMONY WHEREOF I, Rajendra Prasad, President of India, have signed these Presents and affixed hereunto my Seal at New Delhi this thirty-first day of December of the year one thousand nine hundred and fifty-eight.

(Signed) Rajendra PRASAD President of India

ANNEX II

Reply by France to the condition declared by India

LETTER DATED 18 MARCH 1959 ADDRESSED TO THE SECRETARY-GENERAL BY THE MINISTER PLENIPO-TENTIARY, DIRECTOR OF UNITED NATIONS AFFAIRS AND INTERNATIONAL ORGANIZATIONS AT THE FRENCH MINISTRY OF FOREIGN AFFAIRS

By your letter C.N.17.a.1959.TREATIES-4 of 16 February 1959, you informed me of the tender for deposit with the Secretariat, on 6 January 1959, of the instrument of acceptance by the Government of India of the Convention on the Inter-Governmental Maritime Consultative Organization, signed at Geneva 6 March 1948, in accordance with article 57, paragraph (c), of that Convention. You requested me at the same time to communicate to you my Government's attitude with respect to a declaration contained in the instrument of acceptance.

In acknowledging receipt of that communication, I have the honour to inform you that the French Government feels bound to express its opposition to the reservations contained in the declaration of the Government of India.

My Government has always considered that the reservations by which a State qualifies its signature, ratification or acceptance of a multilateral treaty are valid only if they are accepted by all the States parties to the treaty.

The French Government is unable to accept the wording of the Indian reservations for two reasons:

1. It is in the first place impossible to accept that a Government party to a multilateral convention should itself decide unilaterally that any measures which it might adopt in the future in regard to the subjects covered by the convention, shall automatically be deemed consistent with the convention.

The question at issue is whether it appertains to a State party to a multilateral treaty to take a decision on this point itself, its discretionary judgement in the matter being then imposed on all the other States parties to the treaty. The determination whether a reservation is consistent with the spirit, object or purpose of a treaty is, in itself, a juridical question of general interest which too closely affects the structure of the treaty to be decided unilaterally. It is for the States parties to the treaty to take a decision on this point, it being understood, to quote the words used by the International Court of Justice in its Advisory Opinion of 28 May 1951, that "if a party to the Convention objects to a reservation which it considers to be incompatible with the object and purpose of the Convention, it can in fact consider that the reserving State is not a party to the Convention". 2

In these circumstances it would seem impossible to accept the declaration of the Government of India that "any measures ... and such other matters as the Government of India may adopt, the sole object of which is to promote the development of its own national shipping, are consistent with the purposes of the Inter-Governmental Maritime Consultative Organization". The parties to the Convention are in fact being asked to give a free hand for the future, and they would not be justified in doing so. To be acceptable, a reservation must be precise and strictly limited. It is easy to see that the reservation made by the Government of India is not of this nature.

2. The Government of India adds in its instrument of acceptance that "any recommendations relating to this subject that may be adopted by the Organization will be subject to re-examination by the Government of India".

The acceptance of such a formula by the other parties to the Convention would in practice make the mechanism of the Convention of 6 March 1948 ineffective by subordinating the application of each and every recommendation adopted by the Organization to the consent of the appropriate constitutional organs of the various signatory States. Acceptance of such a system would be tantamount to calling into question the provisions agreed to in 1948. By definition a ratification

^{2/} Reservations to the Convention on Genocide, Advisory Opinion: I.C.J. Reports 1951, p. 29.

or an acceptance cannot be conditional. Nothing in the Convention, as it was accepted by the signatory States, authorizes such an interpretation. Acceptance of the Indian doctrine at the present stage would open the door to requests of a similar nature which would undoubtedly be made in the future and which would rapidly destroy the effectiveness of the provisions that were jointly elaborated and approved.

ANN EX III

Reply by the United States of America to the condition declared by India

LETTER DATED 30 JUNE 1959 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to refer to note C.N.17.a.1959.TREATIES-4 from the United Nations Legal Counsel, dated 16 February 1959, requesting the United States to inform the Secretary-General of its attitude with respect to the declaration contained in the acceptance by India of the Convention on the Inter-Governmental Maritime Consultative Organization.

The Government of the United States does not consider that the declaration of the Government of India constitutes a reservation on the part of that Government.

With respect to the first sentence of the declaration, it is not considered that there is anything inconsistent as between the language of the sentence and the purposes of the Inter-Governmental Maritime Consultative Organization as defined in article 1 (b) of the Convention. Article 1 (b) states that assistance and encouragement given by a Government for the development of its national shipping and for purposes of security does not in itself constitute discrimination. The measures which the Government of India sets forth as the kinds of measures which it has adopted or may adopt, are of a kind which constitute assistance and encouragement for development of its national shipping, and are not designed to restrict the freedom of shipping of all flags to take part in international trade, within the meaning of the proviso to article 1 (b); in this connection, it is understood that, in reserving the right to limit its coastal trade for national shipping, India's intention is not inconsistent with the generally recognized principle that a nation may exclude vessels of other countries from transporting passengers or merchandise between ports or places within that nation. Although the Government of India, in the first sentence, also states that it may adopt "such other matters", on the principle of ejusdem generis, these "such other matters" are to be interpreted normally as being of the kind and character as those specifically set forth by the Government of India in the parenthetical expression in its first sentence. Furthermore, all of these measures are stated to be with the sole object of promoting India's national shipping, and thus do not indicate that they are designed to restrict the freedom of shipping of all flags to take part in international trade. Accordingly, in the opinion of the Government of the United States of America, there is nothing in the language of the first sentence of the declaration by the Government of India which is inconsistent with the purposes of the Convention on the Inter-Governmental Maritime Consultative Organization as defined in article 1 (b). Moreover, the Government of India itself declares such to be the case. The position of the United States regarding the first sentence of the declaration should not, of course, be taken to constitute affirmative approval of any specific measures taken or to be taken within the terms of the more general reference to measures as set forth in the declaration, since information regarding such specific measures was not made available with the declaration. The position of the Government of the United States is simply that the declaration by the Government of India does not legally constitute a reservation.

With respect to the last two sentences of the declaration, it is noted that, since the functions of the Inter-Governmental Maritime Consultative Organization are declared by the Convention (article 2) to be consultative and advisory only, it is obvious that any recommendation adopted by that Organization would not have binding effects on governments. Any such recommendation would be examined by the governments concerned, and, if expressed in the form of an agreement or convention, would be accepted or rejected, as the case might be, by each Government in accordance with its constitutional procedures. The last two sentences of the declaration of the Government of India are, therefore, a restatement of the right of examination and decision on the part of the Contracting Parties which is implicit in the Convention.

It would be appreciated if the Secretary-General would inform the other interested Governments of the position of the United States with respect to this matter.

ANNEX IV

Reply by the Federal Republic of Germany to the condition declared by India

LETTER DATED 2 JULY 1959 FROM THE ACTING PER-MANENT OBSERVER OF THE FEDERAL REPUBLIC OF GERMANY ADDRESSED TO THE SECRETARY-GENERAL

The Acting Permanent Observer of the Federal Republic of Germany to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to Circular Note 17.a.1959.TREATIES-4 of 16 February 1959 regarding the declaration contained in the instrument of acceptance by the Government of India of the Convention on the Inter-Governmental Maritime Consultative Organization.

Upon instruction from his Government the Acting Permanent Observer of the Federal Republic of Germany has the honour to transmit to the Secretary-General the following comments of the Federal Government on this declaration:

The Government of the Federal Republic of Germany has some difficulties in reconciling its views with the reservation regarding the "allocation of Government-owned or Government-controlled cargoes to national ships" made by the Government of India in its instrument of acceptance of the Convention on the Inter-Governmental Maritime Consultative Organization.

The Government of India considers this reservation as being "consistent with the purposes of the Inter-Governmental Maritime Consultative Organization as defined in article 1 (b) of the Convention". In the view of the German Federal Government, however, any measures, taken by a Government, that are clearly designed to favour one-sidedly its national ships conflict not only with the general principles of unrestricted world trade and with the particular principles of freedom in maritime traffic like, for instance, the principles of free choice of flag, of free and fair competition and of non-discrimination of foreign flags through government interference in the shipping business, but also with the very provisions of the IMCO Convention itself. The measures which the Indian Government reserves the right to adopt would restrict the freedom of ships of all other flags to participate in international trade. Therefore, they are inconsistent with article 1 (b) of the IMCO Convention and hence with the declared purposes of the Inter-Governmental Maritime Consultative Organization. By providing for certain cargoes to be shipped exclusively or preferably by its national ships, a government measure necessarily restricts the competitive possibilities of foreign shipping firms to take part in the international maritime traffic with that country and, by its nature, results in a restriction of the freedom of shipping for all foreign flags.

In view of the difficulties in reconciling the Indian reservation with the general principles of shipping policies and with the purposes of IMCO, the Government of the Federal Republic of Germany suggests that, in due time, within the framework of IMCO, thoroughgoing negotiations should be conducted with the Indian Government, with the aim of causing the Indian Government to withdraw this reservation.

DOCUMENT A /4311

Report of the Sixth Committee

[Original text: English/Russian]
[1 December 1959]

- 1. The Permanent Representative of India, in a letter dated 16 August 1959 (A/4188), addressed to the Secretary-General, proposed for inclusion in the provisional agenda of the fourteenth session of the General Assembly a supplementary item entitled "Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization". An explanatory memorandum was appended to the letter.
- 2. On 22 September 1959, at its 803rd plenary meeting, the General Assembly placed the item on the agenda of the fourteenth session and referred it to the Sixth Committee.
- 3. The Committee considered the item from its 614th to 629th meetings held between 19 October and 9 November 1959. The Committee took up successively the particular question of the Indian acceptance of the Convention on the Inter-Governmental Maritime Consultative Organization (614th to 623rd meetings) and, thereafter, the broader question of reservations to multilateral conventions in general (623rd to 629th meetings).
- 4. A report on the question was submitted by the Secretary-General (A/4235).
- I. QUESTION OF THE ACCEPTANCE BY INDIA OF THE CONVENTION ON THE INTER-GOVERN-MENTAL MARITIME CONSULTATIVE OR-GANIZATION

Debate

5. Introducing the item, the representative of India reviewed the history of his Government's association with IMCO. India had participated in the United Nations Conference, convened under a resolution of the Economic and Social Council in 1948, which concluded the Convention; and on the date on which it was opened for signature, India had signed the Convention. The Convention having entered into force in 1958, an instrument of acceptance by India was then deposited with the Secretary-General, as depositary of the Convention, on 6 January 1959, the date on which the first session of the Assembly of IMCO was convened. The terms of the instrument stipulated that the acceptance was subject to a number of stated conditions concerning the consistency with the purposes of IMCO, as defined by its Convention, of any measures of the Government for assisting its national shipping. The Secretary-General informed the IMCO Assembly of his receipt of the instrument and of the text of the conditions. That Assembly adopted a resolution requesting the Secretary-General of the United Nations to circulate the Indian document to States members of IMCO; it resolved that, until the member States had had an opportunity of expressing their views. India should be free to take part without vote in the IMCO Assembly proceedings. The Secretary-General thereupon advised the Indian Mission to the United Nations that the practice as to the circulation of reservations or declarations, applicable to conventions adopted prior to General Assembly resolution 598 (VI) of 12 January 1952 on reservations, would

- be followed. Both in IMCO and in correspondence with the Secretary-General, the Government of India took the position that these actions amounted to an application of the "unanimity rule", whereas India considered itself automatically a full member of IMCO, there being no question of another State party raising any objection. Two States members of IMCO, however, transmitted formal objections to the Indian condition.
- 6. The representative of India submitted, as the principal matter before the Committee, the question whether the stipulation in the instrument of acceptance constituted a reservation. He explained that the Indian Government had merely made a declaration of policy, not amounting to a reservation, and intended only to restate the purposes, and the advisory and consultative functions, of IMCO, with which any measure adopted by the Government would be consistent.
- 7. It was therefore the position of India that the Secretary-General should have accepted the instrument without further question, that it was <u>ultra vires</u> and contrary to the Charter for him to act under the instructions of IMCO in circulating the declaration, and that his procedure violated General Assembly resolution 598 (VI).
- 8. A number of representatives raised the preliminary question of the competence or the propriety of the General Assembly's taking jurisdiction of a question affecting membership in IMCO or the interpretation of its Convention. They noted that that Convention expressly conferred upon IMCO organs the authority to settle any dispute concerning the interpretation of its provisions, which necessarily included those relating to membership. They also pointed out that two members of IMCO were not represented in the General Assembly, while many United Nations Members were not members of IMCO. The Secretary-General, these representatives held, derived his depositary authority in this connexion from the final articles of the IMCO Convention and from the request in the IMCO Assembly resolution. They therefore considered that for the General Assembly to give other instructions either to the Secretary-General or to IMCO would amount to exercising a supervisory authority over a separate international organization over which the United Nations General Assembly did not have jurisdiction. According to this school of thought, therefore, IMCO alone had the responsibility for settling any question having to do with the determination of its own membership. A contrary body of opinion, however, held to the view that it was normal for the General Assembly to take up any guestion of the exercise by the Secretary-General of his functions and to make suitable recommendations to specialized agencies in fulfilment of the co-ordinative function of the United Nations under the Charter. Moreover, it was felt that other international organizations, in availing themselves of the depositary services of the Secretary-General, impliedly consented to the General Assembly's authority to give guidance to the common depositary, who in any case acted in the name of the United Nations as a whole.

9. Those representatives who considered that it was basically an IMCO responsibility to determine any question affecting the membership of that organization also adhered to the view that the Secretary-General had acted correctly in referring the matter to IMCO and then seeking to ascertain the attitude of its member States towards the Indian conditions in accordance with the IMCO Assembly resolution. These representatives felt that the nature of the Indian declaration raised sufficient doubt that its submission to the membership concerned was requisite, and compliance with the request to circulate it was a normal depositary function. Those who held to the contrary proposition did so either on the grounds that the depositary should have turned to India to resolve any ambiguity in the instrument or on the grounds that in any case he should always accept an instrument in deposit and give due notice to the parties without any other action, whether or not the instrument contained a reservation.

10. The Committee paid considerable attention to the Indian argument that the actions of the Secretary-General in this case had not been in conformity with resolution 598 (VI) of the General Assembly. Many representatives were satisfied by the fact that the practice established by that resolution regarding reservations related to "future" conventions only, while the IMCO Convention had been concluded some years before. Others emphasized that the whole purpose of the resolution had been to reject the theory of the rule of unanimity, while the procedures followed in the present situation at least admitted of the impression that such a rule had been applied to India, A similar difference of approach was shown regarding the advisory opinion of the International Court of Justice on the reservations to the Genocide Convention: many representatives noted that the conclusions of the Court were expressly limited to that particular Convention, but others stressed the clear denial by the Court that the principle of unanimity had been transformed into a rule of international law.

11. The Committee was virtually unanimous in welcoming the statement by the representative of India that his Government had merely made a declaration of policy intended to be consistent with the Convention and not amounting to a reservation; the Committee was also unanimous in acknowledging the great importance of the full participation of India in the work of IMCO. It therefore welcomed the proposal of the representative of India that a practical solution could be found for the whole question. Speaking on behalf of the sponsors, he suggested that such a solution could be obtained along the lines of a joint draft resolution before the Committee (A/C.6/L.448 and Add.1).

Proposal

12. This draft resolution (A/C.6/L.448 and Add.1) was submitted by Afghanistan, Belgium, Canada, Ceylon, Cuba, France, Greece, India, Liberia, the Netherlands, Norway, Pakistan, Panama, Spain, the United Arab Republic and the United Kingdom of Great Britain and Northern Ireland. According to it, the General Assembly would: (1) express its appreciation of the information and materials made available to the General Assembly; (2) express the hope that, in the light of the explanatory statement on behalf of

India that the stipulation in its instrument of acceptance had constituted a declaration of policy, an appropriate solution to regularize the position of India might be reached in IMCO at an early date; and (3) request the Secretary-General to transmit to the Inter-Governmental Maritime Consultative Organization this resolution together with the relevant records and documentation.

Voting

- 13. At its 622nd meeting, held on 30 October 1959, the Sixth Committee voted on the joint draft resolution as follows:
- (a) At the request of the representative of Peru, a separate vote was taken on the third preambular paragraph, which was adopted by a roll-call vote of 65 votes to 1, with 1 abstention. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Mexico, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Sudan, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Peru.

Abstaining: United States of America.

(b) The Committee then adopted the joint draft resolution (A/C.6/L.448 and Add.1), as a whole, by a roll-call vote of 65 votes to 1, with 1 abstention. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Federation Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Mexico, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines. Poland, Portugal, Romania, Sudan, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Peru.

Abstaining: United States of America.

II. RESERVATIONS TO MULTILATERAL CONVENTIONS IN GENERAL

Debate

14. The representatives who supported a seven-Power draft resolution (A/C.6/L.449 and Add.1 and 2,

see para. 20 below), providing that the Secretary-General should be requested to apply the procedure of resolution 598 (VI), paragraph 3 (b), to all conventions which did not contain a provision to the contrary, stressed the practical advantage of the uniformity to be obtained from authorizing the Secretary-General to apply the same depositary procedures to reservations to all conventions regardless of whether they had been concluded before or after General Assembly resolution 598 (VI). In general, they opposed the study of other possible systems, at least until the International Law Commission had completed its work on the codification of the whole law of treaties. A number of representatives particularly emphasized the desirability of continuing and extending the application of resolution 598 (VI) as constituting in itself the best means of furthering international co-operation by affording to multilateral conventions the widest possible application among the greatest possible number of States; these representatives saw little practical significance in any request to the International Law Commission to report on the subject, since its report on the law of treaties would, in any case, be submitted in due course and in its whole context. A number of representatives considered the entire question too complex to justify haste, but felt that the extension of the compromise they found in resolution 598 (VI) provided the best administrative practice in the interim.

15. The supporters of a ten-Power draft resolution (A/C.6/L.450 and Add.1, see para. 21 below), calling for reports by the Secretary-General and the International Law Commission and for further consideration by the General Assembly at its sixteenth session, analysed the extreme complexity of the reservations question and its bearing on the depositary function. They argued that the system instituted by resolution 598 (VI) could not be extended to all conventions without exception unless a thorough technical study of all aspects of the problem were made. They pointed to the number of different systems that might be established to govern the legal effect of reservations and objections. Among the difficulties found in the seven-Power draft resolution (A/C.6/L.449 and Add.1 and 2) were its retroactivity and the fact that it did not precisely conform to the terms of the resolution it was extending, as resolution 598 (VI) had been confined to conventions concluded under United Nations auspices. In addition, they felt that neither resolution 598 (VI) nor its proposed extension would provide a clear rule or a lasting solution. They especially noted that that resolution had been adopted on the basis of several reports or opinions presented to two sessions of the General Assembly, whereas delegations to the present session had not come prepared to dispose of the question of reservations, nor had they ever received a study of depositary practices as such.

- 16. A substantial body of opinion in the Sixth Committee adhered to the view that the two draft resolutions were in reality more complementary than inconsistent. They urged the sponsors of both to seek means of merging the two in a single text.
- 17. The sponsors of both draft resolutions thereafter withdrew the two previous versions and introduced a single new draft resolution (A/C.6/L.451 and Add.1), representing an agreed minimum text acceptable to both groups. The Secretary-General

was to be asked, as far as concerned the deposit of documents containing reservations with regard to the conventions concluded prior to the adoption of resolution 598 (VI), to adhere to the same practice which he was requested to follow in respect of the conventions concluded after the adoption of that resolution. Resolution 598 (VI) should, it was provided, now also apply to all conventions concluded under the auspices of the United Nations prior to its adoption, provided these conventions do not contain provisions to the contrary. The combined sponsors agreed that the provision that the Secretary-General should act in this manner "until such time as the General Assembly may give further instructions" did not alter the nature of the instructions already given in resolution 598 (VI); nor did it imply that the General Assembly would necessarily give further instructions at some future date: the phrase was merely designed to leave the door open for whatever action the General Assembly might deem appropriate in the light of additional studies. The new draft neither asked the International Law Commission to separate the question of reservations from its regular place in the context of the Commission's consideration of the law of treaties nor required that the item be placed on the agenda of any particular session of the General Assembly; it was thought that this compromise would satisfy those who had cautioned against haste as well as those who desired to ensure further consideration of the matter.

- 18. Some representatives felt that the phrase extending the application of resolution 598 (VI) "until such time as the General Assembly may give further instructions" was redundant, since the General Assembly could always revise a previous decision and the International Law Commission would in any case be reporting on the subject in due course. Some also objected to the limitation to conventions concluded under the auspices of the United Nations.
- 19. The Legal Counsel was asked to clarify the practice which would be followed by the depositary pursuant to the adoption of the compromise draft. He stated that when the Secretariat had to apply a General Assembly resolution which requested Secretariat action, it had only one rule-to be as loyal as possible to the spirit and to the letter of the resolution. That was not always easy, as there might be some discrepancy between the spirit and the letter. The present draft resolution would amend paragraph 3 (b) of resolution 598 (VI) by requesting the Secretary-General to apply this paragraph to his depositary practice until such time as the General Assembly may give further instructions in respect of all conventions concluded under the auspices of the United Nations which do not contain provisions to the contrary. Resolution 598 (VI) was very definite in a matter of concern to the Secretary-General-namely, that he should continue to act as depositary, in connexion with the deposit of documents containing reservations or objections without passing upon the legal effect of such documents. Its paragraph 3 (b) requested the Secretary-General to communicate the text of such documents relating to reservations or objections to all States concerned, leaving it to each State to draw the legal consequences from such communications. He considered it obvious that in no case would the Secretariat have to pass upon the legal effect of such reservations or objections, as it would

leave to each State the function of drawing legal consequences therefrom. He stated that this procedure was quite clear and that the Secretariat would continue to adhere to it. If an instrument of ratification was received with a reservation (no question arising if there were no reservation), the Secretariat would circulate to the States parties to the Convention a notice of the receipt of the instrument and of the reservation. This being the main Secretariat function, it would not draw the attention of States to any aspect but would merely communicate the facts as to the instrument, together with the terms of the reservation. If the Secretariat received objections, it would circulate the objections to the States concerned. Once the Secretariat had accepted an instrument of ratification or accession, it would include the country concerned in all the processes of the operation of the Convention as regards the Secretary-General's functions with respect to the Convention. That might, for instance, include the circulation in every case, to the State which made the reservations objected to, of all documents just as if there were, for the purposes of the Secretariat, no objections. He believed that the foregoing statement, while somewhat condensed, indicated exactly what the situation would be, and established a system which could operate to the satisfaction of all parties concerned. Nevertheless, he wished to refer to the remote possibility that, in the operation of this system, the Secretariat might find itself confronted with a real legal problem which could not be anticipated at the present moment. Supposing that such a case arose, there would be only one possibility for the Secretariat, since it was not to exercise any powers of appreciation, particularly of a legal character. The sole possibility would be for the Secretary-General to request the General Assembly for an advisory opinion of the International Court of Justice. While he trusted that this could occur only in an extreme situation, he thought it clear that such an authority was required to settle a specific legal question, as it would not be within the competence of the Secretariat.

Proposals

20. The seven-Power draft resolution (A/C.6/L.449 and Add.1 and 2), submitted by Argentina, Belgium, Indonesia, Mexico, Peru, Thailand and the United States of America, provided that:

"The General Assembly,

"Having considered agenda item 65, 'Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization',

"Recalling its resolution 598 (VI) on reservations to multilateral conventions,

"<u>Decides</u> to amend paragraph 3 (b) of resolution 598 (VI) by requesting the Secretary-General to apply the aforesaid paragraph 3 (b) in respect of all conventions of which he is the depositary and which do not contain provisions to the contrary."

21. The ten-Power draft resolution was submitted by Austria, Cambodia, Canada, Chile, Ghana, Ireland, the Netherlands, the Philippines, Turkey and the United Kingdom of Great Britain and Northern Ireland (A/C.6/L.450 and Add.1). It read as follows:

"The General Assembly,

"Having considered the general question of reservations to multilateral conventions with particular reference to the functions of the Secretary-General as depositary authority,

"Considering that this question needs further study before any final decision is taken in regard to it,

"Having regard to the fact that the subject of reservations is before the International Law Commission and the forthcoming Inter-American Conference.

- "1. Requests the Secretary-General to circulate to Member States, prior to the sixteenth session, a report on his current practice in respect of reservations to multilateral conventions for which he is the depositary authority, and objections to such reservations, together with any other directly related matters;
- "2. <u>Invites</u> States and international organizations acting as depositaries of multilateral conventions to furnish appropriate information to the Secretary-General on their practice in respect of the matters set out in paragraph 1 above;
- "3. Invites the International Law Commission to expedite as much as possible that part of its work on the codification and development of the law of treaties as relates to the question of reservations to multilateral conventions and the functions of depositary authorities, with a view to reporting thereon to the General Assembly at its sixteenth session;
- "4. <u>Decides</u> to place on the provisional agenda of its sixteenth session the question of reservations to multilateral conventions and of the functions of the Secretary-General as depositary authority."
- 22. These two draft resolutions were later withdrawn by their sponsors who, together with Greece and Pakistan, submitted a nineteen-Power draft resolution (A/C.6/L.451 and Add.1) whereby the General Assembly would: (1) decide to amend paragraph 3 (b) of resolution 598 (VI) by requesting the Secretary-General to apply to his depositary practice, until such time as the General Assembly might give further instructions, the aforesaid paragraph 3 (b) in respect of all conventions concluded under the auspices of the United Nations which do not contain provisions to the contrary; and (2) request the Secretary-General to obtain information from all depositary States and international organizations with respect to depositary practice in relation to reservations, and to prepare a summary of such practices, including his own, for use by the International Law Commission in preparing its reports on the law of treaties and by the General Assembly in considering these reports.

Voting

- 23. At its 629th meeting, held on 9 November 1959, the Sixth Committee voted in parts, on the nineteen-Power draft resolution (A/C.6/L.451 and Add.1), as follows:
- (a) The phrase "until such time as the General Assembly may give further instructions", in operative paragraph 1, was adopted by 41 votes to 12, with 8 abstentions.

- (b) Operative paragraph 1 as a whole was adopted by 61 votes to 1, with no abstentions.
- (c) Operative paragraph 2 was adopted by a roll-call vote of 53 votes to none, with 9 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Liberia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(d) The nineteen-Power draft resolution (A/C.6/L.451 and Add.1), as a whole, was adopted by a roll-call vote of 62 votes to none, with 1 abstention. The voting was as follows:

In favour: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian

Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Liberia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Ethiopia.

Recommendation of the Sixth Committee

24. The Sixth Committee therefore recommends to the General Assembly the adoption of draft resolutions A and B below:

RESERVATIONS TO MULTILATERAL CONVENTIONS: THE CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 847th plenary meeting, on 7 December 1959, the General Assembly adopted draft resolutions A and B submitted by the Sixth Committee (A/4311, para. 24). For the final text, see resolutions 1452 A (XIV) and 1452 B (XIV) below.

Resolutions adopted by the General Assembly

1452 (XIV). RESERVATIONS TO MULTILATERAL CONVENTIONS: THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Α

The General Assembly,

<u>Having considered</u> the item entitled "Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization", as well as India's instrument of acceptance of the Convention on the Inter-Governmental Maritime Consultative Organization and the report of the Secretary-General (A/4235),

Noting that the Secretary-General of the United Nations acts as the depositary authority in respect of that Convention,

Noting the statement made on behalf of India at the 614th meeting of the Sixth Committee on 19 October 1959, explaining that the Indian declaration was a declaration of policy and that it does not constitute a reservation,

- 1. Expresses its appreciation of the information and materials made available to the General Assembly;
- 2. Expresses the hope that, in the light of the abovementioned statement of India, an appropriate solution may be reached in the Inter-Governmental Maritime

Consultative Organization at an early date to regularize the position of India;

3. <u>Requests</u> the Secretary-General totransmit to the Inter-Governmental Maritime Consultative Organization the present resolution together with the relevant records and documentation.

847th plenary meeting, 7 December 1959.

В

The General Assembly,

Recalling its resolution 598 (VI) of 12 January 1952,

- 1. Decides to amend paragraph 3 (b) of that resolution by requesting the Secretary-General to apply the aforesaid paragraph to his depositary practice, until such time as the General Assembly may give further instructions, in respect of all conventions concluded under the auspices of the United Nations which do not contain provisions to the contrary;
- 2. Requests the Secretary-General to obtain information from all depositary States and international organizations with respect to depositary practice in relation to reservations, and to prepare a summary of such practices, including his own, for use by the International Law Commission in preparing its reports on the law of treaties and by the General Assembly in considering these reports.

847th plenary meeting, 7 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 65 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/1372	Report of the Secretary-General	Official Records of the General Assembly, Fifth Session, Annexes, agenda item 56
A/1844	Annual report of the Secretary-General on the work of the Organization (1 July 1950 - 30 June 1951)	Ibid., Sixth Session, Supplement No. 1
A/1858	Report of the International Law Commission covering the work of its third session (16 May-27 July 1951)	Ibid., Supplement No. 9
A/C.6/L. 448 and Add.1	Afghanistan, Belgium, Canada, Ceylon, Cuba, France, Greece, India, Liberia, Netherlands, Norway, Pakistan, Panama, Spain, United Arab Republic and United Kingdom of Great Britain and Northern Ireland: draft resolution	Same text as A/4311, para. 24, draft resolution A
A/C.6/L. 449 and Add.1 and 2	Argentina, Belgium, Indonesia, Mexico, Peru, Thailand and United States of America: draft resolution	See A/4311, para. 20
A/C.6/L.450 and Add.1	Austria, Cambodia, Canada, Chile, Ghana, Ireland, Netherlands, Philippines, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution	Idem, para. 21
A/C.6/L. 451 and Add.1	Argentina, Austria, Belgium, Cambodia, Canada, Chile, Ghana, Greece, Indonesia, Ireland, Mexico, Netherlands, Pakistan, Peru, Philippines, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution	Same text as A/4311, para. 24, draft resolution B
ST/LEG/7	Summary of the practice of the Secretary-General as depositary of multilateral agreements	Mimeographed

GENERAL

ASSEMBLY

ANNEXES

FOURTEENTH SESSION

Official Records

NEW YORK, 1959

Agenda item 66: Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General*

CONTENTS

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DOCUMENT A/4209

Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: English] [11 September 1959]

NOTE BY THE SECRETARY-GENERAL

1. Following the action taken by the Disarmament Commission at its 65th meeting held on 10 September 1959, the Secretary-General has the honour to request the inclusion of the following item in the agenda of the fourteenth session of the General Assembly:

"Question of disarmament:

- "(a) Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General".
- 2. The texts of the letter from the Chairman of the Disarmament Commission and of the resolution referred to therein are attached.
- 3. The Secretary General draws attention to the fact that there have been proposed for inclusion in the agenda a number of items which have a bearing on disarmament matters. The Assembly may wish to consider some or all of these items under the general heading "Question of disarmament".

LETTER DATED 11 SEPTEMBER 1959 FROM THE CHAIRMAN OF THE DISARMAMENT COMMISSION TO THE SECRETARY-GENERAL

1. I have the honour to refer to the 65th meeting of the Disarmament Commission, which was convened on 10 September 1959, in accordance with the procedures

laid down in General Assembly resolution 1252 D (XIII), at the request of the Permanent Representatives of France, the USSR, the United Kingdom and the United States.

- 2. The Commission considered the letter and the communique of the aforementioned Powers dated 7 September 1959 (DC/144) and a draft resolution (DC/145) submitted by Ceylon, Ecuador, India, Indonesia, Ireland, the United Arab Republic and Yugoslavia. This draft resolution was unanimously adopted.
- 3. I have the honour to submit herewith the text of the resolution (DC/146) and to draw attention to operative paragraph 5, in which the Disarmament Commission requests the Secretary-General to provide appropriate facilities for the proposed consultations.
- 4. I also have the honour to draw attention to operative paragraph 6 which recommends to the General Assembly that the Disarmament Commission as set up in General Assembly resolution 1252 (XIII) should continue in being and be convened whenever deemed necessary.
- 5. I would request that you be good enough to transmit the resolution of the Disarmament Commission (DC/146) to the General Assembly and the Security Council. The verbatim record of the 65th meeting is contained in DC/PV.65.

(Signed) Luis PADILLA NERVO

Chairman

Disarmament Commission

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1060th meeting, and ibid., Plenary Meetings, 842nd meeting.

RESOLUTION ADOPTED BY THE DISARMAMENT COMMISSION AT ITS 65TH MEETING, ON 10 SEPTEMBER 1959

[Document DC/146]

The Disarmament Commission,

Recognizing that ultimate responsibility for general disarmament measures is vested in the United Nations by its Charter,

1. Takes note of the communication addressed to the Secretary-General on 7 September 1959 on behalf of the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and the four-Power communique appended to that communication (DC/144);

- 2. Welcomes the resumption of the consultations announced in the communiqué;
- 3. Welcomes the declared intention of the countries concerned to keep the Disarmament Commission appropriately informed of the progress of their deliberations;
- 4. Expresses the hope that the results achieved in these deliberations will provide a useful basis for the consideration of disarmament in the United Nations;
- 5. Requests the Secretary-General to provide appropriate facilities for the proposed consultations;
- 6. Recommends to the General Assembly that the Disarmament Commission as set up in General Assembly resolution 1252 (XIII) should continue in being and be convened whenever deemed necessary.

DOCUMENT A /4291

Report of the First Committee

[Original text: English] [20 November 1959]

- 1. On 11 September 1959, the Secretary-General requested (A/4209) the inclusion of an item entitled "Question of disarmament: (a) report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General" in the agenda of the fourteenth session of the General Assembly.
- 2. At its 122nd meeting, on 16 September 1959, the General Committee recommended (A/4214) its inclusion as sub-item (a) under the heading "Question of disarmament".
- 3. At its 803rd plenary meeting on 22 September 1959, the General Assembly considered the General Committee's report (A/4214) and decided to include as separate items in the agenda each of the questions listed by the General Committee under the heading "Question of disarmament", leaving to the First Committee the decision as to the manner and order in which they should be discussed.
- 4. At its 1025th meeting, on 8 October 1959, the First Committee adopted without objection the Chairman's suggestion that "Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General" should be the fifth item on its agenda. The Chairman drew the attention of the Committee to the minor editorial change in the description of the item, the words "Question of disarmament" and "(a)" having been left out.
- 5. On 19 November 1959, India and Yugoslavia submitted a draft resolution (A/C.1/L.242), whereby the General Assembly would: (1) decide that the Disarmament Commission should continue to be composed of all Members of the United Nations; (2) transmit to the Disarmament Commission all the documents, proposals and records of discussions relating to disarmament at the fourteenth session of the General Assembly; (3) request the Secretary-General to provide the staff and services required by the Disarmament Commission and, in consultation with the Governments concerned, provide such facilities as might be required by the ten-nation disarmament committee.
- 6. The item was considered at the 1060th meeting of the First Committee on 20 November 1959. The Chairman noted the informal suggestion of the representative of Greece that the Chairman of the Disarmament Commission might be invited to attend the opening meeting of the ten-nation disarmament committee. The First Committee unanimously adopted the draft resolution (A/C.1/L.242).

Recommendation of the First Committee

7. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 842nd plenary meeting, on 21 November 1959, the General Assembly adopted the draft resolution submitted by the First Committee (A/4291, para. 7). For the final text, see resolution 1403 (XIV) below.

Resolution adopted by the General Assembly

1403 (XIV). REPORT OF THE DISARMAMENT COMMISSION

The General Assembly,

Recalling its resolution 1252 D (XIII) of 4 November 1958,

Noting with approval the report of the Disarmament Commission of 11 September 1959 (A/4209),

- 1. Decides that the Disarmament Commission shall continue to be composed of all Members of the United Nations;
- 2. Transmits to the Disarmament Commission all the documents, proposals and records of discussions relating to disarmament at the fourteenth session of the General Assembly;
- 3. Requests the Secretary-General to provide the staff and services required by the Disarmament Commission and, in consultation with the Governments concerned, provide such facilities as may be required by the ten-nation disarmament committee.

842nd plenary meeting, 21 November 1959

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 66 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4078- S/4145	Report of the Conference of Experts for the study of possible measures which might be helpful in preventing surprise attack	Mimeographed
A/C.1/L.242	India and Yugoslavia: draft resolution	Adopted without change. See A/4291, para. 7
DC/144	Letter dated 7 September 1959 from the representatives of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, addressed to the Secretary-General, transmitting a text of a communiqué issued on 7 September by the four Powers and requesting the convening of the Disarmament Commission	the Disarmament Commission, Sup- plement for January
DC/145	Ceylon, Ecuador, India, Indonesia, Ireland, United Arab Republic and Yugoslavia: draft resolution	l <u>Ibid.</u>
DC/146	Resolution adopted by the Disarmament Commission at its 65th meeting on 10 September 1959	Ibid. See also A/4209
DC/PV.65	Verbatim record of the 65th meeting of the Disarmament Commission	Mimeographed

Official Records

GENERAL ASSEMBLY



Agenda item 67: Prevention of the wider dissemination of nuclear weapons*

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Agenda item 67

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

DOCUMENT A /4125

Ireland: request for the inclusion of an item in the provisional agenda of the fourteenth session

[Original text: English] [18 June 1959]

LETTER DATED 15 JUNE 1959 FROM THE PER-MANENT REPRESENTATIVE OR IRELAND TO THE UNITED NATIONS, ADDRESSED TO THE SECRE-TARY-GENERAL

On instructions from the Government of Ireland, I have the honour to request the inclusion of the following item on the provisional agenda of the fourteenth regular session of the General Assembly: "Prevention of the wider dissemination of nuclear weapons".

In accordance with rule 20 of the rules of procedure, I enclose an explanatory memorandum on this question.

(Signed) F. H. BOLAND Permanent Representative of Ireland to the United Nations

Explanatory memorandum

1. In the course of the thirteenth session of the General Assembly, the Irish delegation drewattention to the dangers to world peace involved in the spread of nuclear weapons and to the urgent need for an international agreement which would ensure that the present nuclear Powers would remain the sole possessors of much weapons. During the general debate in the Assembly [751st plenary meeting], the Chairman of the Irish delegation Mr. Frank Aiken, Minister for External Affairs of Ireland, proposed that the present nuclear Powers should undertake not to supply nuclear weapons to any other country, and that the Assembly should then adopt a resolution calling on all other

States to refrain from manufacturing or acquiring such weapons. This resolution could be followed by a convention in which those States would bind themselves, not merely to renounce nuclear weapons, but to accept United Nations supervision of their nuclear development for peaceful purposes. It was recognized that special arrangements would have to be made to secure the adherence of non-member States to the proposed convention.

2. The Chairman of the Irish delegation subsequently submitted a draft resolution (A/C.1/L.206) on this subject during the debate in the First Committee on disarmament questions. The text of the draft resolution was as follows:

"The General Assembly,

"Recognizing that the aim of the United Nations in the field of disarmament is an effective general agreement on the prohibition of atomic, hydrogen and other weapons of mass destruction which will provide for the cessation of the production of such weapons, the destruction of existing stocks and the progressive limitation of conventional armaments,

"Recognizing further that the danger now exists that an increase in the number of States possessing nuclear weapons may occur, aggravating international tension and the difficulty of maintaining world peace and thus rendering more difficult the attainment of the general disarmament agreement envisaged in the preceding paragraph,

"Decides to establish an <u>ad hoc</u> committee to study the dangers inherent in the further dissemination of nuclear weapons and recommend to the General Assembly at its fourteenth session appropriate measures for averting these dangers."

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1054th to 1056th meetings; and ibid., Plenary Meetings, 841st meeting.

- 3. In introducing this draft resolution to the First Committee [953rd meeting], Mr. Aiken explained that it was conceived as a step towards the restriction of nuclear weapons, leading eventually to their abolition. He also pointed out that the existing nuclear stalemate would cease to apply once nuclear weapons began to come into the possession of smaller countries. Nothing except international measures to prevent the dissemination of such weapons could prevent them from coming ultimately into the possession of small States or even of revolutionary organizations. The use of nuclear weapons by a small State or revolutionary group could lead to the autbreak of a general war, with disastrous consequences for the future of mankind. In this connection the Chairman of the Irish delegation expressed the view that measures to prevent the wider dissemination of nuclear weapons could not await a comprehensive disarmament settlement, since many years might have to elapse before any such settlement could be achieved. Indeed, the failure to check the dissemination of nuclear weapons during the long period of general disarmament negotiations might in itself render these negotiations fruitless.
- 4. At the conclusion of the debate on the disarmament resolutions before the First Committee, the Irish representative asked [970th meeting] for a separate roll-call vote on the second paragraph of the Irish draft resolution, i.e., the paragraph which would have the General Assembly recognize the dangers inherent in the further dissemination of nuclear weapons. The

- result of the vote was 37 to none, with 44 abstentions. The representative of Ireland expressed his satisfaction that no negative votes were cast against the paragraph and that the recognition of the danger of the wider distribution of nuclear weapons was unopposed. Mr. Aiken subsequently withdrew the draft resolution as a whole, indicating that he did not wish to insist on any particular method of dealing with the generally acknowledged danger, but expressing the hope that the reconstituted Disarmament Commission would deal with it as one of its first items. He realized that most Governments had not had sufficient time to study the matter fully since the introduction of the Irish draft resolution.
- 5. In the light of the recognition of the dangers involved in the wider distribution of nuclear weapons implied in the vote of the First Committee at the thirteenth session of the General Assembly, and of subsequent developments, the Irish Government believes that it will be the wish of the General Assembly to give further consideration to this important and urgent question at its fourteenth session in the hope that effective and generally acceptable means of dealing with it may be found. To this end, Ireland requests that the item entitled "Prevention of the wider dissemination of nuclear weapons" be placed upon the provisional agenda of the fourteenth session of the General Assembly and will submit a draft resolution to the Assembly for its consideration in due course.

DOCUMENT A /4286

Report of the First Committee

[Original text: English] [18 November 1959]

- 1. On 15 June 1959 Ireland requested (A/4125) the inclusion of the item entitled "Prevention of the wider dissemination of nuclear weapons" in the agenda of the fourteenth session of the General Assembly.
- 2. On 16 September 1959 the General Committee recommended (A/4214) its inclusion as sub-item (\underline{b}) under the heading "Question of disarmament".
- 3. At its 803rd plenary meeting, on 22 September 1959 the General Assembly, considered the General Committee's report (A/4214) and decided to include as separate items in the agenda each of the questions listed by the General Committee under the heading "Questions of disarmament", leaving to the First Committee the decision as to the manner and order in which they should be discussed.
- 4. At its 1025th meeting, on 8 October 1959, the First Committee adopted without objection the Chairman's suggestion that "Prevention of the wider dissemination of nuclear weapons" should be the third item of its agenda. Accordingly the item was considered at the First Committee's 1054th to 1056th meetings, from 13 to 16 November 1959.
- 5. On 28 October 1959 Ireland submitted a draft resolution (A/C.1/L.235), and on 16 November 1959 its final revised version (A/C.1/L.235/Rev.3), where-

- by the General Assembly would: (1) suggest that the ten-nation disarmament committee in the course of its deliberations should consider appropriate means of averting the danger of the wide wider dissemination of nuclear weapons, including the feasibility of an international agreement, subject to inspection and control, whereby the Powers producing nuclear weapons would refrain from handing over the control of such weapons to any nation not possessing them and the Powers not possessing such weapons would refrain from manufacturing them; and (2) invite the tennation disarmament committee to include the results of its deliberations on these matters in its report to the Disarmament Commission.
- 6. At its 1056th meeting, on 16 November 1959, the First Committee voted on the Irish draft resolution (A/C.1/L.235/Rev.3), and adopted it by a roll-call vote of 66 to none with 13 abstentions. The voting was as follows:
- In favour: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan,

Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Portugal, Saudi Arabia, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Albania, Bulgaria Byelorussian Soviet Socialist Republic, China Czechoslovakia, France, Hungary, Peru, Poland, Romania Spain, Ukrainian

Soviet Socialist Republic, Union of Soviet Socialist Republics.

Recommendation of the First Committee

7. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change, See "Action taken by the General Assembly" below,]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted the draft resolution submitted by the First Committee (A/4286, para. 7). For the final text, see resolution 1380 (XIV) below.

Resolution adopted by the General Assembly

1380 (XIV). PREVENTION OF THE WIDER DISSEMINATION OF NUCLEAR WEAPONS

The General Assembly,

Recognizing that the danger now exists that and increase in the number of States possessing nuclear weapons may occur, aggravating international tension and the difficulty of maintaining world peace, and thus rendering more difficult the attainment of general disarmament agreement,

<u>Convinced therefore</u> that consideration of this danger is appropriate within the framework of deliberations on disarmament.

Noting the resolution of the United Nations Disarmament Commission of 10 September 1959 (DC/146),

Desiring to bring to the attention of the ten-nation disarmament committee its conviction that consideration should be given to this problem,

- 1. Suggests that the ten-nation disarmament committee, in the course of its deliberations, should consider appropriate means whereby this danger may be averted, including the feasibility of an international agreement subject to inspection and control, whereby the Powers producing nuclear weapons would refrain from handing over the control of such weapons to any nation not possessing them and whereby the Powers not possessing such weapons would refrain from manufacturing them;
- 2. <u>Invites</u> the committee to include the results of its deliberations on these matters in its report to the Disarmament Commission.

841st plenary meeting, 20 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 67 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4209	Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 66
A/4214	First Report of the General Committee	Ibid., agenda item 8
A/4219	Declaration of the Soviet Government on general and complete disarmament	Ibid., agenda item 70
A/C.1/L.206	Ireland: draft resolution	Ibid., Thirteenth Session, Annexes, agenda items 64,70 and 72

General Assembly - Fourteenth Session - Annexe	s
Title	Observations and references
Ireland: draft resolution	Replaced by A/C.1/L.235/ Rev. 3
Ireland: revised draft resolution	Adopted without change. See A/ 4286, para. 7
Resolution adopted by the Disarmament Commission at its 65th meeting on 10 September 1959	Official Records of the Disar- mament Commission, Supple- ment for January to December 1959

Mimeographed

Verbatim record of the 130th meeting of the Sub-Committee of the Disarmament Commission $\,$

Document No.

A/C.1/L.235 and Rev.1 and 2

A/C.1/L.235/

Rev.3 DC/146

DC/SP./1/ PV.130

GENERAL ASSEMBLY

Agenda item 68

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 68: Question of French nuclear tests in the Sahara*

CONTENTS Document No. Title Page Plenary meetings (first phase): A/4183 Morocco: request for the inclusion of a supplementary item in the agenda of the 1 fourteenth session. First Committee: A/C.1/L.238/Rev.1 Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: revised draft resolu-2 A/C.1/L.239 Italy, Peru and United Kingdom of Great Britain and Northern Ireland: draft and Add.1 2 A/C.1/L.240/Rev.1 Bolivia, Ecuador, El Salvador, Mexico and Panama: amendments to document 3 A/C.1/L.241 Ghana and Indonesia: sub-amendments to document A/C.1/L.240/Rev.1 3 Plenary meetings (final phase) A/4280 Report of the First Committee..... 3 6

DOCUMENT A /4183

Morocco: request for the inclusion of a supplementary item in the agenda of the fourteenth session

[Original text: French] [14 August 1959]

LETTER DATED 13 AUGUST 1959 FROM THE ACTING CHARGE D'AFFAIRES OF THE PERMA-NENT MISSION OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-

The Acting Charge d'affaires of the Permanent Mission of Morocco to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to communicate to him, upon instructions from his Government, the text of a note from the President of the Council and Minister of Foreign Affairs of Morocco concerning the request of His Majesty's Government for the inclusion of the item "Question of French nuclear tests in the Sahara" in the agenda of the fourteenth regular session of the General Assembly.

> (Signed) M. WARZAZI Acting Chargé d'affaires

Permanent Mission of Morocco to the United Nations

Note from the President of the Council and Minister of Foreign Affairs of Morocco

With reference to the provisions of rule 14 of the rules of procedure of the General Assembly, and upon instructions from my Government, I have the honour to request the inscription of the following item in the agenda of the fourteenth regular session of the United Nations General Assembly: "Question of French nuclear tests in the Sahara".

An explanatory memorandum is attached hereto, in conformity with rule 20 of the rules of procedure.

> (Signed) Abdallah IBRAHIM President of the Council and Minister of Foreign Affairs

Explanatory memorandum

1. Since the French Government expressed its intention of conducting nuclear tests in the Sahara, the Government of His Majesty the King of Morocco has on several occasions drawn the attention of the responsible French authorities to the multiple dangers and grave consequences which such tests are bound to entail.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1043rd to 1054th meetings; and ibid., Plenary Meetings, 840th meeting.

- 2. Quite recently, following the French Government's official decision to explode an atomic bomb in the Sahara, as announced by the French Minister of the Armed Forces, the Moroccan Government again made representations by note verbale to France with a view to persuading it to abandon that project.
- 3. In view of the anxiety of the Moroccan population of the different parts of the southern Sahara which are exposed to the consequences of the planned tests, and in view of France's refusal to pay heed to Morocco's

warnings and of its rejection of the most recent Moroccan notes, His Majesty's Government, considering that it has exhausted all direct and peaceful means for the settlement of this problem as recommended in the Charter of the United Nations, has decided to put the question before the General Assembly in the hope that the latter will settle it in a manner consistent alike with the aspirations of the population of Morocco and the African continent, with considerations of security and with the requirements of the maintenance of international peace.

DOCUMENT A/C.1/L.238/REV.1

Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: revised draft resolution

[Original text: English]
[11 November 1959]

The General Assembly,

<u>Conscious</u> of the great concern throughout the world repeatedly expressed in the United Nations over the prospect of further nuclear tests and their effects upon mankind,

Noting the declared intention of the Government of France to undertake nuclear tests in the Sahara,

<u>Considering</u> the grave dangers and risks to which such nuclear tests would expose the populations of many countries, in Africa and elsewhere, especially those bordering on the Sahara,

Considering the grave dangers and risks to which such nuclear tests would expose the populations of many countries, in Africa and elsewhere, especially those bordering on the Sahara,

Recognizing the anxiety caused by the contemplated tests in the Sahara among all peoples, and more particularly those of Africa,

Bearing in mind that in creating conditions of danger in Africa, France cannot assume the responsibility for the protection of the threatened sovereign States.

Considering the special responsibility of the United Nations for the health, safety and well-being of the dependent peoples of Africa threatened by such tests,

Noting with regret that direct representations to the Government of France by several countries have been unsuccessful,

- 1. Expresses its grave concern over the intention of the French Government to conduct nuclear tests in the Sahara:
 - 2. Urges France to refrain from such tests.

DOCUMENT A/C.1/L.239 AND ADD.1 $^{1/2}$

Italy, Peru and United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[10 November 1959]

The General Assembly,

<u>Having considered</u> the item entitled "Question of French nuclear tests in the Sahara",

Noting the views expressed by representatives of African States that the holding of nuclear tests in the Sahara would constitute a grave hazard to the health of neighbouring peoples,

Noting further the reassurances given by the representative of France with regard to the possibility of such hazards to the health of the neighbouring peoples,

Recalling its resolution 1252 (XIII) of 4 November 1958, in which it urged that States which had tested nuclear weapons should make every effort to reach early agreement on the suspension of nuclear weapons tests under effective international control,

- 1. Expresses the hope that the French Government will associate itself with the arrangements which may be worked out in order to achieve the suspension of nuclear weapons tests under effective international control;
- 2. Requests France to take full account of the views expressed in the debate.

^{1/} Document A/C.1/L.239/Add.1, dated 11 November 1959, indicated the addition of Peru to the list of sponsors of the draft resolution.

DOCUMENT A/C.1/L.240/REV.1

Bolivia, Ecuador, El Salvador, Mexico and Panama: amendments to document A/C.1/L.238/Rev.1

[Original text: Spanish/English]
[11 November 1959]

1. Replace the third and remaining paragraphs of the preamble by the following:

"Considering the concern felt over the dangers and risks which such tests might entail,

"Considering that significant progress is being made in the negotiations now proceeding at Geneva concerning the discontinuance of nuclear weapons tests under an international control system,

"Recalling its resolution 1252 (XIII) of 4 November 1958, in which it urged the parties to those negotiations to make every effort to reach early agreement and not to undertake further testing of nuclear weapons while those negotiations were in progress,

"Considering that the parties to those negotiations have facilitated their progress by voluntarily suspending such tests,

"Considering that the purpose of the said negotiations is to bring about a general discontinuance of nuclear weapons tests and that it is to be hoped that, in the same spirit which inspired the present voluntary suspension of tests, no State will initiate or resume tests of this kind,".

2. Replace paragraphs 1 and 2 of the operative part by the following:

"Expresses the hope that the Government of France will reconsider its decision to carry out such tests, taking into account the views expressed in the debates on this question."

DOCUMENT A/C.1/L.241

Ghana and Indonesia: sub-amendments to document A/C.1/L.240/Rev.1

[Original text: English] [12 November 1959]

- 1. For paragraph 1 of the amendment, substitute the following:
 - "Replace the third and the remaining paragraphs of the preamble by the following:
 - "'Considering the deep concern felt over the dangers and risks which such tests entail,
 - ""Considering that significant progress is being made in the negotiations now proceeding at Geneva concerning the discontinuance of nuclear weapons tests under an international control system,
 - "'Considering that the parties to those negotiations have facilitated their progress by voluntarily suspending such tests,
 - "'Considering that the purpose of the said negotiations is to bring about a general discontinuance of nuclear weapons tests and that it is to be hoped that, in the same spirit which inspired the present voluntary suspension of tests, no State will initiate or resume tests of this kind,

- "'Recognizing the anxiety caused by the contemplated tests in the Sahara among all peoples, and more particularly those of Africa,
- "'Bearing in mind that, in creating conditions of danger in Africa, France cannot assume the responsibility for the protection of the threatened sovereign States,
- "'Considering the special responsibility of the United Nations for the health, safety and well-being of the dependent peoples of Africa threatened by such tests,'."
- 2. For paragraph 2 of the amendment, substitute the following:
- "Replace paragraphs 1 and 2 of the operative part by the following:
 - "'1. Expresses its grave concern over the intention of the French Government to conduct nuclear tests;
 - "'2. Requests France to refrain from such tests.""

DOCUMENT A/4280

Report of the First Committee

[Original text: English]
[18 November 1959]

- 1. On 13 August 1959, the Moroccan Government requested (A/4183) the inclusion of the item "Question of French nuclear tests in the Sahara" in the agenda of the fourteenth session of the General Assembly.
- 2. On 16 September 1959, the General Committee recommended its inclusion as sub-item (c) under the heading "Question of disarmament".
- 3. The General Assembly, at its 803rd plenary meeting on 22 September 1959, considered the General Committee's report (A/4214) and decided to include as separate items in the agenda each of the questions listed by the General Committee under the heading "Question of disarmament", leaving to the First Committee the decision as to the manner and order in which they would be discussed.

- 4. At its 1025th meeting, on 8 October 1959, the First Committee adopted without objection the Chairman's suggestion that the "Question of French nuclear tests in the Sahara" should be the second item on its agenda. Accordingly, the item was considered at the First Committee's 1043rd to its 1054th meeting, from 4 November to 13 November 1959.
- 5. On 4 November 1959, Afghanistan, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, the Sudan, Tunisia, the United Arab Republic and Yemen submitted a draft resolution (A/C.1/L.238) whereby the General Assembly would: (1) express its grave concern over the intention of the French Government to conduct nuclear tests in the Sahara; and (2) urge France to refrain from such tests. On 6 November 1959, Japan and the Federation of Malaya were added to the list of sponsors (A/C.1/L.238/Add.1). On 11 November 1959, a revised version of the twenty-two-Power draft resolution (A/C.1/L.238/Rev.1) was distributed with some changes in the preamble.
- 6. On 10 November 1959, a draft resolution was submitted by Italy and the United Kingdom (A/C.1/L.239) whereby the General Assembly would: (1) express the hope that the French Government would associate itself with the arrangements which may be worked out in order to achieve the suspension of nuclear weapons tests under effective international control; and (2) request France to take full account of the views expressed in the debate. On 11 November 1959, Peru co-sponsored this draft resolution (A/C.1/L.239/Add.1).
- 7. On 10 November 1959, Bolivia, Ecuador, El Salvador, Mexico and Panama submitted amendments (A/C.1/L.240) to the preamble and the operative part of the twenty-two-Power draft resolution (A/C.1/L.238) whereby the General Assembly would express the hope that the Government of France would reconsider its decision to carry out such tests, taking into account the views expressed in the debate on the question. On 11 November 1959, a revised version of the five-Power amendments (A/C.1/L.240/Rev.1) was distributed with some changes in the preamble.
- 8. On 12 November 1959, Ghana and Indonesia submitted sub-amendments (A/C.1/L.241) to the five-Power amendments (A/C.1/L.240/Rev.1), proposing that the preamble and the operative part of the twenty-two-Power draft resolution (A/C.1/L.238/Rev.1) be amended whereby the General Assembly would: (1) express its grave concern over the intention of the French Government to conduct nuclear tests; and (2) request France to refrain from such tests.
- 9. At its 1053rd meeting, on 12 November 1959, the First Committee voted on the draft resolutions and amendments, commencing with a vote on the subamendments of Ghana and Indonesia (A/C.1/L.241).
- (a) The first preambular paragraph of sub-amendment 1 was adopted by a roll-call vote of 45 to 24, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Moroc-

co, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Chile, Colombia, Dominican Republic, El Salvador, France, Guatemala, Haiti, Honduras, Italy, Luxembourg, Netherlands, Nicaragua, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Austria, China, Costa Rica, Ecuador, Finland, Greece, Israel, Mexico, Paraguay, Sweden, Thailand, Turkey.

(b) Upon the proposal of Ecuador, the second, third and fourth preambular paragraphs of sub-amendment 1, which had been taken from the five-Power amendments, were voted upon together and adopted by a roll-call vote of 60 to 11, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Dominican Republic, France, Honduras, Italy, Luxembourg, Nicaragua, Peru, Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: China, Greece, Haiti, Israel, Netherlands, Spain, Thailand, Turkey, Union of South Africa, United States of America.

(c) The fifth preambular paragraph of sub-amendment 1 was adopted by a roll-call vote of 44 to 12, with 26 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Brazil, Chile, Colombia, Dominican Republic, El Salvador, France, Guatemala, Honduras, Luxembourg, Nicaragua, Peru, Portugal.

Abstaining: Argentina, Australia, Austria, Belgium, Bolivia, China, Costa Rica, Denmark, Ecuador, Finland, Greece, Haiti, Italy, Laos, Mexico, Netherlands, Panama, Paraguay, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain

and Northern Ireland, United States of America, Uruguay.

(d) The sixth preambular paragraph of sub-amendment 1 was adopted by a roll-call vote of 36 to 29, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Chile, China, Colombia, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Honduras, Israel, Italy, Luxembourg, Mexico, Netherlands, Nicaragua, Panama, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Cambodia, Canada, Costa Rica, Denmark, Finland, Greece, Haiti, Iceland, Ireland, Laos, New Zealand, Norway, Paraguay, Sweden, Thailand, Turkey, Venezuela.

(e) The seventh preambular paragraph of sub-amendment 1 was adopted by a roll-call vote of 40 to 26, with 16 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Chile, China, Colombia, Dominican Republic, Ecuador, El Salvador, France, Honduras, Israel, Italy, Luxembourg, Netherlands, Nicaragua, Panama, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Austria, Costa Rica, Denmark, Finland, Greece, Guatemala, Haiti, Ireland, Mexico, New Zealand, Norway, Paraguay, Sweden, Thailand, Turkey, Venezuela.

(f) Operative paragraph 1 of sub-amendment 2 was adopted by a roll-call vote of 45 to 28, with 9 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Honduras, Israel, Italy, Luxembourg, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Australia, Austria, China, Denmark, Greece, Haiti, Laos, Thailand, Turkey.

(g) Operative paragraph 2 of sub-amendment 2 was adopted by a roll-call vote of 44 to 28 with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Honduras, Israel, Italy, Luxembourg, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Australia, Austria, China, Denmark, Finland, Greece, Haiti, Laos, Thailand, Turkey.

10. The Chairman thereupon announced that, because of the adoption of the sub-amendments (A/C.1/L.241), it was not necessary, under the rules of procedure, to vote on the five-Power amendments (A/C.1/L.240/Rev.1), and that the Committee would therefore proceed to vote on the twenty-two-Power draft resolution. (A/C.1/L.238/Rev.1) as a whole, as amended by the sub-amendments (A/C.1/L.241).

11. The twenty-two-Power draft resolution (A/C.1/L.238/Rev.1), as amended, was adopted by a roll-call vote of 46 to 26 with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Argentina, Belgium, Bolvia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Israel, Italy, Luxembourg, Netherlands, Nicaragua, Panama, Peru, Portugal, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Australia, China, Costa Rica, Denmark, Greece, Laos, Mexico, Paraguay, Thailand, Turkey.

12. The draft resolution submitted by Italy, Peru and the United Kingdom (A/C.1/L.239 and Add.1) was rejected by a roll-call vote of 38 to 24, with 20 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Colombia, Denmark, Dominican Republic, Greece, Honduras, Israel, Italy, Laos, Luxembourg, Netherlands, Nicaragua, Norway, Peru, Portugal, Spain, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Argentina, Bolivia, Brazil, Cambodia, Chile, China, Costa Rica, Finland, France, Haiti, Iceland, Ireland, Japan, Mexico, New Zealand, Panama, Paraguay, Turkey, Uruguay, Venezuela.

Recommendation of the First Committee

13. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

QUESTION OF FRENCH NUCLEAR TESTS IN THE SAHARA

The General Assembly,

Conscious of the great concern throughout the world repeatedly expressed in the United Nations over the

prospect of further nuclear tests and their effects upon mankind,

Noting the declared intention of the Government of France to undertake nuclear tests in the Sahara,

Considering the deep concern felt over the dangers and risks which such tests entail,

Considering that significant progress is being made in the negotiations now proceeding at Geneva concerning the discontinuance of nuclear weapons tests under an international control system,

Considering that the parties to those negotiations have facilitated their progress by voluntarily suspending such tests,

Considering that the purpose of the said negotiations is to bring about a general discontinuance of nuclear weapons tests and that it is to be hoped that, in the same spirit which inspired the present voluntary suspension of tests, no State will initiate or resume tests of this kind,

Recognizing the anxiety caused by the contemplated tests in the Sahara among all peoples, and more particularly those of Africa,

Bearing in mind that in creating conditions of danger in Africa, France cannot assume the responsibility for the protection of the threatened sovereign States,

Considering the special responsibility of the United Nations for the health, safety and well-being of the dependent peoples of Africa threatened by such tests,

- 1. Expresses its grave concern over the intention of the French Government to conduct nuclear tests;
- 2. Requests France to refrain from such tests.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 840th plenary meeting, on 20 November 1959, the General Assembly amended and adopted the draft resolution submitted by the First Committee (A/4280, para. 13). For the final text, see resolution 1379 (XIV) below.

Resolution adopted by the General Assembly

1379 (XIV). QUESTION OF FRENCH NUCLEAR TESTS IN THE SAHARA

The General Assembly,

Conscious of the great concern throughout the world repreatedly expressed in the United Nations over the prospect of further nuclear tests and their effects upon mankind,

Noting the declared intention of the Government of France to undertake nuclear tests in the Sahara,

Considering the deep concern felt over the dangers and risks which such tests entail,

Considering that significant progress is being made in the negotiations now proceeding at Geneva concerning the discontinuance of nuclear weapons tests under an international control system, <u>Considering</u> that the parties to those negotiations have facilitated their progress by voluntarily suspending such tests,

Considering that the purpose of the said negotiations is to bring about a general discontinuance of nuclear weapons tests and that it is to be hoped that, in the same spirit which inspired the present voluntary suspension of tests, no State will initiate or resume tests of this kind,

Recognizing the anxiety caused by the contemplated tests in the Sahara among all peoples, and more particularly those of Africa,

- 1. Expresses its grave concern over the intention of the Government of France to conduct nuclear tests;
- 2. Requests France to refrain from such tests.

840th plenary meeting, 20 November 1959.

CHECK LIST OF DOCUMENTS

 $\underline{\text{Note}}$. This check list includes all the documents mentioned during the consideration of agenda item 68 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3838	Report of the United Nations Scientific Committee on the Effects of Atomic Radiation	Official Records of the General Assembly, Thirteenth Session, Supplement No. 17
A/3895	Letter dated 22 August 1958 from the Permanent Representative of the United States of America to the Secretary-General, transmitting a statement made by President Eisenhower	Mimeographed
A/3896/ Rev.1	Letter dated 22 August 1958 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General, transmitting the text of an announcement issued by Her Majesty's Government	Ditto
A/4218	Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the fourteenth session	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70
A/C.1/L. 176/Rev.4	India: revised draft resolution	Ibid., Twelfth Session, Annexes, agenda item 24
A/C.1/L.234	Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	Ibid., Fourteenth Session, Annexes, agenda item 70
A/C.1/L. 238 and Add.1	Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: draft resolution	Replaced by A/C.1/L.238/Rev. 1
A/C.1/L.240	Bolivia, Ecuador, El Salvador, Mexico and Panama: amendments to document A/C.1/L.238	Replaced by A/C.1/L.240/Rev. 1
DC/SC.1/ PV.128	Verbatim record of the 128th meeting of the Sub-Committee of the Dis- armament Commission	Mimeographed

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FOURTEENTH SESSION

Official Records

Document No.

NEW YORK, 1959

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DOCUMENT A /4186

India: request for the inclusion of a supplementary item in the agenda of the fourteenth session

[Original text: English]
[17 August 1959]

LETTER DATED 16 AUGUST 1959 FROM THE PER-MANENT REPRESENTATIVE OF INDIA TO THE UNITED NATIONS, ADDRESSED TO THE SECRE-TARY-GENERAL

In accordance with the instructions of the Government of India and pursuant to rule 14 of the rules of procedure of the General Assembly, I have the honour to propose the following supplementary item for inclusion in the agenda of the fourteenth regular session of the General Assembly: "Suspension of nuclear and thermo-nuclear tests".

The explanatory memorandum in terms of rule 20 of the rules of procedure is attached.

(Signed) C. S. JHA
Permanent Representative of India
to the United Nations

Explanatory memorandum

- 1. The United Nations has for several years been discussing the problem of suspending nuclear and thermo-nuclear tests. The General Assembly considered it during its tenth, eleventh, twelfth and thirteenth sessions, and India submitted draft resolutions on this subject on numerous occasions.
- 2. The Government of India have repeatedly drawn the attention of the United Nations to the deterioration in the situation over the last few years by the development and accumulation of new weapons, the increase in the number of countries possessing them and the possibility of further increases. With the developments in the field of armament and the progress made in outer-space missiles, any major conflict may result in the annihilation of the world's population and the extinction of all forms of life. There is an ever-

growing hazard, with incalculable consequences, from the continuing accumulation of radiation from test explosion of nuclear weapons. Future generations are not safe from this hazard. The Government of India have noted with concern that the number of countries possessing nuclear weapons may soon be increased and thus considerably add to the current dangerous possibilities.

3. The report of the Conference of Experts to Study the Possibility of Detecting Violations of a Possible Agreement on the Suspension of Nuclear Tests 1/, which met at Geneva in 1958, indicated that it was technically and scientifically practicable to establish arrangements in order to ensure the observance of any agreement on the discontinuance of such tests. As a consequence of this report, the States which are testing such weapons met at the Conference on the Discontinuance of Nuclear Weapons Tests, which commenced at Geneva on 31 October 1958, with a view to reaching agreement on the discontinuance of such tests. Such information as the Government of India have of the proceedings of this conference shows that some progress has been made. The Government of India hope that the efforts made at Geneva will reach a successful conclusion and are at the same time anxious that the United Nations should be associated with any decision which may be taken on this important subject. It may also be recalled that, by its resolution 1252 (XIII), the General Assembly expected to be seized of this problem on a continuing basis. It is the view of the Government of India that, in the unfortunate event of no agreement being reached at Geneva in the near future, a discussion of this problem at the forthcoming session of the General Assembly should contribute to its early and satisfactory solution. In the circumstances, the Government of India have proposed the item "Suspension of nuclear and thermo-nuclear tests" for the agenda of the fourteenth session of the Assembly.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1056th to 1060th meetings; and ibid., Plenary Meetings, 842nd meeting.

½ See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda items 64, 70 and 72, document A/3897.

DOCUMENT A /4290

Report of the First Committee

[Original text: English] [20 November 1959]

- 1. On 16 August 1959, India requested (A/4186) the inclusion of the item entitled "Suspension of nuclear and thermo-nuclear tests" in the agenda of the fourteenth session of the General Assembly.
- 2. On 16 September 1959, the General Committee recommended (A/4214) its inclusion as sub-item (\underline{d}) under the heading "Question of disarmament".
- 3. At its 803rd plenary meeting, on 22 September 1959, the General Assembly considered the General Committee's report (A/4214) and decided to include as separate items in the agenda each of the questions listed by the General Committee under the heading "Question of disarmament", leaving to the First Committee the manner and order in which they would be discussed.
- 4. At its 1025th meeting, on 8 October 1959, the First Committee adopted without objection the Chairman's suggestion that "Suspension of nuclear and thermo-nuclear tests" should be the fourth item in its agenda. The item was considered at the 1056th to 1060th meetings of the First Committee, from 16 to 20 November 1959.
- 5. On 31 October 1959, Austria, Japan and Sweden submitted a draft resolution (A/C.1/L.236) whereby the General Assembly would: (1) express appreciation for the efforts of the parties to reach an agreement on the prohibition of nuclear weapons tests and an appropriate international control system; (2) express the hope that their efforts would be intensified in order to reach the early, successful conclusion of such an agreement; and (3) request the parties concerned to report to the General Assembly the results of their negotiations. On 17 November 1959, the sponsors submitted a revised draft resolution (A/C.1/L.236/Rev.1) with some changes in the operative part and an additional paragraph whereby the General Assembly would urge the States concerned in the negotiations to continue their present voluntary discontinuance of the testing of nuclear weapons.
- 6. On 31 October 1959, India submitted a draft resolution (A/C.1/L.237) whereby the General Assembly would: (1) request the States concerned to reach agreement speedily on the total cessation of nuclear and thermo-nuclear tests; (2) call upon the States concerned to refrain from further tests or preparations for them pending agreement on total cessation; (3) call upon all other States to desist from conducting such tests and from making decisions or preparations in regard to them; (4) remind such States that any such action was contrary to the expressed and urgent desires of the people of the world and of the General Assembly, and to the spirit which had enabled progress at Geneva, and was inimical to further progress and agreement on total cessation; and (5) request the States concerned to report to the General Assembly, at a special session if necessary, on the results of the conference so that it might take further appropriate action.
- 7. On 17 November 1959, a revised version of this draft resolution was submitted by Afghanistan, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq,

- Jordan, Lebanon, Liberia, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, the United Arab Republic, Yemen and Yugoslavia (A/C.1/L.237/Rev.1), whereby the General Assembly would: (1) express its appreciation to the States concerned for their patient and sincere efforts to reach agreement on the discontinuance of nuclear and thermo-nuclear tests with effective international control, and for the progress hitherto achieved; (2) express the hope that the States concerned would reach such agreement at an early date; (3) appeal to the States concerned in the Geneva discussions to continue their present voluntary suspension of tests, and to other States to desist from such tests; and (4) request the States concerned to report to the Disarmament Commission and the General Assembly the results of their negotiations. On 18 and 19 November 1959, Cambodia, Cuba, Japan and Libya were added to the list of sponsors (A/C.1/L.237/Rev.1/Add.1 and 2).
- 8. At its 1059th meeting, on 19 November, the First Committed adopted the three-Power draft resolution (A/C.1/L.236/Rev.1) by a roll-call vote of 76 to none, with 2 abstentions. [See para. 11, draft resolution A.] The voting was as follows:

In favour: Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Afghanistan, France.

9. The twenty-four-Power draft resolution (A/C.1/L.237/Rev.1 and Add. 1 and 2) was adopted by a roll-call vote of 60 to 1, with 17 abstentions. [See para. 11, draft resolution B.] The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics,

United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: France.

Abstaining: Belgium, Brazil, China, Greece, Haiti, Honduras, Israel, Italy, Netherlands, Peru, Portugal, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

10. At the 1060th meeting, on 20 November 1959, the representative of Luxembourg, who had been absent at the time of the voting, requested that his country

be recorded as having voted in favour of the three-Power draft resolution (A/C.1/L.236/Rev.1) and as having abstained on the twenty-four-Power draft resolution (A/C.1/L.237/Rev.1 and Add.1 and 2).

Recommendations of the First Committee

11. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

[Texts adopted by the General Assembly without change, See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 842nd plenary meeting, on 21 November 1959, the General Assembly adopted draft resolutions A and B submitted by the First Committee (A/4290, para. 11). For the final texts, see resolutions 1402 A (XIV) and 1402 B (XIV) below.

Resolutions adopted by the General Assembly

1402 (XIV). SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS

Α

The General Assembly,

Recalling its resolution 1252 B (XIII) of 4 November 1958,

Noting that the negotiations on the discontinuance of nuclear weapons tests and on the establishment of an appropriate international control system, which began at Geneva on 31 October 1958, are still continuing,

- 1. Expresses its appreciation to the States concerned for their efforts to reach an agreement relating to the prohibition of nuclear weapons tests and including an appropriate international control system;
- 2. Expresses the hope that these States will intensify their efforts to reach such an agreement at an early date:
- 3. <u>Urges</u> the States concerned in these negotiations to continue their present voluntary discontinuance of the testing of nuclear weapons;
- 4. Requests the States concerned to report to the General Assembly the results of their negotiations.

842nd plenary meeting, 21 November 1959.

В

The General Assembly,

<u>Desiring</u> to safeguard mankind from the increasing hazards resulting from tests of nuclear and thermonuclear weapons,

Bearing in mind the profound concern evinced by the peoples of all countries regarding the testing of nuclear and thermo-nuclear weapons,

Welcoming the endeavours at Geneva of the States concerned to reach an agreement on the discontinuance of these tests, and the progress so far achieved,

Noting with appreciation that the States concerned have voluntarily suspended such tests, enabling progress in the discussions at Geneva,

Considering that an agreement on the cessation of nuclear and thermo-nuclear tests with effective international control is urgent,

- 1. Expresses its appreciation to the States concerned for their patient and sincere efforts to reach agreement on the discontinuance of nuclear and thermonuclear tests with effective international control, and for the progress hitherto achieved;
- 2. Expresses further the hope that the States concerned will reach such agreement at an early date;
- 3. Appeals to the States concerned in the Geneva discussions to continue their present voluntary suspension of tests, and to other States to desist from such tests;
- 4. Requests the States concerned to report to the Disarmament Commission and to the General Assembly the results of their negotiations.

842nd plenary meeting, 21 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 69 which are not reproduced in the present fascicle.

Document No.

A/2979

Letter dated 22 September 1955 from the Vice-Chairman of the delegation of the Union of Soviet Socialist Republics to the Secretary-General

A/3838

Report of the United Nations Scientific Committee on the Effects of Atomic Radiation

A/3838

A/3838

A/3838

Committee on the Effects of Atomic Radiation

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Committee on the Effects of Atomic Radiation

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Committee on the Effects of Atomic Radiation

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A/3838

Committee on the Effects of Atomic Radiation

Document No.	Title	Observations and references
A/3897	Report of the Conference of Experts to Study the Possibility of Detecting Violations of a Possible Agreement on the Suspension of Nuclear Tests	Ibid., Annexes, agenda items 64, 70 and 72
A/4097	Letter dated 17 April 1959 from the Permanent Representative of the Union of Soviet Socialist Republics, addressed to the Secretary-General	Mimeographed
A/4101	Letter dated 29 April 1959 from the Representative of the United States of America, addressed to the Secretary-General	Ditto
A/4102	Letter dated 29 April 1959 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, addressed to the Secretary-General	Ditto
A/4103	Letter dated 4 May 1959 from the Permanent Representative of the Union of Soviet Socialist Republics, addressed to the Secretary-General	Ditto
A/C.1/L. 176/Rev.4	India: revised draft resolution	Official Records of the General Assembly, Twelfth Session, Annexes, agenda item 24
A/C.1/L.213	Austria, Japan and Sweden: draft resolution	Ibid., Thirteenth Session, Sup- plement No. 18, resolution 1252 B (XIII)
A/C.1/L.234	Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	Ibid., Fourteenth Session, Annexes, agenda item 70
A/C.1/L. 235/Rev.3	Ireland: draft resolution	Ibid., agenda item 67
A/C.1/L.236	Austria, Japan and Sweden: draft resolution	Pharaphrased in A/4290, para. 5. Replaced by A/C.1/L.236/ Rev.1
A/C.1/L.236/ Rev.1	Austria, Japan and Sweden: revised draft resolution	Adopted without change. See A/4290, para. 11, draft resolution A
A/C.1/L.237	India: draft resolution	Paraphrased in A/4290, para. 6. Replaced by A/C.1/L.237/ Rev.1
A/C.1/L. 237/Rev.1 and Add.1 and 2	Afghanistan, Burma, Cambodia, Ceylon, Cuba, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Yemen and Yugoslavia: revised draft resolution	Adopted without change. See A/4290, para. 11, draft resolution B
A/C.1/L.238/ Rev.1	Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: revised draft resolution	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 68
A/C.1/L. 239 and Add.1	Italy, Peru and United Kingdom of Great Britain and Northern Ireland: draft resolution	<u>Ibid.</u>

ANNEXES

GENERAL ASSEMBLY



Official Records

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FOURTEENTH SESSION

Agenda item 70: General and complete disarmament*

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DOCUMENT A /4218

Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: Russian] [19 September 1959]

On the instructions of the Government of the Union of Soviet Socialist Republics, the USSR delegation requests the inclusion of the following item in the agenda of the fourteenth session of the General Assembly, as an important and urgent matter: "General and complete disarmament".

In accordance with rule 20 of the rules of procedure, I attach an explanatory memorandum on this question.

The delegation requests that the Declaration of the Soviet Government on general and complete disarmament, 1/2 submitted for the consideration of the Assembly by the Chairman of the Council of Ministers of the USSR on 18 September 1959, be circulated as an official document of the General Assembly.

(Signed) A. GROMYKO
Chairman of the Delegation of
the Union of Soviet Socialist Republics

EXPLANATORY MEMORANDUM

- 1. On the instructions of the Government of the Union of Soviet Socialist Republics, the Soviet delegation proposes that the General Assembly should examine the question entitled "General and complete disarmament" as an important and urgent matter.
- 2. The need for the immediate consideration of this question is dictated by the fact that now, as on certain previous occasions, the armaments race has assumed a character particularly dangerous to the preservation of peace. The inclusion of nuclear and rocket weapons in the equipment of the armed forces of certain Powers and the stationing of atomic weapons and construction of rocket-launching sites in the territory of other countries threaten to precipitate a devastating war fought with those weapons. Against the present background of opposing military alignments, the armaments race is increasing tension in international relations and creating a dangerous situation, in which even a local clash may develop into a general conflict, with all its attendant dire consequences.
- 3. The armaments race not only constitutes a threat to peace and to the security of States, but is

^{*}For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, First Committee, 1026th to 1042nd meetings; and ibid., Plenary Meetings, 840th meeting.

^{1/} See document A/4219, below.

already placing a heavy burden on the nations. The efforts of millions of people and vast material and financial resources are being diverted to the manufacture of weapons of war for the destruction of human beings.

- 4. Present circumstances make it imperative for States to adopt drastic measures to halt the armaments race. The most effective means of solving this problem is by complete general disarmament. In this age of rapidly developing military techniques, this course offers the most effective solution to the problem of ensuring a secure and lasting peace.
- 5. The Soviet Government is submitting for the consideration of the General Assembly at its four-teenth session the Declaration of the Soviet Government on general and complete disarmament.
- 6. The realization of the programme of complete disarmament outlined in the Declaration will help to create the necessary atmosphere of mutual confidence between States, eliminate all forms of the "cold war" and preclude the settlement of controversial international issues by force. The destruction of the means of waging war would make the peaceful coexistence of States an inevitable reality, since any other trend in the relations among States would be entirely excluded.
- 7. General and complete disarmament will benefit all the States of the world and all nations. The Soviet Government expresses the hope that the United Nations, and every Member State, will do its utmost to obtain a practical solution to the problem of general and complete disarmament.

DOCUMENT A/4219

Declaration of the Soviet Government on general and complete disarmament

[Original text: Russian] [19 September 1959]

- 1. An agreement among States to limit and destroy the means of waging war has long been the cherished dream of mankind. Long before it experienced the horrors of world wars, disarmament had been proposed and urged by public figures, statesmen and the parties most closely connected with the working people.
- 2. The adoption of effective measures to achieve disarmament is in the interest of every State, large or small, irrespective of its social system and way of life. There is not a nation today that does not view with a deep sense of alarm the present rivalry among States in the production of armaments, a rivalry that has taken on unprecedented proportions, particularly in the development of ever more destructive and lethal weapons of war. There is nothing the nations desire more earnestly than to end such rivalry, fraught as it is with dire consequences for the fate of the world.

GENERAL AND COMPLETE DISARMAMENT IS THE WAY TO SAVE MANKIND FROM THE SCOURGE OF WAR

- 3. People have come to think of the armaments race as a spectre always marching a step ahead of war. That was the case when Europe, arming feverishly, moved step by step towards the First World War. The same pattern was repeated in the thirties, when "guns instead of butter" became the keyword in a number of countries, and the flow of armaments again began to fill the arsenals to capacity. Everyone knows how that ended. The nations were plunged into the Second World War, which brought them disasters and hardships beside which those mankind had experienced in the darkest periods of its history paled into insignificance.
- 4. The war ended, and yet men and women were still unable to find peace. Almost the very day after the last battles had been fought, the world was again gripped by the armaments fever, but on this occasion the danger to mankind was greater, because preparations for nuclear warfare were involved.

- 5. Never before has the armaments race been fraught with so much danger as it is today in the era of the atom, electronics and the conquest of outer space.
- 6. However horrible may have been such means of extermination as rapid-firing automatic weapons, tanks, long-range artillery and aerial bombs, they cannot in any way be compared with atomic and hydrogen weapons and missiles. All the means of destruction available to mankind throughout the centuries, taken together, would constitute but a small fraction of those now at the disposal of the two or three Powers which possess nuclear weapons.
- 7. In fact, it is common knowledge that the discharge of a single large modern hydrogen bomb releases destructive energy greater than that of all the explosives manufactured throughout the world during the last four years of the Second World War.
- 8. The introduction of atomic weapons and missiles into the armaments of military forces, the training of military personnel in their use, and the adaptation of military strategy and tactics to the new types of weapons have already reached such an advanced stage that any future military conflict between the Powers may well become a way in which every weapon of destruction now available to the belligerents will be employed. Outer space, which was inaccessible to mankind only a year or two ago, can now be used, just as the sea and the air were used before it, to deliver a nuclear attack against any point on the globe.
- 9. Both world wars broke out between neighbouring countries with a common frontier. Today war can break out between States which are several thousands of kilometres apart and may involve whole continents.
- 10. In such a war, if it cannot be averted in time, distances would be measured in thousands and tens of thousands of kilometres, time in minutes and seconds and losses in millions, tens of millions, and hundreds of millions of human lives. It would be a war

in which there would be no distinction between front and rear, between armies in the field and the civilian populations, between soldiers and children.

- 11. The emergence of military alliances that virtually cover the whole globe and are heavily armed against each other has produced a situation in which a small spark, an incident seemingly of local significance, would be enough to unleash the holocaust of war. Although the general system of military commitments has so far not been set in motion and the brakes have held, there neither is nor can be any guarantee that this will continue to be the case in future.
- 12. Never before have so many States and individuals been involved in military preparations as at the present time. Today tens of millions of persons are in the armed forces. If we add to the number of those in military service the men and women connected directly or indirectly with the production of armaments, military research and other activities relating to the provision of supplies and services for the armed forces, we find that hundreds of millions of men and women have been diverted from peaceful employment. A vast amount of human energy, knowledge, ingenuity and skill is, so to speak, being sunk in a bottomless pit, swallowed up by expanding armaments.
- 13. The armaments race has also spread to States economically unable to support the burden of armaments, a burden which, from the military standpoint, is jeopardizing their very existence. Military bases in the territories of foreign States and armed forces stationed thousands of kilometres from their own frontiers provide clear proof of this.
- 14. On the other hand, the stockpiling of weapons of mass destruction in the arsenals of some Powers and the establishment of air, naval and missile bases increasingly close to the borders of other States compel the States against which these military preparations are directed to take the necessary steps to strengthen their own security and safeguard the peaceful life of their peoples. The Soviet Union, all the socialist countries and many other peace-loving States would like to undertake a complete conversion of their economies and resources to peaceful purposes so that they can provide the people with ample food, clothing and housing. However, they cannot devote their entire efforts to peaceful construction without mortally endangering the vital interests of their peoples and their own very existence. When one side arms, the other side must do likewise. The quantity of weapons of mass destruction is steadily increasing and, at the same time, the danger of a military explosion is growing.
- 15. Today atomic and hydrogen bombs are not only being stored in ultra-secret depots. They are being fitted on bombers which make flights over the territory of many Western European countries. We are nearing the stage when extremely powerful and longrange weapons can be launched not only on the orders of Governments, but at the will of individuals posted at the control panel of these weapons. But it is unlikely that a State on whose territory a nuclear cargo is dropped as a result of evil intent, technical failure or accident, will investigate the cause of such action; it will be compelled to react as it would against a military attack, against an act of war. Can we allow the issue of peace or war to be settled by blind chance?

- Do all these facts not provide further proof that we can go no further along the road of armaments? The Soviet Union by no means considers that an armaments contest is completely inevitable and that it must at all times be a concomitant of relations between States. The Soviet Union has based and still bases its foreign policy on the assumption that it is possible to prevent the future development of human society from taking the course which has led to two world wars and to ensure that the history of human society ceases to be a chronicle of sanguinary wars.
- 16. Weapons are created by the hands of man. The same hands can also destroy them.
- 17. The problem of disarmament has already been under discussion in the United Nations for almost fourteen years. It had previously been considered for many years by the League of Nations and by the disarmament conference convened by the League. However, no practical results have so far been achieved in terms of agreed decisions among States.
- 18. Much could be said about the causes of the gloomy situation that prevails with respect to disarmament. But what we need to do now is not to delve into the past and become further embroiled in controversy, but to remove the chief obstacles on which all previous attempts to reach an agreement on disarmament have foundered.
- 19. The whole course of the negotiations on disarmament, which have lasted for many years, shows that the problems of organizing control over disarmament has been advanced as one of the chief obstacles to the attainment of such an agreement.
- 20. The Soviet Government has always stood, and still stands, for the establishment of strict international control over the fulfilment of agreements on disarmament measures when such agreements have been reached. Every Soviet proposal on the prohibition of atomic weapons and of the testing of such weapons, as well as on the reduction of conventional armaments and armed forces, has invariably been accompanied by specific proposals for the establishment of effective international control. The Soviet Government has, however, been consistently opposed to the control system being converted into a programme of measures unrelated to the actual implementation of disarmament, and more particularly to the control organs becoming organs for the collection of intelligence data on the armaments of States under conditions in which disarmament would not in fact be taking place.
- 21. In present circumstances however, the organization of control does involve real difficulties quite apart from the complications which have been artificially injected into the problem. These difficulties will become quite clear on reference to a problem such as that of the prohibition and elimination of nuclear weapons.
- 22. As we know, the same fissionable materials can be used at the plants concerned both for the production of nuclear weapons and for peaceful needs. This means that in present circumstances, when atomic energy is being increasingly used in the economy, some of the fissionable materials may be surreptitiously diverted to the production of weapons.

^{2/} Conference for the Reduction and Limitation of Armaments.

- 23. To avoid, in the present atmosphere of distrust, all suspicion that some State or other was concealing its use of atomic materials for military purposes, foreign controllers would have to be granted access to a very large number of plants in each country, and that would in fact amount to establishing a sort of foreign trusteeship over a large sector of the country's economy. At the same time and for precisely the same reason—distrust among States—not one State is prepared to admit foreign controllers and inspectors to its enterprises, particularly those engaged in military production.
- 24. Clearly, in the present circumstances, with the continuance of the armaments race, international tension and lack of confidence, the essential conditions for the establishment of over-all control are absent.
- 25. So long as distrust prevails between States, the opponents of disarmament can easily make any disarmament measure subject to control conditions which other States cannot accept. Indeed those States which for that or any other reason raise such farreaching demands regarding the powers of control organs have themselves no inclination whatever to accept such control terms if ever they are put into effect.
- 26. In such circumstances any deliberate attempt to advance inflated control requirements, and especially to put the establishment of control before disarmament as a prerequisite for any disarmament measures, is tantamount to blocking all approaches to the solution of the problem.
- 27. The Soviet Government considers that the time has come to make a sober assessment of the situation that has developed and to admit that, since the approach used so far in seeking a solution of the problem of disarmament has failed to produce the necessary results, the proper conclusions should be drawn from that fact. The Soviet Government believes there can be but one conclusion: that it is the duty of all States and of the United Nations urgently to seek a new way of solving the problem of disarmament, which is the burning problem of our time.
- 28. What is this new way? How can an end be put to a situation in which great wealth extracted by man from nature, and transformed by scientific genius, by the skill of engineers and the efforts of many millions of workers, is wasted on producing means of destruction and extermination? How is it possible to prevent tens of millions of people who are at the peak of their creative force and energy from being torn away from useful work to serve in the armed forces and to train for a war of annihilation?
- 29. The majority of statesmen and public figures, as well as the broad masses of the population of all countries, already recognize that another world war would be a fearful tragedy for everybody, and for some countries whose area is not large but whose population density is high it would be a disaster threatening their very existence.
- 30. The task now is to find some means of preventing mankind from being engulfed in a war fought with nuclear weapons and missiles.
- 31. In the present state of international relations and at the present level of military technology, when any military conflict may lead to a war conducted with

- nuclear weapons and missiles, the only way to ensure the security of all States is to exclude the very possibility of war. As long as large armies, air forces and navies exist, as long as there are nuclear weapons and missiles, as long as young men on the threshold of life are trained first of all in the arts of war, and general staffs work out the plans for future military operations, there is and can be no guarantee of peace between peoples. The most effective and solid guarantee of peace, in keeping not only with the loftiest ideals but also with the urgent demands of the people, is not the balance of armaments, which every State endeavours to interpret in such a way as to turn it to its own advantage, but the inability of States to wage a war for lack of material means.
- 32. After carefully considering the present international situation and the experience of earlier disarmament negotiations the Government of the Soviet Union has come to the conclusion that the best means of solving the disarmament problem, which is the chief international problem of our time, is complete and general disarmament by all States.
- 33. By complete and general disarmament the Soviet Government means the renunciation by all States without exception of the maintenance of any kind of armed force apart from minimum contingents for internal security (militia, police) equipped with small arms and designed to maintain order in each country.
- 34. This means that land armies, navies and air forces will cease to exist; general staffs and war ministries will be abolished, and military training establishments will be closed. Tens of millions of people will return to peaceful, constructive work.
- 35. Foreign military bases now established in a number of States, which are detrimental to sovereignty and security of those States and extremely harmful to the cause of international confidence and co-operation, will be abolished.
- 36. All atomic and hydrogen bombs in the possession of States will be destroyed and their further production discontinued. Energy derived from fissionable materials will be used exclusively for peaceful economic and scientific purposes.
- 37. Military missiles of all ranges will be eliminated, and missiles will remain only as a means of transport and for the exploration of outer space for the benefit of all mankind.
- 38. Guns, tanks, shells, and torpedoes will be melted down to provide metal for theneeds of peaceful construction work. Warships and military aircraft will be scrapped.
- 39. Stockpiles of chemical and bacterial weapons accumulated by some States, asphyxiating and poisonous substances, and cultures of lethal bacteria which are potential sources of severe epidemic disease will all be finally and irretrievably destroyed.
- 40. Such is the disarmament programme which the Soviet Government submits to all States for their consideration, and in the first place to the Members of the United Nations, proposing that it should be put into effect without delay.
- 41. This is a radical programme, but that is precisely what guarantees that it can be carried out

- in the present circumstances. The existence of blocs of Powers, opposed to one another, in which dozens of States are committed to mutual military obligations, together with the dizzy pace at which military technology is developing, demands bold and far-reaching decisions if peace is to be ensured.
- 42. The proposal for complete and general disarmament is to be distinguished from all other disarmament proposals, since its realization would completely exclude any inequality and would rule out the possibility that military advantages of any kind would be created for any State.
- 43. Hardly anyone would deny that, if a radical decision was taken to bring about the general and complete disarmament of all States within a short firmly established time limit and if that decision was put into effect, the entire international situation would change completely. Relations between States, including countries belonging to different social systems and to opposing military and political blocs, would be put on a completely new basis.
- 44. Fear of possible aggression by any State would in fact be removed. The readiness of States to undertake complete general disarmament would be convincing factual confirmation of the absence of any aggressive intentions on their part and of their sincere desire to base relations with other countries on the principle of peaceful coexistence. Furthermore, with the destruction of armaments and the abolition of armed forces, no physical possibility whatsoever would remain that States could pursue any policy but that of peace. The abolition of the means of waging war would provide an even more solid basis for coexistence between States as relations between States could no longer develop along any other lines.
- 45. General and complete disarmament would remove the distinction between the victors and the vanquished in the last war. The significance and international prestige of Powers would be determined, not by their military might, but by the extent to which they participate in creating the material and spiritual riches of mankind.
- 46. The prestige of individual States and the importance of their contribution to the history of mankind would be measured, not by the number of their divisions, bombers or rockets, the tonnage of their warships and submarines, or their stockpiles of atomic and hydrogen bombs, but by their achievements in the production of material wealth, in the improvement of the working and living conditions of the people and in the struggle for the prolongation of life.
- 47. Naturally, even after the completion of a general disarmament programme, contradictions between States will remain, particularly between States with different social and economic systems. These contradictions will be resolved, however, not through military clashes, but by peaceful economic competition, by the struggle of ideas, and with the help of other peaceful means as prescribed in the United Nations Charter.
- 48. General and complete disarmament will remove also the difficulties connected with control. In such circumstances, States will have nothing to hide from each other, and there will be every opportunity to carry out checks or inspections if there is any doubt

- about the good faith of any State in fulfilling its disarmament obligations.
- 49. In other words, the decision in favour of general and complete disarmament would at last make it possible to break the vicious circle of distrust between States which now fetters them in their negotiations on partial disarmament measures and prevents them from making any progress whatever.
- 50. When general and complete disarmament has been achieved, a new and much more favourable atmosphere will be created for the solution of many complex political problems still outstanding, including those in Europe.
- 51. Lastly, the achievement of general and complete disarmament would offer all countries new prospects of economic development. There would be unprecedented opportunities for a rapid improvement in the living standards of all nations, since funds could be put to good use that are now being spent by States on the maintenance of armed forces and the manufacture of armaments.
- 52. The opponents of disarmament not infrequently try to discredit the very concept of disarmament by asserting that the cessation of armaments manufacture would inevitably cause economic difficulties and bring unemployment to many people now engaged in the armament industries. But this is a specious argument.
- 53. Surely, current production of lethal weapons consumes vast sums of public money which could be used for building houses for the population, new schools for children and free hospitals for those needing medical treatment, and for providing or increasing old-age and disability pensions. Surely the use of these funds for peaceful purposes offers the fullest opportunities for employment.
- 54. There can be no doubt that general and complete disarmament would create conditions for the material and intellectual development of all countries at a rate many times in excess of the present one. The thousands of millions that would flow like a torrent into the civil economies as a result of the cessation of military expenditure would be used in far more favourable circumstances than those prevailing at present. The artificial barriers with which States isolate themselves and jealously guard their scientific and technological achievements for military and strategic reasons would gradually fall away. Scientists in all countries would be able to devote their work exclusively to the service of society and the improvement of living conditions. The unimpeded exchange of information would give new impetus to scientific, technical and economic progress in all States, at the individual and at the collective level.
- 55. If all States pooled their efforts and provided the funds needed for waging an all-out offensive against such enemies of mankind as cancer and other serious diseases which still resist treatment, these diseases could soon be defeated. General disarmament would furnish the prerequisites for such a concerted effort to improve the health of mankind.
- 56. The greater mutual confidence between States resulting from general and complete disarmament would favour the extensive development of international trade. The artificial barriers in the form of discriminatory restrictions, lists of prohibited goods and

similar devices employed by certain Powers to prevent the extension of this trade would disappear. The industries of such countries as the United States, the United Kingdom, West Germany and France would at last be able to avail themselves of the existing wide opportunities for securing large foreign orders. Mutually beneficial trade would have a favourable influence on the economies of trading States.

- 57. General and complete disarmament would also create new opportunities for providing assistance to States whose economies are at present under-developed and need help from the more advanced countries. The allocation of even a small proportion of the resources released by the cessation of military expenditure by the great Powers for assistance to such States would inaugurate a new era in the economic development of Asia, Africa and Latin America.
- 58. The following example will suffice. The Aswan High Dam and the hydroelectric installations associated with it, now under construction on the Nile in the Egyptian part of the United Arab Republic, probably constitute the most impressive project now being carried out in any of the under-developed countries of Africa or Asia. If general and complete disarmament is achieved and highly-developed industrial countries set aside say 10 per cent of the resources thus saved for assistance to under-developed countries, such allocations from the budgets of two Powers alone—the United States and the Soviet Union—could finance the construction of several such dams every year.
- 59. In 1958 the direct military expenditure alone of Member States of the NATO military bloc totalled \$60.000 million. One-tenth of this sum, if used to help under-developed countries, would finance the construction, every year, of more than ten iron-and-steel plants similar to those now being built in India.
- 60. Such are the opportunities for promoting the economic progress of under-developed countries on the basis of general and complete disarmament. The Soviet Union is in favour of making the fullest use of these opportunities.
- 61. This is not the first time the idea of general and complete disarmament has been put forward. The Soviet Government made proposals to this effect in the period between the two world wars. The interests of rival groupings of Powers attempting to turn the military might of aggresive States against the only socialist State then in existence prevented the adoption of that Soviet proposal, with disastrous consequences for the fate of the world.
- 62. Opponents of the proposals for general and complete disarmament were then wont to say that the Soviet Union had made the proposals because it was economically and militarily weak. This false argument may have misled some people, but it is obvious to everyone today that to talk of the weakness of the Soviet Union is absurd, and that the new Soviet proposal for general and complete disarmament is prompted solely by the desire to promote the establishment of lasting peace between nations.
- 63. The Soviet Union, the People's Republic of China and all the socialist countries are sharply opposed to war and to the manufacture of weapons of war. It would, however, be incorrect to imagine that States with a different social system have no reason

- to support sincerely and unreservedly a proposal for general and complete disarmament. Destruction of the means of waging war cannot, and will not, be detrimental to the national interests of any State. No Government with genuine concern for the fate of its country and its people can adopt an unfavourable attitude to a proposal for general and complete disarmament.
- 64. There are over one hundred States on the political map of the world. The States are at different levels of economic development, they have different political and social systems and their peoples have different living conditions and levels of culture. But, despite the different circumstances in which the peoples of the various countries live, they have one thing in common: the desire to prevent another war and to secure everlasting peace on earth. When no State is physically able to take military action against other States, the course of international relations will be dominated by genuine mutual confidence.
- 65. In the belief that all these lofty aims can and must be attained by the concerted efforts of all States, united in the spirit of the peaceful principles of the United Nations, the USSR Government submits for the consideration of the United Nations a proposal for general and complete disarmament.

PROGRAMME FOR GENERAL AND COMPLETE DISARMAMENT

66. A programme for general and complete disarmament must include the following measures:

The disbanding of all armed forces (land, naval and air forces) and the prohibition of their re-establishment in any form:

The destruction of all forms of armaments and military supplies both in the possession of the armed forces and in depots;

The elimination of all warships, military aircraft, and all other types of military equipment;

The complete prohibition of atomic and hydrogen weapons, the cessation of the manufacture of all types of these weapons, their elimination from the armaments of States and the destruction of stockpiles;

The complete cessation of the manufacture, and the destruction of all types of missiles, irrespective of their range, including space rockets designed for military purposes;

The prohibition of the production, possession and storage of the means of chemical and bacterial warfare, and destruction of stockpiles of these types of weapons;

The abolition of military bases of all kinds (army, navy, and air force) in the territories of foreign States and all missile-launching installations;

The cessation of military production at war plants and at war-production units in general industrial plants;

The termination of all military courses and training, both in the army and in public organizations, and the enactment of legislation abolishing military service in all its forms (compulsory, voluntary or by recruitment);

The abolition of war ministries, general staffs, military educational institutions and military and para-military establishments and organizations of all kinds;

The discontinuance of the appropriation of funds for military purposes in any form, whether from State budgets or from public organizations and private individuals;

The prohibition by law of war propaganda and the military education of young people, and the enactment of legislation prescribing severe penalties for the infringement of any of the measures enumerated above.

- 67. States shall retain at their disposal only strictly limited contingents of police (militia), the size of which shall be agreed upon for each country and which shall be equipped with small arms and be used exclusively for the maintenance of internal order and the protection of the personal security of citizens.
- 68. For the purpose of supervising the timely implementation of the measures of general and complete disarmament, an international control organ composed of all States shall be established. The staff of the control organ shall be recruited on an international basis with due regard to the principle of equitable geographical distribution.
- 69. The international control organ shall have at its disposal all the facilities necessary for the exercise of strict control. The functions and powers of this organ shall correspond to the nature of the disarmament measures being implemented.
- 70. The Soviet Government proposes that the programme of general and complete disarmament should be carried out within as short a time limit as possible—within a period of four years.

First stage

71. The following measures are proposed for the first stage:

The reduction, under appropriate control of the strength of the armed forces of the Union of Soviet Socialist Republics, the United States of America and the People's Republic of China to the level of 1.7 million men, and of those of the United Kingdom and France to the level of 650,000 men;

The reduction of the strength of the armed forces of other States to levels to be agreed upon at a special session of the United Nations General Assembly or at a world conference on general and complete disarmament;

The reduction of the armaments and military equipment at the disposal of the armed forces of States to the extent necessary to ensure that the remaining quantity of armaments corresponds to the level fixed for the armed forces.

Second stage

72. The following measures are proposed for the second stage:

The completion of the disbandment of the armed forces retained by States;

The elimination of all military bases in the territories of foreign States. Troops and military personnel shall be withdrawn from the territories of foreign States to within their own national frontiers and shall be disbanded.

Third stage

73. The following measures are proposed for the third stage:

The destruction of all types of nuclear weapons and missiles:

The destruction of air force equipment;

The entry into force of the prohibition on the production, possession and storage of means of chemical and bacterial warfare. All stockpiles of chemical and bacterial weapons in the possession of States shall be removed and destroyed under international supervision;

Scientific research for military purposes and the development of weapons and military equipment shall be prohibited;

War ministries, general staffs and all military and paramilitary establishments and organizations shall be abolished;

All military courses and training shall be terminated. States shall prohibit by law the military education of young people;

In accordance with their respective constitutional procedures, States shall enact legislation abolishing military service in all its forms—compulsory, voluntary, by recruitment, and so forth, and prohibiting the re-establishment in overt or covert form of any military or para-military establishments and organizations;

The appropriation of funds for military purposes in any form, whether from State budgets or from public organizations, shall be discontinued. The funds made available as a result of the implementation of general and complete disarmament shall be used to reduce or abolish taxation of the population, to subsidize national economies and to furnish extensive economic and technical assistance to underdeveloped countries:

For the purpose of supervising the implementation of the measures of general and complete disarmament, an international control organ shall be established. The extent of the control and inspection exercised shall correspond to the stage reached in the phased disarmament of States.

Upon the completion of general and complete disarmament, which shall include the disbandment of all services of the armed forces and the destruction of all types of weapons, including weapons of mass destruction (nuclear, rocket, chemical, bacterial), the international control organ shall have free access to all objects of control. It may institute a system of aerial observation and aerial photography over the territories of States.

* *

- 74. While the programme of general and complete disarmament is being carried into effect and until the final disbandment of all armed forces, States shall maintain the same ratio among the various services of their armed forces as existed at the time of the entry into force of the disarmament agreement.
- 75. The programme of general and complete disarmament shall be carried out by States in strict conformity with the time limit specified in the agreement, and its implementation may not be suspended or made contingent upon the fulfilment of any conditions not provided for in the agreement.
- 76. To anticipate possible attempts on the part of States to circumvent or violate the agreement on general and complete disarmament, the agreement shall contain a provision stipulating that any question of its violation shall be submitted for immediate consideration by the Security Council or the General Assembly of the United Nations, in accordance with their respective spheres of competence.
- 77. It goes without saying that the Soviet Government wishes to approach the existing situation realistically, and if at present the Western Powers do not, for one reason or another, express their readiness to embark upon general and complete disarmament, the Soviet Government is prepared, as before, to come to terms with other States on appropriate partial measures relating to disarmament and the strengthening of security. In the view of the Soviet Government, the most important steps are the following:
- (1) The establishment of a control and inspection zone, and the reduction of foreign troops in the territories of the Western European countries concerned;
- (2) The establishment of an "atom-free" zone in Central Europe;

- (3) The withdrawal of all foreign troops from the territories of European States and abolition of military bases in the territories of foreign States;
- (4) The conclusion of a non-aggression pact between the States members of NATO and the States members of the Warsaw Treaty;
- (5) The conclusion of an agreement on the prevention of surprise attack by one State upon another.
- 78. The Soviet Government considers it appropriate to recall its disarmament proposals of 10 May 1955, 3/2 which outlined a specific scheme for partial measures in the field of disarmament. It is convinced that these proposals constitute a sound basis for agreement on this vitally important issue.

- 79. With respect to the cessation of nuclear weapons tests, the Soviet Government has been and still is in favour of immediate cessation of such tests for all time.
- 80. The Soviet Government expresses its deep conviction that the proposed radical solution of the disarmament problem would ensure a profound change in the course of international relations, would bring into being an atmosphere of confidence among States and would create conditions for the peaceful life of nations. The Soviet Government calls upon the Governments of all countries of the world and, in particular, upon the Governments of the great Powers, which possess the most powerful armed forces, which are permanent members of the Security Council, and which bear a special responsibility towards the nations for universal security, to proceed jointly and without delay to the implementation of general and complete disarmament.

DOCUMENT A/C.1/818

Note verbale dated 28 September 1959 from the Permanent Mission of the People's Republic of Bulgaria to the Secretary-General

[Original text: English]
[1 October 1959]

The Permanent Mission of the People's Republic of Bulgaria to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to enclose herewith a translation of the declaration of the Government of the People's Republic of Bulgaria of 24 September 1959 with the request that it be circulated among Members of the United Nations.

DECLARATION OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA

1. The Government of the People's Republic of Bulgaria and the Bulgarian people welcomed with great satisfaction the declaration of the Soviet Government on general and complete disarmament [A/4219] submitted for the consideration of the United Nations General Assembly at its fourteenth session. It is a remarkable historic document the implementation of which will radically change the life of humanity. This is a programme which is completely feasible and great by virtue of its significance and content. Only the Soviet Union, the first socialist country in the world, whose people are now building the communist society, could put forward this proposal, which is unparalleled in its humaneness and which reflects the most cherished desires and strivings of all mankind. In all countries the people welcome with unconcealed joy the programme of the Soviet Government for general and complete disarmament. With admiration they are following the visit of the Chairman of the Council of Ministers of the USSR, Mr. N. S. Khrushchev. to the United States and hailed with great joy his outstanding speech in the United Nations [799th plenary meeting], which is a brilliant defence and exposition of the peaceful strivings of the Soviet peoples. The millions of ordinary people best of all realize how the

- world would look if general and complete disarmament were consistently carried out in all States. If armed forces were abolished, as well as general staffs, military ministries and military academies, if the further manufacture of atomic and hydrogen bombs were discontinued, while those which had already been produced were destroyed, if the manufacture of rockets for military purposes were ended, and if stockpiles of conventional weapons and of chemical and bacterial means of extermination were liquidated, mankind would heave a sigh of relief, war would be for ever abolished from the life of society and peace would prevail on earth for all time.
- 2. In complete accordance with its policy of peace and peaceful coexistence, the Government of the People's Republic of Bulgaria shares the belief of the Soviet Government that it is the duty of all States, as well as of the United Nations, to find immediately a new road to the settlement of such an important and urgent issue as the disarmament question. This new road must lead to the exclusion of the very possibility of launching a war. This is the road to general and complete disarmament.
- 3. The Bulgarian Government fully supports the historic programme of the Soviet Government for general and complete disarmament and holds the view that the implementation of this programme in three stages in the course of a period of four years is fully feasible, provided the efforts of the peoples and their Governments, in particular the great Powers, are united.
- 4. The Bulgarian Government welcomes the readiness of the Soviet Government to reach agreement with other States on appropriate steps of partial disarmament and on the consolidation of security, if,

^{3/} Official Records of the Disarmament Commission, Supplement for April to December 1955, document DC/71, annex 15.

for various reasons, the Western countries do not agree to general and complete disarmament.

5. The Bulgarian people and their Government have supported and will support all measures for the creation of a control and inspection zone and for the reduction of foreign troops on the territories of the West European countries concerned, the creation of an "atom-free" zone in central Europe, the withdrawal of all foreign troops from the territories of the European countries and the abolition of the military bases on foreign territories, the conclusion of a nonaggression pact between the NATO States and the Warsaw Treaty countries, an agreement on the prevention of a surprise attack by one State upon another. There is no people which does not want peace and which does not strive for its preservation. This is fully comprehensible because there is no people which has not, in one way or another, experienced the horrors of war. The Balkans have time and again been an area of conflagration, bloodshed and devastation. Within the life-span of only one generation, the Balkan people were plunged, against their will, into the abyss of several fratricidal wars, which took the lives of and maimed hundreds of thousands of the sons of the people and brought unhappiness to their mothers and fathers, their wives and children. One can hardly find a community in Bulgaria and in the other Balkan countries which has not given war its toll in human life. Wars have inflicted the heaviest of disasters on the economies of the Balkan countries; they have wasted huge funds and the wealth of the people. With the modern nuclear and missile weapons, the consequences of a new war would be incomparably more dreadful, as is noted in the declaration of the Soviet Government. The peoples of the Balkans have renounced this past. This past should be renounced by their Governments; not only the socialist but also the non-socialist Balkan countries should resolutely take the path to a reduction of world tension and a consolidation of world peace. The historical ties and traditions which have been created among the Balkan peoples over the centuries are a valuable capital, to which their Governments should turn in order to find a common language and possibilities for co-operation in the name of peace. General and complete disarmament would relieve the peoples of the heavy burden of the military budgets. The abolition of foreign military

- bases, the discontinuance of the preparations for setting up missile-launching pads on the territory of some countries would scatter the stormy clouds of war hanging over the Balkans and initiate the elimination of mutual suspicions among the Balkan peoples.
- 6. True to its peaceful policy, the Bulgarian Government has undertaken numerous steps to improve relations with the non-socialist countries in the Balkans, to strengthen peace in that area. It has proposed the conclusion of collective or bilateral treaties among the Balkan countries.
- 7. Not long ago our country proposed the signing of a non-aggression pact between the People's Republic of Bulgaria and the Kingdom of Greece. We have twice reduced our armed forces, thereby giving a new and real expression to our peaceful policy. The Government of the People's Republic of Bulgaria and the Bulgarian people have unanimously supported the proposal of the Chairman of the Council of Ministers of the USSR, Mr. N. S. Khrushchev, for the creation of an "atom-free" and rocket-free zone in the Balkans and the Adriatic because it serves the cause of peace. The proposal for a meeting of the leaders of the Balkan States has the same aim. If these measures are carried out, they will open the road to new agreements among the Balkan countries and will provide new possibilities for turning the Balkans into a zone of peace.
- 8. The Government of the People's Republic of Bulgaria wishes to believe that the proposal of the Soviet Government for general and complete disarmament will meet with the support and good will of all Balkan Governments, of the Governments of all countries, big or small. Only then will it be possible to save mankind and civilization from the horrors of a nuclear and missile war, which, if it should break out, will devastate not only whole countries, but entire continents. Now it is the supreme duty of all Governments to act prudently and to listen to the voice of their peoples. For this reason, the Bulgarian Government and people express their complete solidarity with, and give their unreserved support to, the proposals of the Soviet Union for general and complete disarmament, which is in the interests of all mankind and in the interests of peace and peaceful coexistence among nations.

DOCUMENT A/C.1/820

United Kingdom declaration on comprehensive disarmament, made by Her Britannic Majesty's Principal Secretary of State for Foreign Affairs to the General Assembly at its 798th plenary meeting, on 17 September 1959

[Original text: English] [16 October 1959]

Our aim is to move forward by balanced stages First stage wards the abolition of all nuclear weapons and all In the first stage the following

towards the abolition of all nuclear weapons and all weapons of mass destruction, and towards the reduction of other weapons and armed forces to levels which will rule out the possibility of aggressive war. Obviously progress must be made by stages and I will now try to indicate the way in which I think it might be made.

In the first stage the following matters should be dealt with:

(a) Nuclear tests. If, as we very much hope, agreement is reached at the present conference between the Governments of the United States, the Soviet Union and the United Kingdom [Conference on the Discontinuance of Nuclear Weapons Tests], that agreement should be endorsed by other nations.

We believe that that is an important step towards dealing with the vexed question of the spread of nuclear armaments;

- (b) There should be a technical conference on the feasibility of controlling what is called the "cut-off", in other words, ceasing to use fissionable material to make weapons. That is an even more important step if we are indeed to stop the spread of the manufacture of nuclear weapons;
- (c) The great Powers should agree to maximum limits for their forces. There should be the establishment of an international body charged with the task of collecting information on present levels of forces and conventional armaments. The object of this would be to try to establish some basis for limiting conventional armaments. In this context armaments are even more important than the levels of forces:
- (d) We should pursue the idea of the handing over of specific quantities of designated types of armaments to the custody of an international control organization;
- (e) If these other ideas are acceptable I think we should follow up the not very successful Conference of Experts for the study of possible measures which might be helpful in preventing surprise attack with a further conference to consider the political as well as the technical aspects of this particular problem;
- (f) There should be a study of the problems involved in the use of outer space. It is true that some work has been done on this in the United Nations, but the Soviet Union has not taken part in that work. I would hope that their attitude will change on that point and recent remarkable events make that hope not unreasonable;
- (g) Finally, in this stage, we should study between us the nature and functions of the international control organ which will not only have to control disarmament measures, but also will have increasing responsibilities within the framework of the United Nations to preserve world peace as purely national armaments diminish. In 1954 in the Sub-Committee of the Disarmament Commission we did spend considerable time studying the problems of the control organization. The United States paper ½ submitted on that occasion might provide a basis for this further study. We have also gained considerable experience as a result of the discussions at the nuclear tests Conference in Geneva.

All this would be the beginning, the first stage.

Second stage

- At the second stage, or intermediate stage, the following steps should be taken:
- (a) There should be progressive reduction of conventional armaments and military manpower under proper control;
- (b) There should be the introduction of the cut-off of production of fissionable material for weapons purposes;
- (c) We should begin to reduce stocks of nuclear weapons by successive transfers, under international supervision, of existing military stocks of fissionable material, whether fabricated into weapons or not, to non-weapons uses;
- (d) There should be the establishment of a system of inspection against surprise attack;
- (e) There should be agreement on a system to ensure the use of outer space for peaceful purposes;
- (f) We should begin to develop the capacity of the international control organ to take measures to keep the peace.

That would be the second or intermediate stage at which real progress was actually being made with real disarmament.

Third stage

The ultimate objective or the third stage should be comprehensive disarmament by all Powers under effective international control including the following matters:

- (a) There should be a ban on the manufacture of nuclear, chemical, biological and other weapons of mass destruction;
 - (b) There should be a ban on the use of such weapons;
- (c) There should be a ban on the use of outer space for military purposes;
- (d) There should be a re-examination of the possibility of controlling and then eliminating the remaining stocks of nuclear and other weapons of mass destruction;
- (e) There should be the establishment of effective international control of military budgets;
- (f) As progress is made in dealing with remaining stocks of nuclear weapons, there would be the final reductions of conventional armaments and military manpower to the levels required for internal security purposes only;
- (g) The international control organ should reach its final form and attain its full capability for keeping peace.

DOCUMENT A/C.1/821

Suggestions of the French delegation (extract from the statement made by the representative of France at the 1030th meeting 5/ of the First Committee, on 22 October 1959)

[Original text: French] [27 October 1959]

- 1. I should like to describe the three principles which we must bear in mind in our present studies, before making some remarks about the plans already proposed.
- 2. The first subject we must consider is that of the new technological situation. Since the interruption of the talks on disarmament in 1957, the speeding up of scientific progress has created new risks and made old dangers more acute. The rate at which devices with thermo-nuclear warheads are being hurled into the stratosphere is proving even more dangerous than

the former race in aircraft bombs. It is spreading the danger of almost universal destruction by monstrous robots travelling at thousands of miles an hour. The way is being opened to the tragic possibility of a total war unleashed by accident, by error or through a misunderstanding.

3. The number of projectiles travelling in the stratosphere is increasing so rapidly that it will soon be

^{4/} Official Records of the Disarmament Commission, Supplement for April, May and June 1954, document DC/53, annex 4.

^{5/} The official record of this meeting is published only in summary form.

too late to work out and apply disarmament methods in the complex field of rockets and satellites. Will the Governments of 1960 repeat the error-fraught with consequences-committed by those who in 1946 did not know how to reach a compromise solution on the production of fissionable material for military use? The obstinacies of that time led to the passing of the "point of no return", to which the representative of France so often drew attention in the years that followed, the point beyond which inspection measures, which would have been relatively easy to put into operation before then, became impracticable. Hence the intensified race in the production of nuclear weapons, superimposed upon the race, already longstanding, in the conventional field. Hence, too, the greater burden of military budgets, the tensions increasing throughout the world, and the universal anxiety.

- 4. Will there be the same lack of a constructive policy in the matter of satellites and rockets?
- 5. If we are to make full use of the harsh lesson of 1946, we believe it necessary, in any disarmament programme, to give high priority to measures prohibiting first the development and then the manufacture and possession of all vehicles for the delivery of nuclear devices: satellites, rockets, supersonic or long-range aircraft, ocean-going submarines, aircraft-carriers, launching-pads, etc.
- 6. Since past refusals make it impossible today to exercise any effective control over stockpiles of nuclear material, and since the peoples can never again be sure of the total conversion of these stockpiles to peaceful uses, we suggest that anxiety and mistrust should be allayed by starting disarmament efforts with the elimination of the most dreaded vehicles for the delivery of the materials of universal destruction. An action of this kind should be studied before anything else.
- 7. Once this priority has been accepted, we should be ready to consider all methods of application. I do not wish to specify any such methods today. Merely as an illustration I could suggest that a first stage should be a declaration of programmes and existing weapons to the international disarmament organ; a second stage should be the prior notification and control of tests; a third, the prohibition, destruction and control of stockpiles, infrastructures and factories, during which stage all that would remain would be certain approved air and naval material to meet the needs of internal security and the obligations imposed by our Charter. This, I repeat, is simply an outline of what might be studied.
- 8. I shall not enumerate the disarmament operations in other fields. As I said, I have no desire to present a plan today, but merely to formulate a few suggestions as to the relative order of importance of such operations, and to stress the fact that this order has changed over the past two years. The technique of warfare in the autumn of 1959 is no longer what it was in the summer of 1957, when our talks came to an end; still less is it the same as in the preceding years.
- 9. Today priority belongs first of all to the destruction of vehicles for the delivery of nuclear material and next to the elimination of the latter from arsenals. At the same time we must note that the de-

- velopment of nuclear devices has reduced the importance of conventional weapons and, to an even greater extent, the importance of the numbers of men using them.
- 10. Men of my age witnessed as young soldiers the disappearance, in the face of quick-firing weapons, of the cavalry, proud of its charges in days gone by. The horse—the noblest conquest of man, according to Buffon—yielded its place to horsepower, the individual breastplate to the armoured corps. The First World War marked the pre-eminence of artillery; the Second, that of tanks. Only a few decades after their hey-day, these advanced weapons are on their way out, victims of the atom. Piloted aviation is yielding pride of place to the robots of the stratosphere. Small teams of technicians, applying the discoveries of scientists, are replacing the heavy battalions of former days.
- 11. A reduction of armed forces, far from indicating an effort toward disarmament, is today evidence of the modernization of weapons and of an increase in destructive power. The number of men is reduced in order to compensate in the budget, albeit to a very slight degree, for the higher cost of the devices of modern warfare and, still more, because these devices make it necessary, in a total war, to scatter as widely as possible the minimum number of troops that must be retained in order to ensure the occupation of the terrain.
- 12. These remarks, which doubtless are not very original, surely dictate the order of the studies to be resumed at Geneva and of the actions to be proposed.
- 13. There is a final consideration which is guiding our reflections. Though the accelerated evolution of techniques of warfare requires us to reconsider the order of disarmament operations, certain long-established principles retain their value and are as applicable today as they were yesterday.
- 14. One of these consists in the necessity, during disarmament operations, of not upsetting former parities. As long as there are armies, the problem is in fact to strengthen simultaneously and along similar lines the security of all, not just the security of some to the detriment of others—a situation which would render the plan unacceptable to the latter.
- 15. This principle makes it necessary to correct the excessive rigidity resulting from a consideration of the order of importance alone. We must bear in mind both the relative urgencies and the need to integrate operations in the various technical fields of disarmament; thus, at each stage, we must call for simultaneous measures such that all of them together will provide everyone with ever greater security.
- 16. It is likewise necessary to provide for control; not, as the representative of the Soviet Union, Mr. Kuznetsov, said [1026th meeting], "control without disarmament", which France rejects just as it rejects disarmament without control, but control of disarmament, the aim of which, at every stage, is to dispel distrust by giving each State the certainty that the others are faithfully fulfilling their obligations.
- 17. I am familiar with the Soviet argument that control, far from re-establishing confidence, would increase suspicions while the disarmament operations were being carried out, and ought not to function fully

until after those operations are completed. In this extreme form the Soviet position is entirely opposed to ours. Because of this antagonism, we have been moving slowly down a dead-end road.

- 18. I remain convinced, however, that compromises will be worked out. For, and this is our third guiding principle, we are determined to put an end to academic debates and to achieve concrete results. I have never ceased to preach conciliation and the abandonment of hard-and-fast positions. I do not think that this is really a task beyond our powers. It it possible to conceive of a plan in which concepts that yesterday were opposed will be merged.
- 19. If, for example, the first stage involves only reporting, limitations and "freezings", we can imagine it without on-the-spot control, without what our Soviet colleagues term "economic spying". We can agree that each party will rely entirely upon the good faith of the others for the implementation of this stage.
- 20. This stage would, of course, be limited and would represent a halt in the armaments race rather than a beginning of disarmament. But, in order to switch from moving in one direction to moving in the other, must we not first come to a dead stop? Even if limited, these measures would have considerable psychological value, for they would "set the wheels moving"; they would permit a "thaw" in positions that have long been antagonistic.
- 21. Although in this stage the international control organization would have no role other than that of

- collecting the information furnished by all the Powers, in the second stage it would carry out inspections that would be as limited as possible, adapted in every respect to the measures then completed. Control would be fully established only during the third stage.
- 22. Similarly, we believe that solemn but unverifiable moral prohibitions leave distrust in existence until the good faith of each has been solidly established by other means. Some years ago, France signed the Kellogg-Briand Pact 6/ outlawing war. That did not prevent the Second World War. Yet we know the value the Soviet delegation attaches to such declarations. That is why, ever prompted by a desire for conciliation, we are prepared, as the French Minister of Foreign Affairs, Mr. Couve de Murville, recalled in the general debate [814th plenary meeting], to include such declarations in an over-all plan when other measures, themselves controllable and controlled, have contributed to re-establishing a minimum of international confidence.
- 23. We can thus conceive of a plan based at once on the present technical state of armaments, on our past efforts, and on the firmly expressed desires of other delegations. We hope that the ten-nation disarmament committee will examine the problem in this spirit of conciliation.

DOCUMENT A /4265

Report of the First Committee

[Original text: English]
[9 November 1959]

- 1. On 19 September 1959, the delegation of the Union of Soviet Socialist Republics requested (A/4218) the inclusion of the item "General and complete disarmament" in the agenda of the fourteenth session of the General Assembly.
- 2. Accompanying the request was a document (A/4219) entitled "Declaration of the Soviet Government on general and complete disarmament", which was submitted for the consideration of the Assembly by the Chairman of the Council of Ministers of the USSR on 18 September 1959 [799th plenary meeting].
- 3. At its 803rd plenary meeting, on 22 September 1959, the General Assembly adopted the recommendation of the General Committee (A/4222), without objection, and included this question as item 70 in the agenda of the fourteenth session.
- 4. At its 1025th meeting, on 8 October 1959, the First Committee, without objection, adopted the Chairman's suggestion that "General and complete disarmament" should be the first item of the Committee's agenda.
- 5. The First Committee debated the item at its 1026th to its 1042nd meetings during the period from 9 October to 2 November 1959. The following documents were also submitted to it:

- (a) Note verbale dated 28 September 1959 from the Permanent Mission of the People's Republic of Bulgaria to the Secretary-General (A/C.1/818);
- (b) United Kingdom declaration on comprehensive disarmament, made by Her Britannic Majesty's Principal Secretary of State for Foreign Affairs to the General Assembly of the United Nations at its 798th plenary meeting, on 17 September 1959 (A/C.1/820);
- (c) Suggestions of the French delegation (extract from the statement made by the representative of France at the 1030th meeting of the First Committee, on 22 October 1959) (A/C.1/821).
- 6. On 28 October 1959, a draft resolution (A/C.1/L.234), sponsored by all Member States, was submitted, whereby the General Assembly would: (1) call upon Governments to make every effort to achieve a constructive solution of the problem of general and complete disarmament; (2) transmit to the Disarmament Commission and request the Secretary-General to make available to the ten-nation disarmament committee the declaration of the United Kingdom of 17 September 1959 and the declaration of the USSR of 18 September 1959, and the other proposals or suggestions made, as well as the records of the plenary

^{6/}General Treaty for the Renunciation of War as an Instrument of National Policy, signed at Paris on 27 August 1928.

meetings and the meetings of the First Committee at which the question of general and complete disarmament was discussed; and (3) express the hope that measures leading towards the goal of general and complete disarmament under effective international control would be worked out in detail and agreed upon in the shortest possible time.

7. At its 1042nd meeting on 2 November 1959, the First Committee unanimously adopted the draft resolution.

Recommendation of the First Committee

8. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 840th plenary meeting, on 20 November 1959, the General Assembly adopted the draft resolution submitted by the First Committee (A/4265, para. 8). For the final text, see resolution 1378 (XIV) below.

Resolution adopted by the General Assembly

1378 (XIV). GENERAL AND COMPLETE DISARMAMENT

The General Assembly,

Document No.

<u>Moved</u> by the desire to save the present and succeeding generations from the danger of a new and disastrous war.

Striving to put an end completely and forever to the armaments race which places a heavy burden on mankind, and to use resources thus released for the benefit of mankind,

Desiring to promote the creation of relations of trust and peaceful co-operation between States,

Mindful of the resolution of the United Nations Disarmament Commission of 10 September 1959 (DC/146).

Being convinced that any progress towards the goal of general and complete disarmament under effective international control will contribute to the achievement of these high aims,

Considering that the question of general and complete disarmament is the most important one facing the world today,

- 1. <u>Calls upon</u> Governments to make every effort to achieve a constructive solution of this problem;
- 2. Transmits to the United Nations Disarmament Commission and requests the Secretary-General to make available to the ten-nation disarmament committee for thorough consideration the declaration of the United Kingdom of Great Britain and Northern Ireland of 17 September 1959 (A/C.1/820) and the declaration of the Union of Soviet Socialist Republics of 18 September 1959 (A/4219) and the other proposals or suggestions made, as well as the records of the plenary meetings 1/2 and the meetings of the First Committee 1/2 at which the question of general and complete disarmament was discussed;
- 3. Expresses the hope that measures leading towards the goal of general and complete disarmament under effective international control will be worked out in detail and agreed upon in the shortest possible time.

840th plenary meeting, 20 November 1959.

Observations and references

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 70 which are not reproduced in the present fascicle.

Title

A/3897	Report of the Conference of Experts to Study the Possibility of Detecting Violations of a Possible Agreement on the Suspension of Nuclear Tests	Official Records of the General Assembly, Thirteenth Session, Annexes, agenda items 64, 70 and 72
A/3936	Memorandum by the Secretary-General	Ibid.,
A/4078-S/4145	Report of the Conference of Experts for the study of possible measures which might be helpful in preventing surprise attack	Mimeographed

^{7/} Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 799th and 840th meetings.

^{8/} Ibid., First Committee, 1026th to 1042nd meetings.

17	General Assembly - Fourteenth Session - Amexes	
Document No.	Title	Observations and references
A/4209	Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session	Official Records of the General Assembly Fourteenth Session, Annexes, agenda item 66
A/4222	Second report of the General Committee	Ibid., agenda item 8
A/4233	Byelorussian Soviet Socialist Republic: request for the inclusion of an additional item in the agenda of the fourteenth session	Ibid., agenda item 71
A/4254	Letter dated 2 November 1959 from the Chairman of the delegation of the Union of Soviet Socialist Republics to the Secretary-General, transmitting the text of an appeal dated 31 October 1959 by the Supreme Soviet of the USSR to the parliaments of all countries of the world	Mimeographed
A/C.1/L.174	Japan: draft resolution	Official Records of the General Assembly, Twelfth Session, Annexes, agenda item 24
A/C.1/L.203	Union of Soviet Socialist Republics: draft resolution	Ibid., Thirteenth Ses- sion, Annexes, agenda items 64, 70 and 72
A/C.1/L.234	Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Uniton of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen and Yugoslavia: draft resolution	Adopted without change. See A/4265, para.8
A/C.1/L.235 and Rev. 1 and 2	Ireland: draft resolution	official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 67
A/L.236	Albania: amendment to documents A/L,231/Rev.1 and Add.1	Ibid., Twelfth Session, Annexes, agenda item 24
DC/144	Letter dated 7 September 1959 from the representatives of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General, transmitting the text of a communiqué issued on 7 September by the four Powers and requesting the convening of the Disarmament Commission	Official Records of the Disarmament Commission, Supple- ment for January to December 1959
DC/146	Resolution adopted by the Disarmament Commission at its 65th meeting on 10 September 1959	Ibid.

GENERAL ASSEMBLY



Agenda item 71

ANNEALS

Official Records

NEW YORK, 1959

FOURTEENTH SESSION

Agenda item 71: International encouragement of scientific research into the control of cancerous diseases*

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DOCUMENT A /4233

Byelorussian Soviet Socialist Republic: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: Russian] [28 September 1959]

On the instructions of the Government of the Byelorussian Soviet Socialist Republic, I have the honour to request, in accordance with rule 15 of the rules of procedures of the General Assembly the inclusion of the following item in the agenda of the fourteenth session of the General Assembly, as an important and urgent matter:

"International encouragement of scientific research into the control of cancerous diseases".

In accordance with rule 20 of the rules of procedure, an explanatory memorandum is attached hereto.

(Signed) K. KISELEV Chairman of the delegation of the Byelorussian Soviet Socialist Republic to the fourteenth session of the United Nations General Assembly

Explanatory memorandum

1. The delegation of the Byelorussian Soviet Socialist Republic submits for the consideration of the United Nations General Assembly of its fourteenth session the question entitled ''International encouragement of scientific research into the control of cancerous diseases''.

- 2. This question is raised for the following reasons.
- 3. Mankind is becoming increasingly concerned over the prevalence of cancerous diseases. We know that in the study of cancerous diseases there are many questions that are obscure or on which opinion is divided. People in all countries regard cancer as a terrible and fatal disease, since its causes have not been ascertained and effective remedies have not been found.
- 4. Statistical data on the incidence of and mortality from cancerous diseases indicate that the number of persons dying of cancer each year throughout the world is over 2 million. This means that for every 100,000 persons in the world, more than 100 die of cancer every year. Assuming that the average life expectancy of persons with malignant tumours is from two to three years, it can be said that approximately 5 million people throughout the world are now suffering from cancerous diseases.
- 5. In most countries, according to official data, cancerous diseases take second or third place among all causes of human death. The available statistical data on cancerous diseases throughout the world demonstrate that the control of such diseases is an international problem, in solving which the United Nations could play a positive role.
- 6. The extensive scientific research which has been carried on in various countries for many years has

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Third Committee, 948th to 954th meetings; and ibid., Plenary Meetings, 841st meeting.

already led to some progress in the control of cancerous diseases.

- 7. At the same time it must be said that the efforts so far made in this direction, nationally and internationally, have not yielded effective results. A great deal of work has yet to be done in order to find effective means of treating cancerous diseases. Of tremendous importance in ascertaining the causes of the different forms of cancerous diseases in man is the study of the characteristics of this disease in different countries, of the relationship between the prevalence of particular types of cancerous growths and geographical, climatic, occupational and other factors.
- 8. There is no question that the problem of cancer control is one of the most important problems of world medical science. The eradication of cancer as a fatal and wide-spread disease of manisone of mankind's most important tasks. The United Nations should promote the fulfilment of this task. Article 13 of the United Nations Charter lays upon the General Assembly a direct responsibility to initiate studies and make recommendations for the purpose of promoting international co-operation in, among others, the health field. The General Assembly might accordingly adopt in this connexion a decision for the international encouragement of scientific research into the control of cancerous diseases.
- 9. A most important means of affording such encouragement would be the institution by the United Nations of international prizes for the most outstanding scientific work in connexion with the control of cancerous diseases. It would place no strain on the United Nations budget to establish three prizes, of a total value of \$100,000, to be awarded to scientists every four years.
- 10. At the request of the United Nations General Assembly, the International Union Against Cancer might undertake to award these prizes and to hold the first prize-giving ceremony at the next International Congress on Cancer in 1962.
- 11. It would be desirable that world public opinion should be able to keep abreast of progress in the fight against cancer.
- 12. It would consequently be useful if the International Union Against Cancer would inform the United Nations

General Assembly in 1962 of the progress achieved in the control of cancerous diseases.

13. In view of the foregoing, and guided solely by the interests of humanitarianism, the delegation of the Byelorussian SSR introduces the following draft resolution for consideration at the fourteenth session of the General Assembly:

The General Assembly,

Considering that cancer is at present one of the diseases most dangerous to mankind,

Recognizing the general desire of all mankind to eliminate wide-spread cancerous diseases among human beings.

Recognizing further that the national and international efforts so far undertaken for the control of cancerous diseases have not yielded sufficiently effective results,

Wishing to encourage scientific efforts in this field in all countries and international institutions,

1. <u>Establishes</u>, for the most outstanding scientific work in connexion with the control of cancerous diseases, United Nations prizes:

First prize: \$50,000 Second prize: \$30,000; Third prize: \$20,000;

to be awarded once every four years;

- 2. Requests the International Union Against Cancer to undertake to award the prizes, holding the first prize-giving ceremony at the next International Congress on Cancer in 1962;
- 3. Requests the International Union Against Cancer to inform the United Nations General Assembly in 1962 of the progress achieved in the control of cancerous diseases.

* *

14. The delegation of the Byelorussian SSR expresses its confidence that the General Assembly will give this draft resolution careful consideration and will adopt a decision in the interests of all mankind, which expects a disease as wide-spread among human beings as cancer to be eradicated as quickly as possible.

DOCUMENT A/C.3/L.809

Greece: amendments to document A/C.3/L.800/Rev.1

[Original text: English] [10 November 1959]

1. Replace paragraph 3A by the following text:

"Establishes seven prizes of a total of \$100,000 to be awarded every four years for the most outstanding scientific work in connexion with the control of cancerous diseases, these prizes to be known as United Nations prizes."

2. Add the following paragraph 3B:

"Invites the World Health Organization to award these prizes on behalf of the United Nations according to the following suggested schedule: one prize of \$30,000, one \$20,000 and five of \$10,000 each."

3. Insert paragraph 3 after paragraph 3B.

DOCUMENT A /C.5/803

Financial implications of the draft resolution submitted by the Third Committee in document A/4279 Note by the Secretary-General

[Original text: English] [18 November 1959]

- 1. The draft resolution adopted at the 953rd meeting of the Third Committee (A/4279, para. 23) would entail an expenditure of \$100,000 every four years. There would be no expenditure in 1960. The Secretary-General would propose to submit suggestions for alternative methods of financing to the General Assembly at its fifteenth regular session.
- 2. The Advisory Committee on Administrative and Budgetary Questions has reviewed this matter and concurs in the approach outlined above.

DOCUMENT A /4279

Report of the Third Committee

[Original text: English and Spanish] [17 November 1959]

- 1. At its 826th plenary meeting on 12 October 1959, the General Assembly included the item entitled ''International encouragement of scientific research into the control of cancerous diseases'' in the agenda of its fourteenth session as item 71 and allocated it to the Third Committee.
- 2. The Committee had before it two explanatory memoranda submitted by the Byelorussian SSR (A/4233 and A/C.3/L.777).
- 3. The Committee devoted seven meetings (948th to 954th meetings), held from 6 to 12 November 1959, to the consideration of the item.
- 4. The representative of the Byelorussian SSR opened the debate by introducing a revised version of the draft resolution submitted by his delegation (A/C.3/ L.772/Rev.1). He stated that, despite the efforts of generations of scientists, the causes of cancerous diseases were still unknown and no effective methods of treatment had been found. In a large number of countries, they were second only to cardio-vascular diseases as a cause of death. The mortality rates for those diseases had risen from 64 per 100,000 in 1900 to 147 per 100,000 in 1955. At the current time, approximately 5 million of the world's inhabitants were suffering from cancerous diseases. Although cancer affected mainly the middleaged and the elderly, it was now appearing to an increasing degree among younger age groups.
- 5. He reffered to measures taken in the Soviet Union and the United States with regard to the control of cancer and expressed his belief that joint efforts on the part of scientists from all countries were called for in the fight against cancer.
- 6. The causes of cancer were still unknown. The virus theory had not been corroborated by the discovery of any causative viral agent in man. A most important means of shedding light on the causes of cancerous diseases was a study of their characteristics by countries and of the relationship between particular types of cancerous tumours and geographical, climatic, occupational and other factors. The lower mortality rate for cancer found in the underdeveloped countries could be explained in terms of incomplete assessment

- of causes of death by the inadequately developed medical and health services of those countries. One of the important tasks of the new science of medical geography would be to prepare maps showing the distribution of cancer throughout the world and to carry out regional studies.
- 7. The representative of the Byelorussian SSR commended the efforts of the WHO and the International Union Against Cancer, but felt that it would be desirable for both organizations, in their long-range programmes, to intensify the co-ordination of scientific research plans and to organize exchanges of information and experience through visits of outstanding medical cancer specialists.
- 8. He did not believe that the expenditure of \$100,000 every four years, as proposed in the draft resolution, would give rise to any difficulties. While the greatest reward for any scientist responsible for advances in cancer research would be the gratitude and recognition of all mankind, the prizes provided for would represent a concrete manifestation of that recognition.
- 9. He knew that some delegations felt that the matter of cancer control was one which properly belonged to WHO. However, the problem was so urgent and important that only an organization with the authority of the United Nations could deal with it.
- 10. The revised draft resolution submitted by the Byelorussian SSR (/C.3/L.772/Rev.1) read as follows:
 - "The General Assembly,
 - "Considering that cancer is at present one of the diseases most dangerous to mankind,
 - "Recognizing the general desire of all mankind to eliminate wide-spread cancerous diseases,
 - "Noting with approval the useful work carried out by the World Health Organization, the International Union Against Cancer and national organizations for the control of cancerous diseases,
 - "Recognizing further that the national and international efforts so far undertaken for the control of cancerous diseases have not yielded sufficiently effective results,

- "Wishing to encourage further scientific efforts in this field in all countries and international institutions.
- "1. Establishes, for the most outstanding scientific work in connexion with the control of cancerous diseases, United Nations prizes:

"First prize: \$50,000;
"Second prize: \$30,000;
"Third prize: \$20,000;

to be awarded once every four years;

- "2. Requests the World Health Organization to undertake to award the prizes, holding the first prize-giving ceremony at the next International Congress on Cancer in 1962;
- "3. Requests the International Union Against Cancer to give the World Health Organization its full support and its scientific advice for this purpose;
- "4. Invites the World Health Organization to consider, in accordance with article IV of the Agreement between the United Nations and the World Health Organization, what further steps may be taken to encourage effort in this field;
- "5. Requests the World Health Organization to inform the United Nations General Assembly in 1962 of the progress achieved in the control of cancerous diseases."
- 11. Many speakers congratulated the Byelorussian delegation on its humanitarian initiative. It was also pointed out that much time and money was being wasted as a result of unsatisfactory co-ordination of the research undertaken in various countries. Cancercontrol compaigns had already been organized in a number of countries. It was felt that every national action should be encouraged and supplemented by an international effort.
- 12. Several speakers drew attention to the fact that WHO had been concerned with the question for many years, and that, in its work, it co-operated with such specialized agencies as FAO and UNESCO and with various scientific organizations. It was recalled that a proposal had been adopted at the eleventh World Health Assembly that an extensive examination be made of the role of WHO in medical and health research. The report which had followed contained, inter alia, certain recommendations for increasing the world research potential against cancer. Considerable contributions had been subsequently made to the special account for medical research in order to enable WHO to give additional impetus to the intensified research programme.
- 13. Some delegations pointed out that WHO should be given the principal responsibility for action in the field referred to in the Byelorussian draft resolution, and that the International Union Against Cancer could not be placed on an equal footing with it. It was also argued that the General Assembly should not, in the form of a resolution, express its views on the subject of activities within the purview of a specialized agency, unless that agency had clearly failed in the performance of its tasks. The need for consultation and proper coordination between the United Nations and the specialized agencies was also stressed.

- 14. Some speakers questioned whether the awarding of prizes was the best way to encourage the efforts of scientists. It was suggested that the money could be employed rather for the purchase of equipment or the provision of fellowships. Others felt, however, that the prizes would draw public attention to the work of the scientists and to the non-political activities of the United Nations.
- 15. The representative of WHO reviewed the position of his organization in the campaign against cancer. In its early days, WHO had confined its work on cancer mainly to the granting of fellowships for advanced study abroad and to the preparation of certain statistical studies. It had also recommended standard definitions, nomenclatures and classifications, and had promoted the adoption of common techniques of diagnosis and treatment. The assessment of the results of the different treatments of cancer - surgical, radiological and others - had likewise received attention. That had been followed by recommendations concerning the establishment of certain national laboratories as reference laboratories. He recalled that UNESCO had undertaken international programmes of research into physical, chemical and biological phenomena of cell The World Health Organization co-operated actively also with the International Union Against Cancer and the International Congress on Radiology. In March 1959 a special scientific group on cancer research, convened by the Director-General of WHO, had outlined certain areas where cancer research could be advanced by multinational or international action, with WHO serving as the central point. The experts had suggested that co-ordinated studies should be made on all agents suspected of causing cancer. A research programme, based on the recommendations of twenty-one such groups convened by the Director-General, had been approved by the Twelfth World Health Assembly. A sum of \$500,000 had been added to the 1960 regular budget for the programme and a special account had been established to enable WHO to accept voluntary contributions.
- 16. The representative of the Secretary-General stated that it was for the Third Committee to decide whether it wished to recommend the award of prizes to encourage scientific research into the control of cancerous diseases, or whether it preferred to refer the proposal before it to WHO. The Secretary-General saw no objection to establishing United Nations prizes for that purpose, provided that the responsibility of deciding to whom they should be awarded was entrusted to WHO. The question of the financial implications would have to be dealt with by the Fifth Committee, which might prefer that the proposed amount of \$100,000 be kept in a special account rather than be included in the regular budget of the United Nations. He added that the Fifth Committee might consider it an anusual procedure to make the funds for the prizes available to WHO, since that organization's financial resources, like those of the United Nations, were provided by contributions from Member States.
- 17. The United States submitted amendments (A/C.3/L.800) to the Byelorussian revised draft resolution (A/C.3/L.772/Rev.1). These amendments provided for:
 - (a) The deletion of operative paragraphs 1 and 2;
- (b) The amendment of operative paragraph 3 to read as follows:

- "3. Invites the World Health Organization to seek the full support and scientific advice of the International Union Against Cancer for this purpose.";
- (c) The addition, at the end of operative paragraph 4, of the phrase: ''including the desirability of making international awards for research into cancerous diseases, or other similar methods of encouragement'';
- (\underline{d}) The replacement, in operative paragraph 5, of the words 'in 1962' by the words 'as soon as possible'.
- 18. After a discussion, the Committee received revised United States amendments (A/C.3/L.800/Rev.1), now sponsored by Colombia as well, to the Byelorussian draft resolution. These amendments provided for the deletion of operative paragraphs 1 and 2 and the replacement of operative paragraphs 3 and 4 by the following:
 - ''3. Invites the World Health Organization to consider, in accordance with article IV of the Agreement between the United Nations and the World Health Organization, what further steps may be taken to encourage effort in the field of the control of cancerous diseases;
 - "3A. Invites the World Health Organization to consider the advisability of establishing and awarding prizes for cancer research according to the following suggested schedule: ten prizes of \$10,000 each to be awarded every four years for the most outstanding scientific works in connexion with the control of cancerous diseases, the prizes to be known as United Nations prizes;
 - ''4. Also invites the World Health Organization to seek the full support and scientific advice of the International Union Against Cancer for this purpose.''
- 19. Greece submitted a sub-amendment (A/C.3/L. 809) to the revised amendments by Colombia and the United States of America (A/C.3/L.800/Rev.1). The sub-amendment was subsequently withdrawn, following the introduction of the eight-Power sub-amendments (see paragraph 20).
- 20. Afghanistan, Ceylon, Greece, Iceland, India, Ireland, Mexico and the Philippines submitted a subamendment (A/C.3/L.810) to the revised amendments of Colombia and the United States (A/C.3/L.800/Rev.1). The sub-amendment provided for the replacement of paragraph 3A by the following text:

"Decides to institute suitable prizes of the total value of \$100,000 to be awarded for the most outstanding scientific research work in the causes and control of cancerous diseases, and requests the

- Secretary-General to arrange for the awarding of the prizes during the next four years, on the recommendation of the World Health Organization, and to renew this award periodically as long as it is considered necessary, the prizes to be known as United Nations prizes.''
- 21. The representative of the Philippines suggested that the phrase "to be placed at the disposal of the World Health Organization" be inserted in the eight-Power sub-amendment (A/C.3/L.810) between the words "\$100,000" and "to be awarded". He subsequently withdrew his suggestion.
- 22. At its 953rd meeting, the Committee voted as follows on the proposals before it:
- (a) The eight-Power sub-amendment (A/C.3/L.810) was adopted by a roll-call vote of 48 to 18, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, China, Colombia, Denmark, France, Haiti, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Dominican Republic, Guatemala, Honduras, Japan, Panama, Peru, Spain, Uruguay.

- (b) The revised amendments submitted by Colombia and the United States (A/C.3/L.800/Rev.1), as amended, were adopted by 65 votes to 1, with 10 abstentions.
- (c) The revised draft resolution submitted by the Byelorussian SSR (A/C.3/L.772/Rev.1), as amended, was adopted by a vote of 60 to none, with 15 abstentions.

Recommendation of the Third Committee

23. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. For the final text, see "Action taken by the General Assembly" below.]

DOCUMENT A /4289

Financial implications of the draft resolution submitted by the Third Committee in document A/4279 Report of the Fifth Committee

[Original text: English]
[19 November 1959]

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee considered, at its 747th meeting, held on 19 November 1959, the financial implications of the draft resolution

(A/4279, para. 23) submitted by the Third Committee under agenda item 71 (International encouragement of scientific research into the control of cancerous diseases).

2. A note by the Secretary-General (A/C.5/803) indicated: (a) that no expenditure would arise in 1960; (b) that the Secretary-General proposed to submit suggestions for alternative methods of financing to the General Assembly at its fifteenth session; and (c) that the Advisory Committee on Administrative and Budgetary Questions concurred in the approach outlined in the Secretary-General's note.

3. The Fifth Committee decided to inform the General Assembly that the adoption of the draft resolution submitted by the Third Committee would not give rise to expenditure in 1960, and that the Secretary-General would present to the Assembly at its fifteenth session suggestions for alternative methods of financing the awards mentioned in operative paragraph 1 of the draft resolution.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 841st plenary meeting, on 20 November 1959, the General Assembly adopted the draft resolution submitted by the Third Committee (A/4279, para. 23). For the final text, see resolution 1398 (XIV) below.

Resolution adopted by the General Assembly

1398 (XIV), INTERNATIONAL ENCOURAGEMENT OF SCIENTIFIC RESEARCH INTO THE CONTROL OF CANCEROUS DISEASES

The General Assembly,

Considering that cancerous diseases are at present among the diseases most dangerous to mankind,

Recognizing the general desire of all mankind to eliminate wide-spread cancerous diseases,

Noting with approval the useful work carried out by the World Health Organization, the International Union Against Cancer and national organizations for the control of cancerous diseases;

Recognizing further that the national and international efforts so far undertaken for the control of cancerous diseases have not yielded sufficiently effective results,

Wishing to encourage further scientific efforts in this field in all countries and international institutions,

- 1. <u>Decides</u> to institute suitable prizes of a total value of \$100,000 the prizes to be known as United Nations prizes to be awarded for the most outstanding scientific research work in the causes and control of cancerous diseases, and requests the Secretary-General to arrange for the awarding of the prizes during the next four years, on the recommendation of the World Health Organization, and to renew this award periodically as long as it is considered necessary;
- 2. <u>Invites</u> the World Health Organization to consider, in accordance with article IV of the Agreement between the United Nations and the World Health Organization, what further steps may be taken to encourage efforts in the field of the control of cancerous diseases;
- 3. Also invites the World Health Organization to seek the full support and scientific advice of the International Union Against Cancer for this purpose;
- 4. Requests the World Health Organization to inform the United Nations General Assembly as soon as possible of the progress achieved in the control of cancerous diseases.

841st plenary meeting, 20 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 71 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/C.3/L.772	Byelorussian Soviet Socialist Republic: draft resolution	Replaced by $A/C.3/L.772/Rev.1$
A/C.3/L.772/ Rev.1	Byelorussian Soviet Socialist Republic: revised draft resolution	See A/4279, para. 10
A/C.3/L.777	Memorandum concerning the International Union Against Cancer	Mimeographed
A/C.3/L.800	United States of America: amendments to document A/C.3/L.772/Rev.1	See A/4279, para. 17
A/C.3/L.800/ Rev.1	United States of America: revised amendments to document A/C.3/L.772/Rev.1	See A/4279, para. 18
A/C.3/L.810	Afghanistan, Ceylon, Greece, Iceland, India, Ireland, Mexico and Philippines: amendments to document A/C.3/L.800/Rev.1	See A/4279, para. 20
A/C.3/L.811	Draft resolution adopted by the Third Committee at its 953rd meeting	Mimeographed

GENERAL ASSEMBLY

Agenda item 72

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 72: The United Nations Library: gift of the Ford Foundation*

CONTENTS Document No. Title Page Report of the Secretary-General A/4231 A/4232 Secretary-General: request for the inclusion of an additional item in the agenda of A/4252Report of the Fifth Committee..... 6 7 7

DOCUMENT A /4231

Report of the Secretary-General

[Original text: English] [29 September 1959]

CONSULTATIONS WITH THE FORD FOUNDATION

- 1. The Secretary-General takes great pleasure in announcing to members of the General Assembly the receipt of a gift from the Ford Foundation for the construction of a new building to house the United Nations Library. Action to this effect was taken by the Foundation's Board of Trustees at its meeting in June 1959. The Ford Foundation has indicated that its objective in making the grant was to assure the United Nations of a building of the highest quality, aesthetically designed, furnished and equipped in conformity with the most modern library standards. To meet these costs the Ford Foundation is presenting to the United Nations the sum of \$6,200,000. Interest accruing on this amount will be used, if necessary, to defray costs of the project. Unused funds will be returned to the Foundation.
- 2. On the basis of data provided to the architects by the Secretariat and the library consultants of the Ford Foundation, the firm of Harrison and Abramovitz, principal architects for the United Nations buildings, conclude that the grant of \$6,200,000 plus accumulated interest should be adequate to cover the cost estimates of the project, including the cost of demolishing the present library building, architects' and consultants' fees, preparation of the site, construction of the new building, equipment, furniture and artistic decoration, and ample provision for contingencies. The Secretary-General concurs in this judgement.
- 3. The Secretariat plans for a new building and for obtaining funds for its construction began soon after

the Library was moved into its present quarters. The subsequent years, during which consultations took place relating to the request for funds, provided the Secretariat with an opportunity to develop plans for the type of library building that would meet the requirements of the United Nations, and to elaborate practices and policies for the functioning of the Library in harmony with the basic principles laid down by the General Assembly in 1949. 1/

4. During the period from 1952 to June 1959 a succession of consultations - especially activated during the last two years - took place with the officials of the Ford Foundation. Several brochures, including prospective designs for a new library building by the architectural firm of Harrison and Abramovitz, were prepared for the use of the Foundation in the evaluation of the project. Two factors stood in the way of an earlier approval by the Ford Foundation of the request; first, a belief on the part of its officials that the financial responsibility for such construction should be assumed by the Members of the United Nations and, secondly, that such a grant would run contrary to the normal policy of the Foundation not to invest funds in building construction. Despite these considerations, the Foundation officials took positive action in the light of the significant and constructive role played by the Library in the total United Nations effort in the pursuance of the high objectives of the Charter. They noted that the Library, with its excellent collections and highly qualified staff, has been increasingly useful to delegations and to the Secretariat in providing a sound factual basis for the resolving of issues

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Fifth Committee, 732nd meeting; and ibid., Plenary Meetings, 835th meeting.

½ See Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex, vol. I, agenda item 39, document A/C.5/298.

before United Nations organs and for the numerous programmes maintained on the world-wide basis by the United Nations. Furthermore, the Library was attracting an increasing number of serious scholars and writers from the academic world, non-governmental organizations, the world of journalism, business and industry.

- 5. In approving the request, the Ford Foundation attached no conditions. It asked only that the building to be constructed should be of the highest quality, designed, furnished and equipped in accordance with the most modern library standards and that there should be assurance that the analysis, presented by the Secretariat in making its appeal for the development of a unique, specialized international library would, in fact, be implemented. The Secretary-General is glad to report that the concept of the Foundation and that of the Secretariat with respect to the quality of the building and the continuing trends in the effective development of the library as a central tool in the United Nations effort are identical.
- 6. This very substantial gift, supported by identical views as to its constructive objectives, is a source of deep satisfaction to the Secretariat, which undoubtedly will be shared by all members of the General Assembly.
- 7. The Secretary-General is pleased to recommend the acceptance of this gift by the General Assembly.

INADEQUACY OF THE PRESENT LIBRARY BUILDING

8. The present home of the Library was regarded from the beginning as inadequate. When the Secretariat moved into the new Headquarters in 1950, the present building was the only - although unsatisfactory - space for the housing of the Library. The building, architecturally out of harmony with the other United Nations buildings and designed as an office building, lacked the possibility of effective alteration for library use and its floors were not sufficiently sturdy to sustain heavy stacks. It has been necessary to make a vertical dispersal of the collections and services over nine levels, including three basement levels, two of which are scarcely usable because of high temperatures and humidity and one of which is accessible only by stairs. There has been a horizontal fragmentation of the collections and services into many small rooms designed as offices. Moreover, the building, limited in size, provides no further opportunity for expansion and prohibits the growth of the Library to that level which would seem commensurate with the fulfilment of its purposes and with the increasing use to which it is being put by the enlarging membership of the United Nations and by serious scholars and writers interested in the United Nations and in international affairs.

FUNCTION OF THE LIBRARY AS DETERMINED BY THE GENERAL ASSEMBLY

9. In the first years of the United Nations special attention was given to the function of the Library, both by the General Assembly and by the Secretariat. Highly qualified outside librarians were secured as consultants who gave invaluable advice regarding the role that might be played by the Library. It was recognized that the central role of the Library as a vital tool for members of delegations and of the Secretariat in the execution of their tasks would, if properly implemented, ensure the creation of a highly specialized international library of unique character.

The Library should not aim at creating a general library or at competing with such libraries, but, within the broad scope of the specialized subjects of United Nations and specialized agencies' concern, it should develop unexcelled collections in these fields. As an outcome of these early discussions the General Assembly defined the Library's basic responsibility in 1949 as follows:

"The Library's primary function is to enable the delegations, Secretariat and other official groups of the Organization to obtain, with the greatest possible speed, convenience and economy, the library materials and information needed in the execution of their duties. The materials to be assembled and the services to be maintained will be determined by the needs of these groups." 2/

10. As a natural — indeed inevitable — outcome of the nature of its collections, the Library was conceived to be also an international centre for study and research in world affairs. This concept of its wider usefulness to users was recognized in the same basic policy directives in 1949.

"The services of the Library will also be made available, as far as feasible, to the specialized agencies, accredited representatives of mass media of information, international governmental organizations, affiliated non-governmental organizations, educational institutions, scholars and writers. No one needing to use full sets of documents and publications of the League of Nations, the United Nations or the specialized agencies will be denied access to the Library." 3/

THE DEVELOPMENT OF THE COLLECTIONS, SERVICES AND STAFF OF THE LIBRARY

Collections

- 11. The Library has developed within the terms of reference provided by the General Assembly a collection of about 200,000 volumes in many languages, principally composed of books, maps, periodicals and governmental and inter-governmental documents of legal, political, economic and social interest. In areas of particular concern, such as political questions, world-wide economic and social development, population studies, statistics, boundary disputes, constitutional matters, international law and social legislation, the collections are impressive. They are particularly notable for their comprehensive, multinational, multilingual character and, by reason of their arrangement, for their usefulness as working collections.
- 12. The Library's holdings of the documents and publications of the United Nations itself, the specialized agencies, the League of Nations and other international organizations are the most complete and best organized in the world.
- 13. The map collection is comprehensive as regards questions of boundaries, place names and flags.
- 14. The Woodrow Wilson Memorial Library, established by a gift of the Woodrow Wilson Foundation in 1950 as part of the United Nations Library, is one of the world's most complete and valuable sources of information about the League of Nations and about international affairs during the League's existence.

^{2/ &}lt;u>Ibid.</u>, para. 4.

^{3/ &}lt;u>Ibid.</u>, para. 5.

Depository library programme

15. In addition to the usual reference and lending functions of a library, the United Nations Library has the responsibility of making the documents of the United Nations and the specialized agencies accessible to the world. To accomplish this it has developed, within limits established by the Publications Board, a worldwide system of depository libraries which receive United Nations publications without charge on condition that they make them available to the public. The conduct of this depository library programme, in all of its aspects other than the physical distribution of the documents, is the Library's concern.

Indexing

16. Towards the same end of making the information contained in United Nations and specialized agency documents readily and generally accessible, the Library performs a variety of highly technical indexing tasks which are not usual library responsibilities. For example, it prepares and publishes a monthly check list and subject index of all United Nations and specialized agency documents produced or received at Headquarters. This <u>United Nations Documents Index</u> is the key to the extensive resources of legal, political, economic and social data contained in these documents. Throughout the world it is an indispensable tool for those who work with United Nations or specialized agency documentation.

17. Similarly, the Library compiles and publishes an exhaustive index to the United Nations <u>Treaty Series</u>, indexes to the proceedings of each session of the General Assembly and other major organs, and a variety of <u>ad hoc</u> indexes and bibliographies essential to the work of the Secretariat and of delegations and most useful to the whole political and scholarly world.

Staff

18. The development, organization, and utilization of these collections can be credited to the capable staff of professional librarians and skilled clerks who meet the highest standards of competence and who, in addition, have had varying experience in their national civil and foreign services. Many, in addition to excellent academic library training, have had training in law, economics and related subjects. The staff is composed of nationals of some twenty-six Member States and together they are proficient in about thirty-five languages. They constitute the most cosmopolitan library staff in the world.

ITS ROLE IN THE LIBRARY COMMUNITY

19. The Library holds a special position among the research libraries of the world. By avoiding the development of large general collections, it concentrates its efforts upon the speedy acquisition of all available useful current materials in germane fields and by the arrangement and, as necessary, the listing and indexing of this material for maximum usefulness with maximum speed. It thus supplements the collections and services of the great general libraries of the world.

20. It is a mark of the success of this effort that other libraries now look more and more to the United Nations Library for assistance and advice, not only in the management of their own United Nations documents collections, but also in areas of particular United

Nations competence. For example, the New York Public Library, heading a group of major research libraries in a programme for the co-operative filming of the official gazettes of about two hundred countries and territories, has found that the United Nations gazette collection, because of its scope and relative completeness, is the necessary principal source of original documents to be filmed.

USERS OF THE LIBRARY

21. Since 1956 demands upon the Library by all of its users have increased sharply. A 36 cent increase in the membership of the Organization, greater scope of of political questions, requirements of the programmers of technical assistance, research into new problems such as the peaceful uses of atomic energy and the exploration of outer space, and growing public interest — all of these developments have had a marked impact upon the Library. From the 1951-1955 base, service demands upon the Library increased more than 50 per cent by 1958, as the following table illustrates:

	1951-1955 (average)	1956	1957	1958
Reference queries Loans	61,000 66,000			103,870 91,637

Under the pressure of this increased demand for services, the Library's book funds, staff, and — most of all — its physical plant have been strained to the breaking point.

22. The trend of increasing use of the Library will undoubtedly continue. The further expansion of the membership of the Organization and the growing public interest in the work of the United Nations and its handling of past issues, combined with the early establishment of several scores of missions of Member States across the street from Headquarters, will result in greater use of the Library. Such an increase is welcomed and should be encouraged.

23. Staffs of delegations make regular use of the Library in the preparation of position papers in connexion with the work of the General Assembly, the Councils or other organs of the United Nations. With the rotation of delegations to various United Nations bodies, and with the change in composition of mission personnel, the existence of extensive collections concerning United Nations matters and services by an experienced staff, provide invaluable assistance to the delegations.

24. The great majority of delegations to the United Nations represent smaller countries. The great Powers and certain other states are able to provide their representatives with large and well-trained staffs and to support their work with research departments in their foreign offices. Perhaps as many as two-thirds of the Member States, however, have difficulty in establishing comparable research facilities. For these in particular the United Nations Library provides a necessary research instrument.

25. The library as a research centre also makes its vital contribution to the work of the Secretariat. In preparing background materials and vital information for the General Assembly, Councils, Commissions and Committees, in carrying out special projects resulting from resolutions of these organs and in compiling data

for United Nations publications, the Secretariat is engaged in continuous research of world scope over a broad range of subject matter.

- 26. There has also been an increased use of the Library by representatives of the more than three hundred international non-governmental organizations in consultative status with the Economic and Social Council or on the list of the Office of Public Information. These organizations have made an important contribution to the cause of economic and social progress both interms of advancing public understanding of issues and in terms of material assistance given to specific social and humanitarian projects.
- 27. The Library is also a centre for study and research by representatives of specialized agencies, journalists, scholars in the legal, political, social and economic fields, and by members of staffs in the field of business and industry.
- 28. This expanding group of users, both official and unofficial, calls for generous library facilities, for a well-arranged ready storehouse of facts and information and for a dynamic reference and bibliographical centre.

TEMPORARY ARRANGEMENTS FOR THE LIBRARY

29. In the period between the evacuation of the present building and the completion of the new structure, the Library and its staff would be accommodated in the Secretariat building. Use would be made of the Secretariat lobby for reference and periodical services, while branch libraries would be expanded and increased in number in various offices and departments of the Secretariat. A careful selection of the mostused materials would be made for current use, while less-used materials would be stored in basement areas and elsewhere. Budgetary provision would be necessary to cover this change to temporary quarters. A proposal to this effect, involving a revision of the Secretary-General's 1960 budget estimates, will be presented separately.

DEVELOPMENT PLANS

30. In order to provide adequate library resources and services to meet growing needs, the Secretary-General has estimated that a considerable increase up to an approximate doubling of the present rate of acquisition of library materials would be necessary to achieve a desired eventual total collection of about 400,000 volumes. 4/ He also proposes that, in due course, an increase of 25 to 30 per cent in staff will be necessary to allow, particularly, for an approximate doubling of the present indexing and related bibliographical work. This expanded indexing programme might include the completion of the check list of documents of the United Nations, 1946-1949 publication in French and possibly in other languages of current indexes now issued only in English, and preparation of subject bibliographies and special indexes which are not only essential to the Organization's daily work, but

- which also fulfil its obligation to make the documentary record of its activities more generally accessible.
- 31. To achieve these objectives the Secretary-General will, in due time, recommend the necessary budgetary support.

PLANNING FOR THE NEW LIBRARY BUILDING

- 32. The presentation to the Ford Foundation was made on the assumption that the present unsatisfactory building would be razed to the ground and that the new library building would be erected in its place.
- 33. Attached hereto are preliminary sketches of the new building prepared by the firm of Harrison and Abramovitz. They show that the exterior of the building will be beautifully designed and in conformity with the other buildings that comprise the United Nations compound. This building will complete the group of buildings around the Plaza and will add much to its attractiveness.
- 34. It is intended, should the General Assembly approve, that it would be a building of six storeys in addition to a penthouse, three above ground and three below, measuring approximately 90 feet by 220 feet, approximately 27 metres by 67 metres with a net floor area sufficient to house 400,000 volumes and a total of 285 readers, together with the necessary staff to serve them and to perform considerably expanded indexing and other bibliographical services. In its provision of reading rooms, study rooms, carrells, its entrances and lobbies and in its furnishings and equipment it would be as functionally efficient, as comfortable and as beautiful as expert planning could devise.
- 35. The building which is contemplated would be of modular construction designed for utmost flexibility of space. It is being planned with special attention to the relationships of the several classic functions of a library and to the special functions of this Library, for economical operation and for ease of access.
- 36. The first, or ground, floor would have a main entrance on the United Nations Plaza leading into a lobby and a connexion with the Secretariat Building by way of a glassed-in gallery that would also serve as an exhibit hall. The first floor would house the attractive main reading room, including the reference services, a collection of as many as 10,000 reference books and reading areas for about 100 persons; the public catalogues, designed to accommodate 2,000,000 cards required for 400,000 volumes; the loan desk; and the Acquisition and Catalogue Sections which require convenient access to both the public catalogues and the reference collection.
- 37. The second floor would house the bulk of the United Nations and specialized agency documents collection at present numbering about 30,000 volumes and growing by about 100,000 documents each year, their index catalogue, and the major portion of the Woodrow Wilson Memorial Library of League of Nations documents and related materials. Here, too, would be the reading rooms for these collections, accommodating ninety readers, a small microfilm storage and reading room, a number of carrells and ten study rooms for scholars doing extended research.
- 38. The third floor would carry the balance of the United Nations and League of Nations documents col-

^{4/} It has been estimated by the Library staff and by independent consultants that 400,000 volumes is about the optimum size for the type of special collection of current materials envisaged, and that once that approximate level has been reached it should be maintained by the constant weeding of out-of-date materials. Such weeding is accepted as an essential part of the Library's programme.

lection, the Index Section and the executive offices. It would also form the galleried upper portion of the Woodrow Wilson Memorial Library, designed as a two-storey room in a style appropriate to its memorial character.

- 39. The penthouse above the third floor, accessible by stairs only, would house the mechanical equipment and provide space for an attractive lounge.
- 40. The concourse, or first basement level, would have an entrance on First Avenue by means of which the Secretariat staff could enter the Library or, through an underground connecting corridor, to the Secretariat Building to the northeast. It would house the bulk of the reference collection, the periodical reading room with provision for seventy-five readers and adjacent stacks, the maps collection and reading room to accommodate twenty readers, a staff workroom, a microfilm storage and reading room and a small listening room for the use of language training records. The entrance lobby of the auditorium, accessible from both the Secretariat Building and the Library proper, will also be on this level. The auditorium itself will be of a stadium-type design, two storeys in height, the stage or platform being on a level with the second basement.
- 41. The auditorium would accommodate about 200 persons, for lectures, seminars, panel discussions, briefings and film showings. Neither the present Library Building, nor any other United Nations building contains such accommodation. Provision of an auditorium for these purposes represents a necessary and integral part of the Library in making it the international centre that it is intended to be.
- 42. The second basement would contain chiefly stacks designed to house the main book collection. It would also contain the lower portion of the auditorium.
- 43. The third basement would house the balance of the main collection, in free-standing stacks, and the mechanical equipment of the building.
- 44. This concept of utilization of the space available would allow for maximum concentration of related services on single floors and for easy vertical communication between related collections and services. It is believed that in this regard the proposed building

would be a model of compact arrangement of space that is yet sufficiently commodious and flexible to accommodate the Library collections and services that the United Nations will require for the foreseeable future.

45. The development of the basement portion of the plan would call for the displacement and re-equipment of technical and storage facilities designed for and utilized by the Visual Services of the Office of Public Information. These facilities could be conveniently relocated in the hangar area in the basement of the General Assembly building. The cost to the United Nations of this relocation, which, in conjunction with the proposed construction in the same area of a television studio and processing centre, is to be presented as a separate estimate, will be partially offset by certain costs which would otherwise have been required in the renovation of the present library facilities.

JOINT CONSULTATIONS REGARDING THE NEW BUILDING

- 46. The Ford Foundation, in giving favourable consideration to the request of the United Nations, secured the services of four distinguished librarians to assist it in evaluating the project. These librarians were Mr. Douglas W. Bryant, Associate Director, Harvard University Library; Mr. Verner W. Clapp, President, Council on Library Resources, Washington, D.C.; Dr. Frank B. Rogers, Director, National Library of Medicine, Washington; and Mr. Frederick Wagman, Librarian, University of Michigan, Ann Arbor, Michigan.
- 47. At the request of the Secretary-General the Ford Foundation has kindly seconded these librarians to engage in consultations with the Secretariat and with the architects in the tentative formulation of plans and in the establishment of cost estimates at present price levels, as mentioned in paragraph 2.
- 48. Following the acceptance of this gift from the Ford Foundation, the Secretary-General hopes that the Assembly may give him authorization to proceed with the necessary contracts for the completion of architectural plans and for the construction of the building within the financial limits indicated in paragraph 1 above.

DOCUMENT A /4232

Secretary-General: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: English] [29 September 1959]

- 1. The Secretary-General has the honour to request the inclusion of the following item in the agenda of the fourteenth session of the General Assembly, as an important and urgent matter:
 - "The United Nations Library: gift of The Ford Foundation".
- 2. In accordance with rule 20 of the rules of procedure, the Secretary-General wishes to refer to his report on the proposed item (A/4231), which may be regarded as the explanatory memorandum on this question.

DOCUMENT A /4252

Report of the Fifth Committee

[Original text: English] [30 October 1959]

- 1. The Fifth Committee considered, at its 732nd meeting held on 29 October 1959, the item entitled "The United Nations Library: gift of the Ford Foundation". The Committee had before it a report of the Secretary-General (A/4231) and a draft resolution submitted jointly by the following forty-five Member States: Argentina, Australia, Austria, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, France, Ghana, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Ireland, Israel, Italy, Japan, Liberia, Mexico, Nepal, the Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Paraguay, Peru, Poland, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.
- 2. Introducing the report, the representative of the Secretary-General dwelt on the manifold advantages which would accrue to the United Nations from the splendid generosity of the Ford Foundation. Even in 1950, when the Secretariat moved into the new Head-quarters, the present library building was regarded as inadequate. Apart from the aesthetic incongruity of the exterior, the structure of the building was not adapted to library use or conducive to efficient administration. Furthermore, the progressive growth of the collections since that time, combined with a sharp increase in the demands for services, had strained the physical capacity of the Library.
- 3. From the outset, much thought had been given to the problem. Finally, in June 1959, the Trustees of the Ford Foundation, in approving a request submitted by the Secretary-General, generously agreed to make a grant to the United Nations of \$6,200,000 representing, with interest accruing thereon, a sum sufficient to cover the cost of constructing, furnishing and equipping the new Library in accordance with the highest modern standards of functional utility and convenience. Unused funds would be returned to the Foundation.
- 4. The new building would provide facilities that were sorely needed both in relation to present demands

- (representing, by comparison with 1955, an increase of more than 50 per cent in reference and loan services) and in relation to the expanding use of the Library, which undoubtedly would be witnessed for some years to come.
- 5. The Secretary-General's representative added that the financial implications for the United Nations were relatively slight. For 1960, expenditure connected with the temporary housing of the Library was estimated at \$114,000, while \$54,000 would be required in 1961 for the removal into the new building and for related expenses. There would, however, be certain offsetting items: first, as regards the year 1959, a saving of \$60,000, representing the balance of the appropriation for repairs to the present building which was no longer required; and secondly, a reduction of \$88,500 provided for the present building in the 1960 budget estimate (comprising \$52,000 for operating costs, and \$36,500 for repairs).
- 6. As requested in the draft resolution, the Secretary-General would report to the General Assembly at its fifteenth session regarding the level of library resources and services that should be made available to ensure that the new Library might be used to the best advantage. Generally, as indicated in paragraph 30 of the Secretary-General's report, an increase of 25 to 30 per cent in the present staff appeared to be called for, and an approximate doubling of the present annual acquisition level of \$50,000. There would also be a slight rise in maintenance and custodial costs.
- 7. Delegations joined in acclaiming the generosity of the Ford Foundation, whose munificent and timely gift made it possible to build a new library worthy of the United Nations and in keeping with the responsibilities which the Organization had assumed. The work of the Ford Foundation was known to all, for its philanthropy was not bounded by the frontiers of any State. Its efforts were directed to advancing the welfare of mankind and promoting peace and understanding among the peoples of the world, and it was in that spirit that the Foundation had made so liberal a contribution to the work of the United Nations. In so doing, the donors had testified to their faith in the ideals and aims of the Organization.

8. Many representatives also referred with appreciation to the untiring efforts which the Secretary-General and his associates had for many years exerted on behalf of the project, and to the able manner in which they had brought it to fruition.

DECISION OF THE FIFTH COMMITTEE

- 9. The Committee unanimously adopted:
- (a) A proposal of the United Arab Republic to insert the following text as the penultimate paragraph of the draft resolution (A/C.5/L.577):
 - *7. Requests the Secretary-General, as an expression of the gratitude and appreciation of the Member

States for the gift of the Ford Foundation, to place a memorial stone inscribed 'Gift of the Ford Foundation' at the main entrance of the new Library";

(b) The draft resolution (A/C.5/L.577) as a whole, as amended.

Recommendation of the Fifth Committee

10. The Fifth Committee accordingly recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 835th plenary meeting, on 3 November 1959, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/4252, para. 10). For the final text, see resolution 1354 (XIV).

Resolution adopted by the General Assembly

1354 (XIV). THE UNITED NATIONS LIBRARY: GIFT OF THE FORD FOUNDATION

The General Assembly,

Having considered the report of the Secretary-General (A/4231) announcing a gift of \$6,200,000 from the Ford Foundation for the construction, furnishing and equipping of a new building to house the United Nations Library on the Headquarters site,

Being convinced of the importance and permanent value of the gift in contributing to the effectiveness of the work undertaken by the United Nations,

- 1. Decides to accept the gift;
- 2. Extends to the Ford Foundation its highest appreciation for the gift and the spirit which prompted it;
- 3. Approves the general plan for the construction of the new Library building as set forth in the report of the Secretary-General;
- 4. Authorizes the Secretary-General to proceed with the construction, furnishing and equipping of the building at a cost not to exceed the amount of the gift, i.e.,

- \$6,200,000 plus accumulated interest, to enter into contracts for such construction, furnishing, equipping or other work as may be necessary for these purposes, and to return to the Ford Foundation such funds as may not be used:
- 5. Requests the Secretary-General to report to the General Assembly at its fifteenth session regarding the level of library resources and services that should be made available to ensure that the new Library might be used to the best possible advantage;
- 6. Requests the Secretary-General to transmit this resolution to the Ford Foundation as an expression of the gratitude and appreciation of the General Assembly;
- 7. Requests the Secretary-General, as an expression of the gratitude and appreciation of the Member States for the gift of the Ford Foundation, to place a memorial stone inscribed "Gift of the Ford Foundation" at the main entrance of the new Library;
- 8. Requests the Secretary-General to report to the General Assembly on the progress made under this resolution.

835th plenary meeting, 3 November 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 72 which are not reproduced in the present fascicle.

Document No.

Title

Observations and references

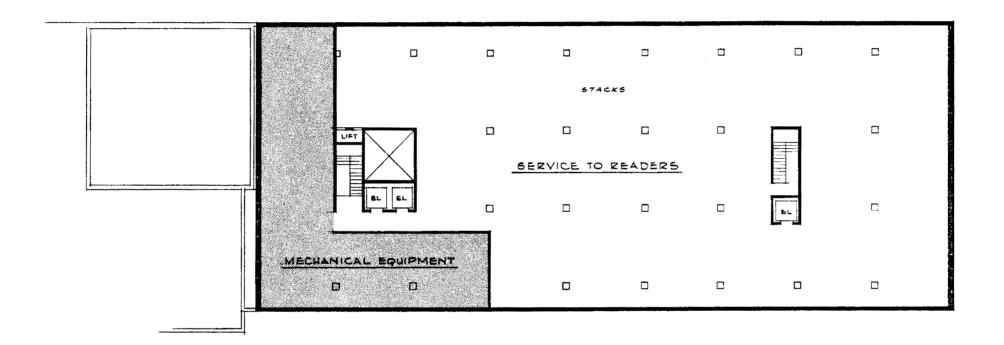
A/C.5/L.577 and Add.1

Draft resolution submitted by forty-five delegations

See A/4252, para. 9

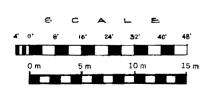


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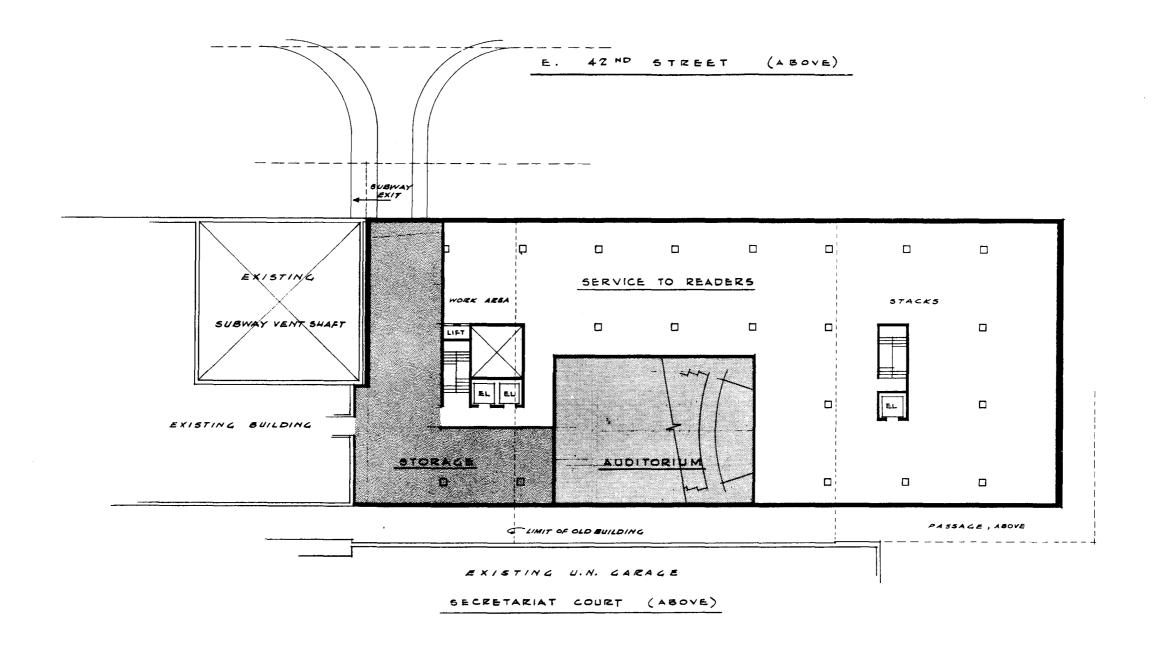


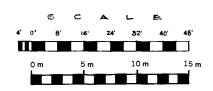
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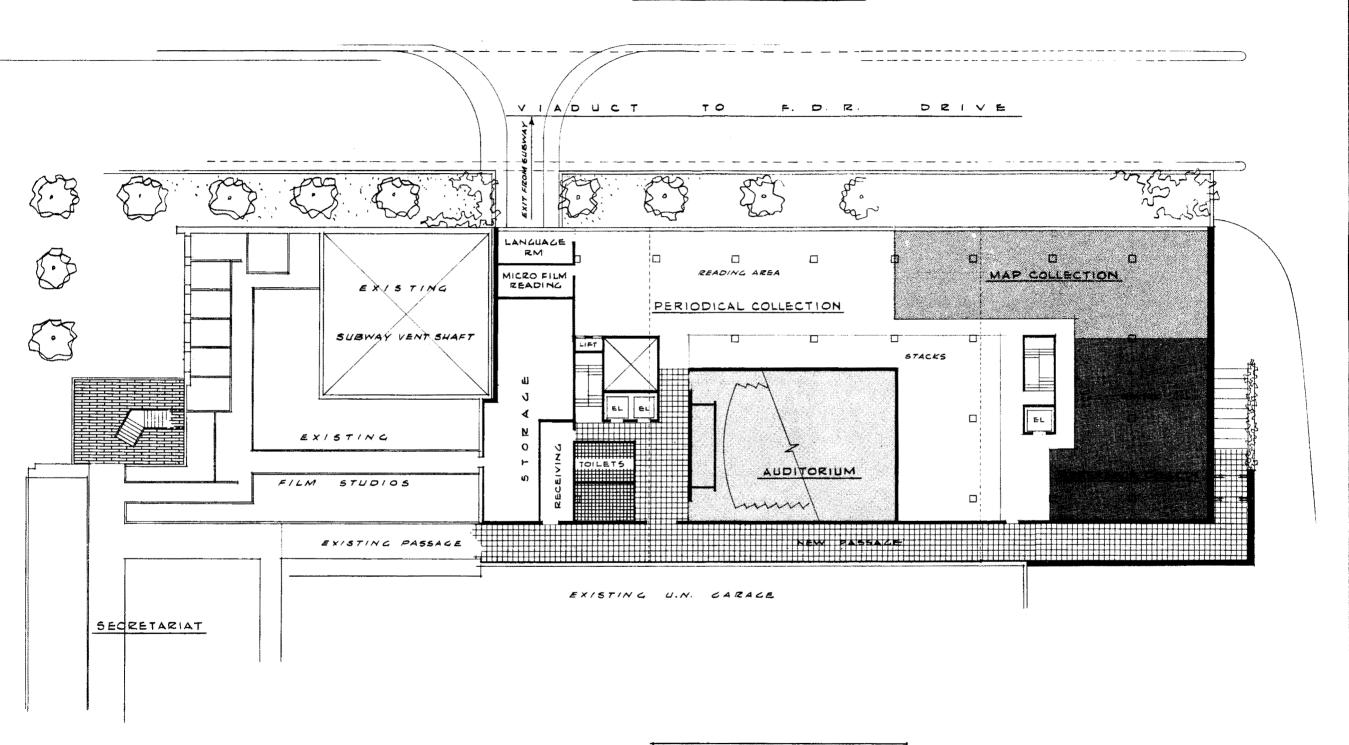


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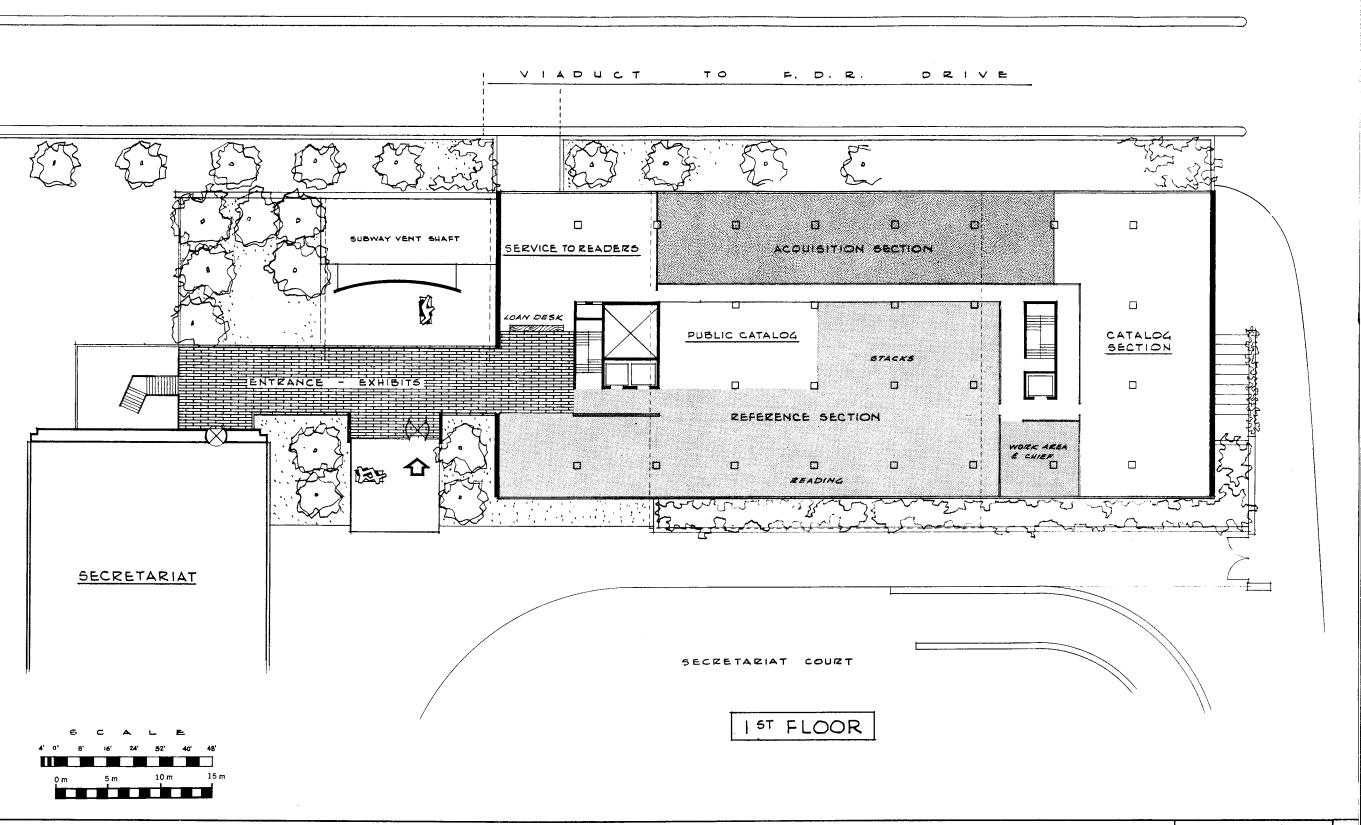




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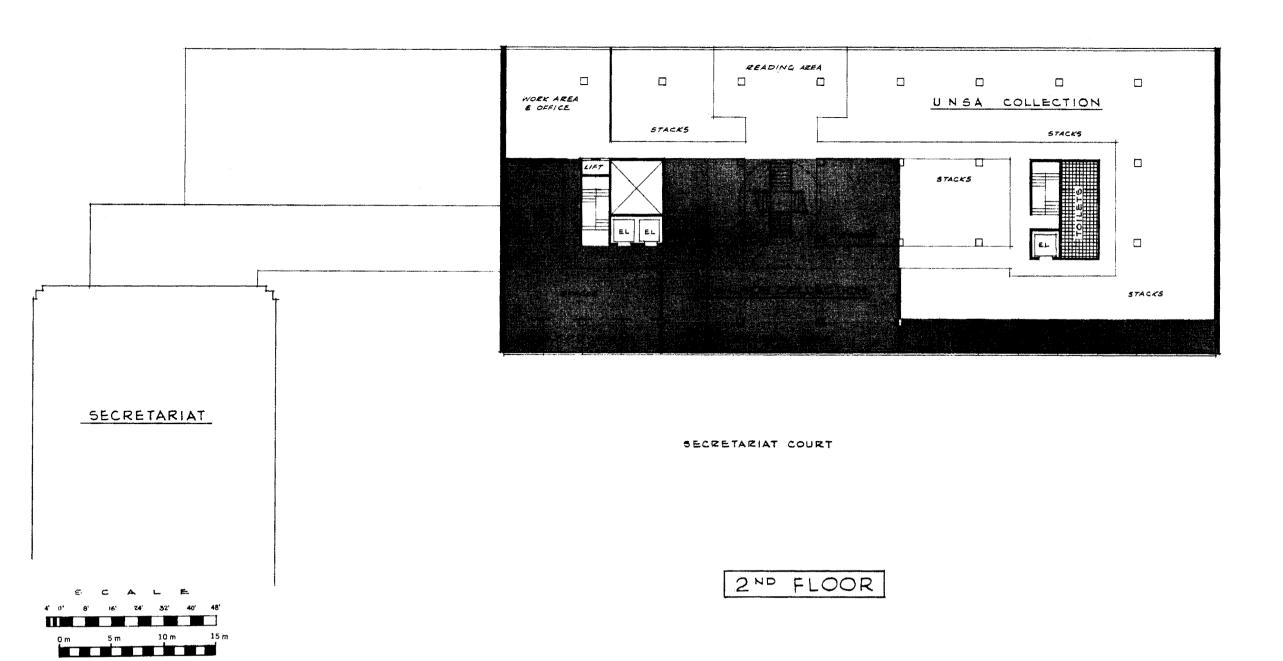


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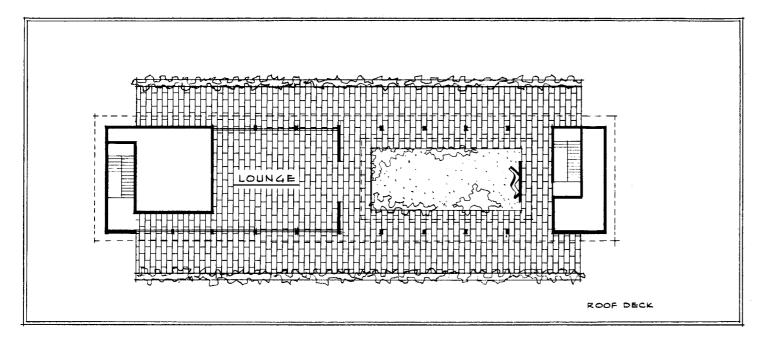


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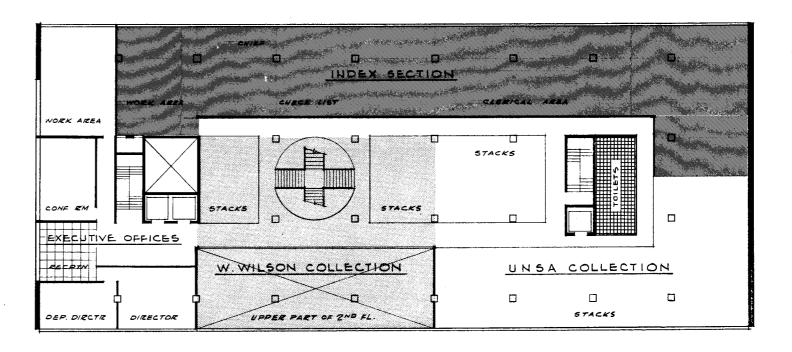
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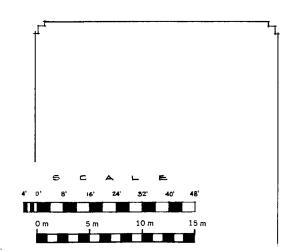
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21 SEPT. 1959

GENERAL ASSEMBLY

Official Records



Agenda item 73

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Agenda item 73: Question of Tibet*

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DOCUMENT A /4234

Federation of Malaya and Ireland: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: English]
[29 September 1959]

On the instructions of our Governments we have the honour to propose under rule 15 of procedure of the General Assembly, the inclusion in the agenda of the fourteenth regular session of the General Assembly of the following item:

"Question of Tibet".

An explanatory memorandum as required by rule 20 of the rules of procedure is attached.

(Signed) Dato Nik Ahmed KAMIL Permanent Representative of the Federation of Malaya to the United Nations

> (Signed) Frederick H. BOLAND Permanent Representative of Ireland to the United Nations

Explanatory memorandum

1. The Governments requesting the inscription of this item are convinced that, under the Charter, the United Nations cannot ignore the present situation in Tibet, as described in reliable and consistent reports over a long period culminating in the official statements of the Dalai Lama dated 18 April, 22 April and 20 June 1959, and his appeal to this Organization of 9 September 1959. After study of the material available the conclusion is inescapable that there exists prima facie evidence of an attempt to destroy the traditional way of life of the Tibetan people and the religious and cultural autonomy long recognized as belonging to them, as well as a systematic disregard for the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights.

- 2. In such circumstances the United Nations has both a moral obligation and a legal right to discuss the situation.
- 3. The Governments concerned further consider that this Assembly has a duty to call for the restoration of the religious and civil liberties of the people of Tibet.
- 4. To these ends, the inscription is requested on the agenda of the General Assembly at this fourteenth session of an item to be entitled "Question of Tibet".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 834th plenary meeting, on 21 October 1959, the General Assembly adopted the draft resolution submitted by the Federation of Malaya, and Ireland (A/L.264). For the final text, see resolution 1353 (XIV) below.

Resolution adopted by the General Assembly

1353 (XIV). QUESTION OF TIBET

The General Assembly,

Recalling the principles regarding fundamental human rights and freedoms set out in the Charter of the United Nations and in the Universal Declaration of Human Rights adopted by the General Assembly on 10 December 1948,

Considering that the fundamental human rights and freedoms to which the Tibetan people, like all others,

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 831st to 834th meetings.

are entitled include the right to civil and religious liberty for all without distinction,

Mindful also of the distinctive cultural and religious heritage of the people of Tibet and of the autonomy which they have traditionally enjoyed,

Gravely concerned at reports, including the official statements of His Holiness the Dalai Lama, to the effect that the fundamental human rights and freedoms of the people of Tibet have been forcibly denied them,

Deploring the effect of these events in increasing international tension and in embittering the relations between peoples at a time when earnest and positive

efforts are being made by responsible leaders to reduce tension and improve international relations,

- 1. Affirms its belief that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;
- 2. <u>Calls</u> for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.

834th plenary meeting, 21 October 1959.

CHECK LIST OF DOCUMENTS

Note: This check list includes all the documents mentioned during the consideration of agenda item 73 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/4219	Declaration of the Soviet Government on general and complete disarmament	Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70
A/L.264	Federation of Malaya, and Ireland: draft resolution	Adopted without change. See above "Action taken by the General Assembly", resolution 1353 (XIV). The text of the resolution appears also in Official Records of the General Assembly, Fourteenth Session, Supplement No. 16

United Nations

GENERAL ASSEMBLY



Agenda item 74

ANNEXES

FOURTEENTH SESSION

NEW YORK, 1959

Official Records

Agenda item 74: Question of Hungary* CONTENTS Document No. Page A/4285United Nations Special Representative on the Question of Hungary: request for the inclusion of an additional item in the agenda of the fourteenth session A/4292United States of America: request for the inclusion of an additional item in the agenda of the fourteenth session A/4304 Report of the United Nations Special Representative on the Question of Hungary. 2 Action taken by the General Assembly 8

DOCUMENT A /4285

United Nations Special Representative on the Question of Hungary: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: English] [17 November 1959]

LETTER DATED 16 NOVEMBER 1959 FROM THE UNITED NATIONS SPECIAL REPRESENTATIVE ON THE QUESTION OF HUNGARY ADDRESSED TO THE SECRETARY-GENERAL

At its thirteenth session, the General Assembly, by resolution 1312 (XIII), declared that the United Nations would continue to be seized of the situation in Hungary, and appointed me to represent the United Nations for the purpose of reporting to Member States or to the General Assembly on significant developments relating to the implementation of the Assembly resolutions on the question.

In accordance with rule 15 of the rules of procedure of the General Assembly, I have the honour to propose the inclusion of the following item in the agenda of the fourteenth regular session of the General Assembly as an important and urgent matter:

"Question of Hungary."

An explanatory memorandum as required by rule 20 of the rules of procedure is attached.

(<u>Signed</u>) Leslie K. MUNRO United Nations Special Representative on the Question of Hungary

Explanatory memorandum

1. The General Assembly has had occasion, at the second emergency special session of 4 to 10 November 1956, and at the succeeding regular sessions, to

consider the situation in Hungary which has resulted from the armed intervention of Soviet military forces to repress the effort of the Hungarian people to achieve freedom and independence. This situation has been characterized in Assembly resolutions as involving continuing repression of the political independence of Hungary and the deprivation of the Hungarian people of their fundamental human rights and freedoms.

- 2. The hope has been entertained that, in view of the universal concern to ameliorate the international situation, the Governments directly concerned would see fit to make their contribution by measures designed to achieve the objectives stated in General Assembly resolutions on this subject. This hope has not been realized. The withdrawal of foreign armed forces from Hungary has not been achieved. The framework of repression remains unchanged. Wide-spread concern has been aroused by continuing trials and executions consequent upon the uprising, and by the imminent possibility of further executions, despite solemn assurances given in the General Assembly that such trials and executions had been brought to an end. The Hungarian authorities persist in their refusal to assent to any visit to Hungary on the part of the Special Representative of the United Nations. and thus continue their refusal to collaborate in any manner whatsoever with the United Nations in this matter.
- 3. For these reasons, the situation in Hungary must now be deemed an important and urgent matter requiring the attention of the General Assembly at its fourteenth session.

^{*} For the discussion of this item, see Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 848th to 851st meetings.

DOCUMENT A /4292

United States of America: request for the inclusion of an additional item in the agenda of the fourteenth session

[Original text: English] [20 November 1959]

LETTER DATED 20 NOVEMBER 1959 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

On 16 November 1959, Sir Leslie Knox Munro, United Nations Special Representative on the Question of Hungary, addressed to you a letter (A/4285) proposing inclusion in the agenda of the fourteenth regular session of the General Assembly of an additional item of an important and urgent character under the heading:

"Question of Hungary."

Resolution 1312 (XIII) of the Assembly declared that "the United Nations will continue to be seized of the situation in Hungary". In the same resolution, the General Assembly appointed Sir Leslie Munro "to represent the United Nations for the purpose of reporting to Member States or to the General Assembly on significant developments relating to the implementation of the Assembly resolutions on Hungary".

The United Nations Special Representative has announced his intention of submitting to the fourteenth session a report on his activities pursuant to resolution 1312 (XIII). The United States Government believes the General Assembly will wish to hear and consider Sir Leslie Munro's report. In these circumstances,

the United States supports the proposal to place the question of Hungary on the agenda of this session, and I have accordingly been instructed to address to you this further communication requesting the inscription of this item on the agenda.

An explanatory memorandum, in accordance with rule 20 of the General Assembly's rules of procedure, is attached.

(Signed) Henry Cabot LODGE Permanent Representative of the United States of America to the United Nations

Explanatory memorandum

The reasons for inscribing the item entitled "Question of Hungary" in the agenda of the present session of the General Assembly are set forth in the explanatory memorandum accompanying the letter of the United Nations Special Representative on the Question of Hungary dated 16 November 1959. The United States Government considers that those reasons plainly warrant inclusion of the proposed item as a matter of an important and urgent character under rule 15 of the Assembly's rules of procedure. In this way, the General Assembly will be enabled to hear and consider the report of Sir Leslie Munro as contemplated by Article 15, paragraph 2, of the Charter.

DOCUMENT A /4304

Report of the United Nations Special Representative on the Question of Hungary

[Original text: English] [25 November 1959]

- 1. On 12 December 1958, the General Assembly, by resolution 1312 (XIII), appointed me "to represent the United Nations for the purpose of reporting to Member States or to the General Assembly on significant developments relating to the implementation of the Assembly resolutions on Hungary".
- 2. From the time of my appointment as United Nations Special Representative on the Question of Hungary, it has been my concern to proceed, within the framework of the General Assembly resolutions on the problem, in a manner calculated to develop friendly relations among nations and to promote respect for human rights, in accordance with the purposes of the United Nations. It is evident that these purposes are dependent for their achievement on the loyal collaboration of Members with the Organization in the application and fulfilment of the resolutions of the General Assembly. I therefore regarded it as incumbent on me to seek the collaboration of the Hungarian authorities and of the Government of the Union of Soviet Socialist Republics with a view to paving the way for the satisfactory application of the resolutions in question. I felt it necessary to make clear at an early stage my willingness to proceed to Hungary to explore with the Hungarian authorities

the modalities of an adjustment of the conflict which has arisen between them and the Organization.

- 3. This sense of the requirements of the office of United Nations Representative dictated that I should make my approach to the present authorities in Hungary and to the Government of the USSR in whatever manner might seem most acceptable to them, and necessarily in the first instance through informal conversations with their representatives at Headquarters. In the course of these conversations, I expressed to the representative of Hungary my anxious desire for the ending of secret trials and the cessation of reprisals, and stressed the need of an amnesty. I was not unhopeful that through such informal conversations it might be possible to move towards some common understanding, without encountering an abrupt denial on the part of Hungary and the Government of the USSR of all right on the part of the United Nations to concern itself with the question. I had recourse to the formality of correspondence only when I found myself confronted with replies which were unco-operative and, in the case of the reply of Hungary, quite unacceptable in its terms.
- 4. On being informed orally that the present authorities in Hungary persisted in their refusal to col-

laborate with the United Nations on the question, I addressed the following letter on 14 May 1959 to the Permanent Representative of Hungary at the Headquarters of the United Nations:

"Dear Mr. Ambassador,

"You will recall that, when we lunched together on 21 April, I expressed to you my concern to pay a visit to Hungary. I wish to thank you for bringing this request forthwith to the attention of your Government, and for your informing me of its reply.

"I understand, however, from your telephone communication with me that your Government is not prepared to accede to my request. I had hoped that, by broaching the matter to your Government in this somewhat informal manner, it would be possible to make mutually acceptable arrangements which would generally be regarded as conducive to the relaxation of tension which is so widely sought at this moment.

"I feel that I would be less than just to your Government in its capacity as a Member of the United Nations, and to yourself as its Permanent Representative at Headquarters, if I did not seek clarification as to the significance of the reply given by your Government and as to the terms on which your Government would be willing to afford facilities for a visit on my part to Hungary. The terms of your reply are such as to indicate that your Government is opposed even to any personal visit by myself to Hungary as long as I continue to hold the office, with which the General Assembly has honoured me, of United Nations Representative on the Question of Hungary.

"I would be grateful, therefore, if you would convey this communication to your Government with a view to clarification of the significance of the reply which has been given to the question raised with you.

"Yours sincerely, ..."

5. This letter was returned to me, through the agency of the Secretary-General, accompanied by the following letter dated 19 May 1959 from the Permanent Representative of Hungary addressed to the Secretary-General:

"Excellency,

"I have the honour to return a letter sent to me in a United Nations envelop by Sir Leslie Munro.

"I wish to recall that the position of Hungary - expressed clearly and unequivocally the last time during the thirteenth session of the General Assembly - remained unchanged. We consider that the discussion of the so-called 'Hungarian question' as well as the resolution passed on it attempt to intervene in our domestic affairs, which is contrary to the Charter of the United Nations.

"Please accept, Excellency, the assurances of my highest considerations."

6. Since the resolutions of the General Assembly on the question have also been directed to the Government of the USSR, it seemed to me essential that I should also make an approach to that Government, and seek to utilize its good offices in my approaches on behalf of the United Nations to the Hungarian authorities. I was given to understand, however, by the Deputy Permanent Representative of the USSR that he would

decline to enter into any discussion with me on the Question of Hungary. I decided with regret that the only course was for me to clarify in writing the position which the Government of the USSR continues to adopt. Accordingly, I addressed the following letter on 4 June 1959 to the Deputy Permanent Representative of the USSR:

"Dear Mr. Ambassador.

"As you are aware, a meeting between us was arranged for Tuesday last, but I was informed by an officer of your delegation that this meeting was to be cancelled on the grounds of my desire to discuss with you matters relating to Hungary.

"The last session of the General Assembly appointed me Special Representative on the Question of Hungary. I have taken the view that I owed it to the United Nations to seek to establish contact with the States directly concerned in this question. It has seemed to me my duty to make this approach; I would desire to leave no grounds for any feeling that lack of contact was due to failure on my part to undertake the necessary conciliatory initiatives.

"The Members of the United Nations will, I am sure, share my regret at the position which you take on behalf of your Government. The General Assembly has clearly taken the position that its resolutions arising from the events of October-November 1956 relate to matters which are demonstrably within the scope of the Charter. It cannot be denied that the question has been placed on the agenda of subsequent sessions of the General Assembly, and that it has been the subject of discussion within the Assembly.

"I had hoped that, in the present circumstances of universal concern for the easing of international tension, the Government of the Union of Soviet Socialist Republics would be willing to reconsider its attitude in relation to this question. I would be grateful, therefore, if you would transmit this communication to your Government.

"Yours sincerely, ..."

7. My letter was returned to the Secretary-General, accompanied by the following communication dated 9 June 1959:

"Dear Mr. Secretary-General,

"I enclose herewith a letter from Mr. L. Munro, received by the delegation of the USSR on 4 June. As you know, the Soviet delegation has frequently pointed out at meetings of the General Assembly that it considers the decisions of the General Assembly on the so-called Hungarian question as illegal. The position of the Soviet Union remains unchanged.

"Consequently, the delegation of the USSR to the United Nations has no intention of entering into any correspondence on this question.

"With respect ..."

- 8. This correspondence is conclusive of the continued unwillingness of the Hungarian authorities and of the Government of the USSR to accord their loyal collaboration to the United Nations on this question.
- 9. In addition to my effort to establish contact with the Governments directly concerned in the question, I have sought throughout the year to maintain consulta-

tion with other Governments interested in the question. In particular, in the month of July, a personal visit to Austria afforded me the opportunity of a conversation with the Austrian Foreign Minister; I also visited one of the camps in Austria in which refugees from Hungary are maintained. These conversations have been inspired by my understanding that a solution of the problem of Hungary in accordance with General Assembly resolutions can be prompted only by continued support given by Members of the United Nations to the terms of those resolutions.

10. In their correspondence, the Hungarian authorities and the Government of the USSR have continued to advance the view that the question of Hungary is a matter within the domestic jurisdiction of Hungary. On these grounds, they have denied the legality of the resolutions of the General Assembly on the subject and impugned the validity of my designation as United Nations Representative. The claim of domestic jurisdiction is based on a misunderstanding of the nature of the concern of the Organization in this matter. The United Nations has at no point concerned itself with matters essentially within the domestic jurisdiction of Hungary. Its concern arose in October 1956 from the intervention of the armed forces of the USSR in the internal situation of Hungary with a view to the reestablishment of a régime which had been overthrown by a spontaneous uprising. The United Nations is necessarily concerned with a political situation which has its origin in foreign military action against the Hungarian people, contrary to the provisions of Article 2, paragraph 4, of the Charter. The Organization is equally concerned with the practices resulting from this intervention which contravened the Universal Declaration of Human Rights - such practices as the mass deportations of Hungarians to the USSR and the establishment of a régime of "summary jurisdiction". This delimitation of the rightful sphere of United Nations concern has been clearly stated in the reports submitted by the Special Committee on the Problem of Hungary (A/3592, A/3849) and in the resolutions of the General Assembly. This present report is strictly confined within the limits so indicated.

11. The Hungarian authorities have sought justification for their defiance of the United Nations by constructing a fanciful version of the uprising in 1956. Its most recent statement is to be found in the theses of the Central Committee of the Hungarian Socialist Workers' (Communist) Party printed in the principal party newspaper, Nepszabadsag, on 27 September 1959:

"International reaction, headed by the aggressive circles of the American monopoly capitalists, which supports every oppressive power throughout the world, has been consistently undermining our country since the liberation. Imperialism wanted to reestablish the bourgeois landowners' system in our country, wished to tear out the Hungarian People's Republic from the socialist camp and use it as a springboard against the Soviet Union and the whole socialist camp. Therefore it incited, organized and supported the armed insurrection openly and clandestinely, with diplomatic and propaganda weapons, with various undermining methods, with money, gun-running, and every possible means.

"The counter-revolutionary insurrection which broke out in Hungary on October 23, 1956, endan-

gered not only the socialist achievements of the Hungarian people and their national independence, but was also an attempt against the entire socialist world, against Europe and the peace of all humanity. The struggle was not only a battle between revolutionary and reactionary powers in Hungary, but also a conflict between the international powers of progress and reaction, of socialism and imperialism, of war and peace."

12. Such efforts to veil the true character of the uprising in Hungary in 1956 run counter to good sense. It is contended that the uprising was instigated by foreign Powers. Then how claim that the problem of Hungary was, and is, a matter of domestic jurisdiction? It is contended that the uprising was "incited, organized and supported ... openly and clandestinely, with diplomatic and propaganda weapons... with money, gunrunning, and every possible means". No evidence has been produced to support such a contention. Had the present authorities been in a position to substantiate such a version of the uprising, would they have failed to produce their evidence before the Special Committee which the General Assembly set up to look into the question? The Hungarian representatives participated in the debate on the report in the General Assembly - a debate which continued for four days. Again, no evidence was produced. But, in fact, what happened in Hungary in October and the early days of November 1956 is no mystery. Not even the Hungarian authorities have sought to maintain that tanks other than Soviet tanks shot at the Hungarian workers in 1956 when they were endeavouring to set up a Government controlled by the Hungarian people themselves. Does it make sense to claim that, when the people of a country are targets for military operations conducted by the armed forces of a foreign Power, such actions are a matter of domestic jurisdiction? To assert this view is to destroy the very foundations of the United Nations.

- 13. These considerations arising from the terms of the replies to my communications bear directly on the necessity for, and justification of, the office of United Nations Representative on Hungary. The refusal of the Hungarian authorities to acknowledge in any manner the office of United Nations Representative on the Question of Hungary arises exclusively from their arbitrary refusal to consider as a proper subject for General Assembly concern matters which are demonstrably within the scope of the Charter. It would be contrary to the duty which I owe to the United Nations were I to acquiesce in an attitude which is incompatible with proper recognition of the responsibility of the United Nations in matters relating to the maintenance of international peace and security.
- 14. The circumstances which I have encountered in the past year have necessarily raised in my mind the question as to the manner in which I should in the future discharge my duty. Confronted by the impasse constituted by the refusal of collaboration by Hungary and the Government of the USSR, I have considered whether the appropriate response on my part would be to withdraw from the office to which the Assembly appointed me in December 1958. My primary concern is to take no step which would diminish the standing of the United Nations. The compelling consideration in deciding my course is that withdrawal on my part would be taken by Hungary and the USSR as acceptance by the United Nations of the legitimacy of their non-

co-operation. I have therefore concluded that it is my duty to continue in the office of United Nations Representative on the Question of Hungary as a symbol of continuing United Nations concern to achieve the political independence of Hungary in accordance with the provisions of the General Assembly's resolutions.

- 15. I have therefore throughout the year exerted myself to bring about, on terms conducive to the interest of the Hungarian people and in accordance with the purport of the General Assembly's resolutions, an amelioration of the relationship between the Organization and the present Hungarian authorities. I shall continue to work towards this objective, conscious that the General Assembly has decided, in its resolution 1312 (XIII) of 12 December 1958, to continue to be seized of the situation in Hungary in view of the continued disregard of the resolutions of the General Assembly.
- 16. In this connexion, it would seem reasonable to regard agreement by the Hungarian authorities to a visit by myself to that country in my capacity as United Nations Representative as the indispensable preliminary acknowledgement on the part of Hungary of its willingness to fulfil its obligations as a Member of the United Nations.
- 17. In its resolution 1312 (XIII), the General Assembly deplored the continuing repression in Hungary of fundamental rights of the Hungarian people and of their freedom of political expression "under the shadow of the continuing presence of Soviet armed forces". The Assembly called upon the Union of Soviet Socialist Republics and the present authorities in Hungary to desist from repressive measures against the Hungarian people and to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms.
- 18. What evidence has there been in the past year of any compliance with the terms of the General Assembly's resolutions?
- 19. In the course of the past year, no evidence has been forthcoming of any basic change in the Hungarian situation which would warrant relaxation by the United Nations of its continued attention to the problem. The régime which the General Assembly, in its resolution 1133 (XI) of 14 September 1957 found, on the basis of the scrupulous investigation by the Special Committee, to have been "imposed on the Hungarian people by the armed intervention of the Union of Soviet Socialist Republics", continues its domination within Hungary. The regime is now "protected", to cite Mr. Kadar's speech of 15 October 1958, "by our reorganized, reborn people's army, and by the other armed forces of our State", and "by a new and proven weapon - the splendid workers' guard". Protected, it may be asked, against whom? Against the resentment of its own people?
- 20. Since 1956, it is true, the United Nations has not been faced with the continuance of military operations on Hungarian soil. Soviet forces have remained in the country, contrary to the requests of the General Assembly for their withdrawal. Reference has been made on occasion to the possibility of the withdrawal of Soviet forces. On 20 August 1959, in a speech at Györ, Mr. Kadar observed that "hostile propaganda" was talking a great deal about the possibilities of a withdrawal of Soviet troops from Hungary. He added:

"The time will come when the Soviet troops will be withdrawn. The enemy's dreams, however, will be in vain because we have a strong State and strong defences to protect the people's rule."

- 21. If Soviet forces are withdrawn from Hungary and it may be recalled that such appeared to be the intention of the Government of the USSR in October 1956 (see A/3592, para. 332) this act would undoubtedly be regarded by all Members of the United Nations as a contribution to the normalization of the situation.
- 22. Trials and executions in the past year have not attracted the world-wide attention that was focused on the fate of Imre Nagy, Pal Maleter and other Hungarian patriots in June 1958. It was possible to entertain the hope that time itself had to some extent set a term to the repeated instances of repressive action against Hungarian patriots for their participation in the uprising in 1956. This hope appeared to be confirmed by the repeated statements of Hungarian representatives themselves. Speaking in the plenary meeting of the General Assembly on 22 September 1958, in connexion with the inclusion of the Hungarian question in the agenda, the Hungarian Minister for Foreign Affairs, Mr. Endre Sik, gave the Assembly the following assurance: "As far as the court proceedings are concerned, I am authorized to state that these have been wound up and terminated". 1/ On 12 December 1958, the Deputy Foreign Minister, Mr. Péter, repeated this assurance when he observed: "All these investigations and procedures were completed a long time ago".2/
- 23. The cessation of trials and executions was subsequently confirmed by other Hungarian spokesmen in February of the present year. On 18 February 1959, the Hungarian Prime Minister, Mr. Münnich, speaking in the Hungarian Parliament, stated that the Hungarian judicial authorities "had completed the investigation of counter-revolutionary crimes and the calling to account of counter-revolutionaries". Again, on 27 February 1959, the Minister of Justice, Mr. Nezvál, made the following declaration: "The courts have completely finished the trials of counter-revolutionary cases".
- 24. Nevertheless, the virtual cessation of news regarding continued trials could not obscure one essential consideration: that those sentenced since the uprising by questionable judicial procedures were suffering their various terms of confinement. The memory of their fate should not be erased from the conscience of the world. The names may be recalled of one outstanding group - the Hungarian writers - and among them some of the greatest names in contemporary Hungarian literature: Tibor Déry, sentenced in November 1957 to nine years' imprisonment; Gyula Hay, sentenced to six years; Domonkos Kosary, an outstanding historian; Jozsef Gali and Gyula Obersovsky, writers who were sentenced to death in the trials of writers in 1957 and whose sentences were subsequently commuted to life imprisonment; and many others. Some were men who had for long identified themselves with the Communist cause, but, like others, are still imprisoned for their part in the pro-

^{1/} Official Records of the General Assembly, Thirteenth Session, Plenary Meetings, 752nd meeting, para. 72.

 $[\]frac{2}{1}$ Ibid., 787th meeting, para. 96.

test of writers against the oppressive practices of the Rákosi régime and for their role in the uprising and its aftermath. All efforts towards clemency, whether from the United Nations through the offices of the former President of the General Assembly, Prince Wan Waithayakon or more recently, from the International Pen Club, have met with adamant refusal. In July 1959, the Pen Club addressed to János Kádár, as First Secretary of the Hungarian Socialist Workers' Party, a request "to consider an act of clemency towards imprisoned Hungarian writers, in particular Tibor Dery and Julius Hay". The Chief of the Investigation Department of the Hungarian Ministry of Justice, Dezsö Jászai, replied in August: "The Hungarian subjects named in your telegram were sentenced by the Hungarian court on account of their crimes committed against the Hungarian people. At present we cannot fulfil your request. An act of grace is only possible if the appropriate conditions exist".

- 25. An amnesty was, it is true, issued by the Hungarian authorities on 2 April 1959. But it was merely a partial amnesty. The title of the decree-law itself made that clear. In the main, it applied only to those whose prison sentences were for less than four years, and did not apply at all to those sentenced to so-called "corrective educational labour". Exceptions to the amnesty were deliberately phrased to exclude from its benefit the greater number of those sentenced for their participation in the uprising. The Hungarian authorities' own legislation provides evidence of their refusal to act in accordance with the spirit of the Assembly's resolutions.
- 26. Many organizations have in the course of the year brought to my attention lists of persons who are, according to their information, undergoing terms of imprisonment. It is unhappily not within my power, in the absence of co-operation by the Hungarian authorities, to ascertain the accuracy of such information. Undoubtedly some of those imprisoned have been released. I would recall that a list of persons sentenced was annexed to the special report of the Special Committee on the Problem of Hungary of 14 July 1958. This list was based on press and radio statements from within Hungary itself, but was not necessarily a complete list, since, as the report observed: "Most of the victims have no famous name to bring their sufferings to the notice of the world" (A/3849, para. 22). This list retains its validity as a compilation of the reliable information available as of that date. At that date, much data could be derived from newspapers published within Hungary, especially provincial newspapers. There is reason to believe that, subsequent to the last report of the Special Committee, the Hungarian authorities took steps to diminish the flow of information regarding trials and executions.
- 27. One addition to the Committee's list, however, calls for special mention. The Committee's list was compiled before the Hungarian authorities had pronounced the sentence of life imprisonment on István Bibó, Minister of State in the last Cabinet of Imre Nagy—a sentence pronounced on 28 August 1958, but kept secret until references to the matter in the Assembly

- on 11 December $1958^{\frac{5}{2}}$ made continued secrecy pointless.
- 28. Authoritative information has also become available, since the publication of the Committee's report, of other sentences seemingly pronounced before the compilation of the Committee's list, but for long withheld from public knowledge, such as the sentences on the leaders of the Budapest Workers' Council who were arrested as far back as 11 December 1956—on Sandor Racz to life imprisonment, and on Sandor Bali to twelve years' imprisonment.
- 29. Evidence of the continuance of trials has been forthcoming from information released by the Hungarian Telegraph Agency on 1 April 1959. After a trial between 24 March and 1 April, sentences were pronounced by the People's Chamber of the Supreme Court of ten years' imprisonment on Ferenc Mérey, an educationalist; of nine years on Sandor Fekete, formerly, before the uprising, the cultural editor of the Communist Party organ Szabad Nép; of five years on Jenö Széll, a former Ambassador to Romania; of six years on György Litván; and of two years on András Hegedüs—all of whom were charged with "conspiring to overthrow the people's democratic state order".
- 30. In recent weeks, data regarding certain trials and executions within Hungary have become public knowledge, based on evidence the cumulative force of which commands the most serious attention. Information relating to certain of these trials and executions has been authenticated by the International Commission of Jurists, an organization of eminent jurists of many countries to which the Special Committee on the Problem of Hungary was also indebted for valued assistance and advice.
- 31. On 17 October 1959, a "Hungarian spokesman" in Budapest, in answer to the questions of western newspaper reporters, conceded that sentences of death had recently been carried out in connexion with alleged crimes committed during the uprising in 1956. It would appear that these sentences of death, together with other sentences of long-term or life imprisonment, were the outcome of the trial of a group of people from Ujpest, an industrial suburb of Budapest, earlier this year. Ten sentences of death are reported as having been pronounced, and eight executions as having been carried out on or about 13 August. Some twenty-six sentences of imprisonment were reported, the shortest being for a period of five years.
- 32. Confirmation has been forthcoming regarding the holding of another major trial. In February and March, the trial took place of a large group of young people accused of, according to the statement of an official Hungarian spokesmen on 13 March, "political crimes committed in 1958". As to the sentences imposed, definitive information is not available.
- 33. It is against this background that consideration needs to be given to recent reports of a disturbing character which have aroused wide-spread concern regarding the imminent possibility of further executions. The nature of these reports may be gathered from the terms of the statement made on 31 October 1959 by János Kádár, First Secretary of the Cen-

^{3/} Decree-Law No. 12 "on the Exercise of Partial Amnesty", Magyar Közlöny, No. 35, of 3 April 1959.

⁴ Decree-Law No. 12, para. 6.

^{5/} Official Records of the General Assembly, Thirteenth Session, Plenary Meetings, 784th meeting.

tral Committee of the Hungarian Socialist Workers' (Communist) Party, at a meeting of the Budapest branch of the Party. Mr. Kádár said:

"In recent weeks, for example, two extremely vile slanders have been spread through the columns of the western press, with a tendency obviously hostile to the Hungarian People's Republic. First they published a list of thirty-one people who they claimed had recently been executed in Hungary. Naturally, all the names were fictitious. Their intentions to provoke are obvious. Such lists are published to make us issue denials and give explanations right and left to western public opinion.

"They invented the story recently that there are quite a few young men in prison in Hungary. According to them, the Government is waiting for them to become eighteen years old and then they will be hanged. Of course, everybody in Hungary knows that news items of this kind are untrue and constitute vile and dastardly provocations. Unfortunately, western public opinion is not armoured against such provocations. Following the formula of Goebbels, rumourmongers think that, if people believe only 1 per cent of their lies, this alone is profit for them."

34. Mr. Kádár's denial is to be welcomed. Nevertheless, the terms of Mr. Kádár's denial do little to establish the true facts as to the circumstances and outcome of the trials consequent upon the uprising, including that of the young people held earlier this year. It is for the Hungarian authorities to allow the true facts to be known, and to afford facilities for their assertions to be verified by giving their assent to the visit to Budapest of the United Nations Representative.

35. In its report of 14 July 1958, the Special Committee on the Problem of Hungary expressed its hope that the Government of the Hungarian People's Republic, "bringing to an end the present harsh repression, will effectively re-establish the inalienable principles of human rights" (A/3849, para. 29). The system of People's Chambers established under Decree-Law No. 34 of 15 June 1957, which largely replaced the earlier framework of summary jurisdiction examined in full in the main report of the Special Committee, continues to operate. Moreover, under Decree-Law No. 9 of 1959, the powers of the prosecutors have been greatly reinforced. The summary nature of the procedures before the People's Chambers was described

6/ Népszabadság, 1 November 1959.

by the International Commission of Jurists in its report as continuing "to violate human rights in failing to provide the minimum safeguards of justice in criminal trials which are recognized by civilized nations". This system of People's Chambers is characterized by such features as the absence of obligation for the prosecution to present a written accusation; the holding of trials without advance fixing of a date; and provisions relating to the power of the People's Chamber of the Supreme Court to convict or sentence accused persons previously acquitted.

36. The position in Hungary with regard to trade union rights, as laid down in the Preamble of the Constitution of the International Labour Organisation and in the Declaration of Philadelphia, has been the subject of inquiry by the Committee on Freedom of Association of the Governing Body of the International Labour Office, whose report was adopted by the Governing Body at its 137th session. On the recommendation of the Committee, the Governing Body has affirmed that "the principles concerning freedom of association enunciated in the Preamble of the Constitution of the International Labour Organisation and in the Declaration of Philadelphia, and defined in the conventions relating to freedom of association, are not observed in Hungary". Though the Hungarian Government, in a communication of 30 May 1958, expressed itself as "compelled categorically to repugn the findings brought in by the majority of the Governing Body", the Governing Body decided, on 20 November 1958, to reject the allegations contained in the reply by the Hungarian Government and to give full publicity to the report of the Committee on Freedom of Association dealing with the case relating to Hungary.

37. It had been my hope in assuming the office of United Nations Special Representative on the Question of Hungary that, in the course of the year, the Hungarian authorities would see fit to take such measures as would warrant a report of significant developments, within the terms of the resolutions of the General Assembly on the Question of Hungary, which would be indicative of at least a trend in the direction of conditions consonant with the purport of those resolutions. That the present report continues the theme of previous reports is entirely the responsibility of the Hungarian authorities. No response has been forthcoming such as may reasonably be expected of a Member of the Organization concerned to promote the purposes of the Organization and to act in accordance with its principles.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 851st meeting, on 9 December 1959, the General Assembly adopted the draft resolution submitted by Belgium, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Federation of Malaya, France, Haiti, Honduras, Ireland, Italy, Luxembourg, Netherlands, Nicaragua, Pakistan, Philippines, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay (A/L.273). For the final text, see resolution 1454 (XIV) below.

Resolution adopted by the General Assembly 1454 (XIV). QUESTION OF HUNGARY

The General Assembly,

Having considered the report of the United Nations Representative on Hungary (A/4304), Sir Leslie Munro, who was appointed by General Assembly resolution 1312 (XIII) of 12 December 1958 for the purpose of reporting to Member States or to the General Assembly on significant developments relating to the implementation of the resolutions of the General Assembly on Hungary,

- 1. <u>Deplores</u> the continued disregard by the Union of Soviet Socialist Republics and the present Hungarian régime of the General Assembly resolutions dealing with the situation in Hungary;
- 2. <u>Calls upon</u> the Union of Soviet Socialist Republics and the present authorities in Hungary to co-operate with the United Nations Representative on Hungary;
- 3. Requests the United Nations Representative on Hungary to continue his efforts.

851st plenary meeting, 9 December 1959.

CHECK LIST OF DOCUMENTS

Note. This check list includes all the documents mentioned during the consideration of agenda item 74 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/3592	Report of the Special Committee on the Problem of Hungary	Official Records of the General Assembly, Eleventh Session, Supplement No. 18
A/3849	Special report of the Special Committee on the Problem of Hungary	Ibid., Thirteenth Session, An- nexes, agenda item 69
A/4294	Fourth report of the General Committee	Ibid., Fourteenth Session, Annexes, agenda item 8
A/L.273	Belgium, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Federation of Malaya, France, Haiti, Honduras, Ireland, Italy, Luxembourg, Netherlands, Nicaragua, Pakistan, Philippines, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution	Adopted without change. See above "Action taken by the General Assembly", resolution 1454 (XIV). The text of the resolution appears also in Official Records of the General Assembly, Fourteenth Session, Supplement No. 16